

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 09, 2018

Hearing Room 5A

2:00 PM

8:02-10608 Ibt International Inc

Chapter 11

#1.00 **ORAL RULING RE:** Motion for Sanctions Against David H. Tedder and His Attorney of Record Robert Kent Pursuant to F.R.B.P. Rule 9011

FR: 5-4-17; 6-15-17; 8-8-17; 10-12-17; 11-14-17

Docket 414

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/18 AT 2:00 P.M.  
ON COURT'S OWN MOTION (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 1/24/18 at 2:00 p.m. on Court's Own Motion (XX) - td (1/9/2018)**

Party Information

Debtor(s):

Ibt International Inc

Represented By  
Karen S. Naylor  
Burd & Naylor  
C. Michael Chapman  
William M. Burd  
Todd C. Ringstad

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 09, 2018**

**Hearing Room 5A**

2:00 PM

**8:02-10617 Southern Ca Sunbelt Devel Inc**

**Chapter 11**

**#2.00 ORAL RULING RE:** Motion for Sanctions Against David H. Tedder and His Attorney of Record, Robert K. Kent, Pursuant to F.R.B.P. Rule 9011

FR: 5-4-17; 6-15-17; 8-8-17; 10-12-17; 11-14-17

Docket 484

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/18 AT 2:00 P.M.  
ON COURT'S OWN MOTION (XX)**

**Courtroom Deputy:**

**CONTINUED: Oral Ruling Continued to 1/24/18 at 2:00 p.m. on Court's  
Own Motion (XX) - td (1/9/2018)**

**Party Information**

**Debtor(s):**

Southern Ca Sunbelt Devel Inc

Represented By  
Todd C. Ringstad  
C. Michael Chapman  
Nanette D Sanders

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**  
Adv#: 8:15-01458 Marshack

**Chapter 7**

**#0.50 Examination of Yong Kim aka Amy Kim RE: Enforcement of Judgment**

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Examinee Yong Kim to appear in court to be sworn in by the court clerk.  
Thereafter, the examination will take place outside the courtroom.

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Donald Woo Lee**

**Chapter 7**

Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01224 Speier v. SunCal Management LLC et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers - **[Debtor SunCal Marblehead, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 105

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1120-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1120-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

-----  
**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relodged after hearing has been set and is concluded."

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By  
Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By  
Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01225 Speier v. SunCal Management, LLC et al

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers - **[Debtor SunCal Heartland, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 99

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1121-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1121-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

-----  
**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:

- a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
- b. Expert Discovery Cut-off Date: Dec. 19, 2014

2. Deadline to Attend Mandatory Mediation: June 3, 2014

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)
4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By  
Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management, LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By  
Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01226 Speier v. SunCal Management LLC et al

**#3.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers - **[Debtor LBL- SunCal Northlake, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16;1-5-17

Docket 98

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1122-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1122-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By

Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By

James E Till

Louis R Miller

Mike D Neue

Steven M Speier (TR)

Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01227 Speier v. SunCal Management LLC et al

**#4.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach Of Contract; (3) Restitution and/or Unjust Enrichment; and (4) To Avoid and Recover Fraudulent Transfers - **[Debtor LBL- SunCal Oak Valley, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16;1-5-17

Docket 98

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1123-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1123-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By

Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By

James E Till

Louis R Miller

Mike D Neue

Steven M Speier (TR)

Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01228 Speier v. SunCal Management LLC et al

**#5.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint : (1) For declaratory relief (2) In the Alternative Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) to Avoid and Recover Preferential Transfers - **[Debtor Delta Coves Venture, LLC ]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 100

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1124-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1124-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

-----  
**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)
4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relodged after hearing has been set and is concluded."

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By

Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By

Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01231 Speier v. SunCal Management LLC et al

**#6.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Breach of Contract; (2) Restitution and/or Unjust Enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers - **[Debtor SunCal Oak Knoll, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 95

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1125-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1125-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By

Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By

James E Till

Louis R Miller

Mike D Neue

Steven M Speier (TR)

Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01232 Speier v. SunCal Management LLC et al

**#7.00** CONT'D PRE-TRIAL CONFERENCE RE: Second Amended Complaint : (1) For Breach Of Contract; (2) Restitution and/or Unjust Enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers - **[Debtor SunCal Torrance, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16;1-5-17

Docket 96

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1126-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1126-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Alan J Friedman

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By

Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By

Mike D Neue

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Trustee(s):**

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Represented By

James E Till

Louis R Miller

Mike D Neue

Steven M Speier (TR)

Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:12-01233 Speier v. SunCal Management LLC et al

#8.00 CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint : (1) For Breach Of Contract; (2) Restitution and/or Unjust Enrichment; and (3) To Avoid and Recover Fraudulent Transfers - **[Debtor SunCal PSV, LLC]**

FR: 8-9-12; 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16;1-5-17

Docket 98

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1127-GM)

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1127-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Attorney(s):**

Alan Friedman Irell & Manella

Represented By  
Alan J Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Interested Party(s):**

Joint Committee of Creditors

Represented By  
Hutchison B Meltzer  
Lei Lei Wang Ekvall

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**  
Steven M Speier (TR)

**Chapter 11**

Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01286      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#9.00**      CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Breach of Contract; (2) Restitution and/or Unjust enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers - **[Debtor Palmdale Hills Property, LLC]**

FR: 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket      67

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1128-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1128-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SUNCAL MANAGEMENT, LLC Pro Se  
Argent Management LLC Pro Se

**Plaintiff(s):**

STEVEN M. SPEIER Represented By  
Alan J Friedman

**Trustee(s):**

Steven M Speier (TR) Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01287 SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#10.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In The Alternative, Breach Of Contract; (3) Restitution and/or Unjust Enrichment; and (4) To Avoid and Recover Fraudulent Transfers - **Debtor: SunCal Summit Valley, LLC]**

FR: 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 68

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1129-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1129-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014
  
3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SUNCAL MANAGEMENT, LLC Pro Se  
Argent Management LLC Pro Se

**Plaintiff(s):**

STEVEN M. SPEIER Represented By  
Alan J Friedman

**Trustee(s):**

Steven M Speier (TR) Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se

---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01288      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#11.00**      CONT'D PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) To avoid and recover preferential transfers; (2) For declaratory relief; (3) In the Alternative, Breach of contract; (4) Restitution and/or Unjust Enrichment; and (5) To Avoid and Recover Fraudulent Transfers. **[Debtor SunCal Bickford Ranch, LLC]**

FR: 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket      77

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1130-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1130-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

-----  
**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)
4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SUNCAL MANAGEMENT, LLC

Pro Se

Argent Management LLC

Pro Se

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By

Alan J Friedman

**Trustee(s):**

Steven M Speier (TR)

Represented By

James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:12-01289 Speier v. SunCal Management LLC et al

**#12.00** CON'TD PRE-TRIAL CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief; (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) to Avoid and Recover Fraudulent Transfers [**Debtor SunCal Emerald Meadows, LLC**]

FR: 8-30-12; 2-21-13; 7-11-13; 9-19-13; 10-10-13; 3-5-15; 9-3-15; 6-23-16; 1-5-17

Docket 69

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1131-GM)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Reassigning Adversary Proceeding to Judge Entered 9/9/2016. Adversary Proceeding Transferred from SA Division to SFV Division (New Case Number Assigned: 1:16-1131-GM) - td (8/29/2017)**

**Tentative Ruling:**

**August 30, 2012**

Continue status conference to February 21, 2013 at 9:30 a.m.; updated status report to be filed by February 7, 2013. (XX)

*Special note: The continued status conference is intended to be set on date after the hearing on any motion to dismiss.*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued status conference date/time.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

-----  
**October 10, 2013 -- This tentative applies to Calendar matters 2-14 on today's calendar**

*Preliminary Note: The court is disappointed that counsel for Plaintiff and Defendants did not comply with LBR 7016-1 by filing a joint status report. The parties can expect that as to future matters requiring the filing of a joint pleading, the court will impose significant sanctions (monetary or otherwise) against the party or parties the court deems to be culpable. The court is considering issuing sanctions against Defendants' counsel for failure to provide a substantive unilateral status report. Defendants; unilateral status report assumes that the court will grant its informal request for a stay of discovery and provides no alternative schedule in the event that court does not grant such a stay.*

Request for Stay Pending Hearing on Motion to Dismiss

The court will not entertain this request as it does not comply with LBR 7026-1(c)(3). Further, the court's status conference calendar is not designed to accommodate oral argument re substantive discovery motions. Defendants have had plenty of time to comply with this rule and to properly self-calendar a hearing on the matter. In the absence of a properly noticed motion, hearing and court ruling regarding the same, the disclosure requirements of FRCP 26 are in effect.

Discovery Schedule (based on Plaintiff's Unilateral Status Report)

1. Discovery Cut-off Dates:
  - a. Fact Discovery Cut-off Date (response due date): Sept. 19, 2014
  - b. Expert Discovery Cut-off Date: Dec. 19, 2014
  
2. Deadline to Attend Mandatory Mediation: June 3, 2014

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

3. Pretrial Conference Date: March 5, 2015 at 9:30 a.m. (XX)
4. Joint Pretrial Stipulation due: Feb. 19, 2015

Special Note re Status Proposed Order re Trustee's Application to Employ  
Shulman, Hodges & Bastian as Special Litigation Counsel:

The order has not been entered because the employment application needs to be set for hearing.

On August 27, 2013, attorney Mike D. Neue lodged LOU Order #436503 (not #426641 as stated in Plaintiff's Unilateral Report at page 9, line 28).

On September 17, 2013, the court emailed Mr. Neue the following message:

"9/17/2013 3:39 PM Sent email notification to lodging attorney.

- This matter shall be set for hearing regarding 1) proposed fee split with the Lobel Firm, 2) 10% interest on costs, and 3) provision regarding no further court review.

[smith] at 9/17/2013 3:39:43 PM

On Sept. 20, 2013, the court's law clerk sent Mr. Neue a follow-up email re notification of unused order and advising that the order was rejected in light of the necessity for Mr. Neue to set the matter for hearing. See below:

"9/20/2013 1:20 PM Sent email notification of unused order to lodging attorney Mike Neue (Email: mneue@Intlaw.com) (Phone: 949-999-2868). The reason(s) for rejection is/are as follows:

- Counsel advised via email on 9/17/2013 3:39 PM to set matter for hearing. No hearing set to date. Order can be relogged after hearing has been set and is concluded."

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H Aver  
Sean A Okeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**Defendant(s):**

SunCal Management LLC

Pro Se

Argent Management, LLC

Pro Se

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Represented By  
James E Till  
Louis R Miller  
Mike D Neue  
Steven M Speier (TR)  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#13.00 STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged  
Administrative Claimant Out of Escrow**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11,2018**

Proof of service not filed re service of summons and complaint. The court cannot determine if service completed. Status report not timely filed.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#14.00** CON'TD PRE-TRIAL CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16;  
3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

**February 11, 2016**

Date to complete discovery:	July 1, 2016
Pretrial Stipulation due date:	August 18, 2016
Pretrial Conference:	Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

---

**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

---

**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

---

**November 30, 2017**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***

---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***

**Party Information**

**Debtor(s):**

Rosalva Ramirez	Represented By Marc C Forsythe
-----------------	-----------------------------------

**Defendant(s):**

Rosalva Ramirez	Represented By Marc C Forsythe
Jose Luis Ramirez Sr	Pro Se
Herman F Cea	Pro Se
The Ramirez Family Trust	Pro Se
Family Steel Corporation	Pro Se
First American Title Insurance	Pro Se
Olimpia Family Trust, Dated	Pro Se

**Plaintiff(s):**

Mayanin Sotelo	Represented By Michael Soroy
Salon Envious, Inc.	Represented By Michael Soroy
Aurelio Vera	Represented By Michael Soroy
Faviola Vera	Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Rosalva Ramirez**

Michael Soroy

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (SA)

Represented By  
Frank Cadigan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12846 James Patrick Haggerty**

**Chapter 7**

Adv#: 8:17-01192 Bartolo v. Haggerty

**#15.00 STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 USC Section 523(a)(6)**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Discovery Cut-off Date:	June 15, 2018
Deadline to Attend Mandatory Mediation:	July 27, 2018
Pretrial Conference Date:	Sept. 13, 2018 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Aug. 30, 2018

*Special note: As Defendant has filed an answer, a Rule 12(b)(6) motion does not appear to be procedurally appropriate.*

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Patrick Haggerty	Pro Se
------------------------	--------

**Defendant(s):**

James Patrick Haggerty	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... James Patrick Haggerty**

**Chapter 7**

**Plaintiff(s):**

Steve Bartolo

Represented By  
William C Kersten

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 13**

Adv#: 8:17-01162 Langford v. BMW Financial Services N.A., LLC

**#16.00 STATUS CONFERENCE RE: Complaint for sanctions and other injunctive relief for violation of the automatic stay as against BMW Financial Services, LLC**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Discovery Cut-off Date:	May 11, 2018
Deadline to Attend Mandatory Mediation:	June 29, 2018
Pretrial Conference Date:	Sept. 6, 2018 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Aug. 23, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

BMW Financial Services N.A., LLC

Pro Se

**Plaintiff(s):**

Jazmine S Langford

Represented By  
Anerio V Altman



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jazmine Socorro Langford**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 11, 2018

Hearing Room 5A

10:00 AM

8:16-13244 Kai Yat Ying

Chapter 13

#17.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA LEASE TRUST  
VS.  
DEBTOR

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Kai Yat Ying

Represented By  
Rex Tran

**Movant(s):**

TOYOTA LEASE TRUST

Represented By  
Mark D Estle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Kai Yat Ying**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-14565 William R. Tangeman**

**Chapter 13**

**#18.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

William R. Tangeman

Represented By  
Michael D Franco

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... William R. Tangeman**

**Chapter 13**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 11, 2018

Hearing Room 5A

10:00 AM

8:17-10789 Susan Jennifer Miscione

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTOR, AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 35

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Stipulation for  
Adequate Protection Order filed 1/2/18; Order Granting Motion for Relief  
from the Automatic Stay Under 11 U.S.C. Section 362 (Personal Property)  
(Settled by Stipulation) Entered 1/3/2018

**Courtroom Deputy:**

**OFF CALENDAR: Stipulation for Adequate Protection Order filed 1/2/18;  
Order Granting Motion for Relief from the Automatic Stay Under 11  
U.S.C. Section 362 (Personal Property) (Settled by Stipulation) Entered  
1/3/2018 - td (1/3/2018)**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Susan Jennifer Miscione

Represented By  
Michael R Totaro

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

CAB WEST, LLC

VS.

DEBTOR AND JEFFREY I. GOLDEN, TRUSTEE

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel

Pro Se

**Movant(s):**

Cab West, LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#21.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Movant(s):**

Wells Fargo Bank, NA, as Trustee,

Represented By  
Robert P Zahradka

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Noe Trejo**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13262 Troy Bernard Jemerson**

**Chapter 13**

**#22.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Troy Bernard Jemerson

Represented By  
Nicholas M Wajda

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Troy Bernard Jemerson**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13915 William Rufus Edwards and Susan Anne Edwards**

**Chapter 7**

**#23.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
BAYS APARTMENTS NEWPORT LLC  
VS.  
DEBTORS

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver and annulment; deny request for 180-day prospective relief due to insufficient grounds stated therefor.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

William Rufus Edwards

Represented By  
William R Cumming

**Joint Debtor(s):**

Susan Anne Edwards

Represented By  
William R Cumming

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... William Rufus Edwards and Susan Anne Edwards**

**Chapter 7**

**Movant(s):**

BAYS APARTMENTS NEWPORT

Represented By  
Richard Sontag

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14044 Richard Francis Pulasky and Michelle Theresa Pulasky Chapter 7**

**#24.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
AMERICAN HONDA FINANCE CORPORATION  
VS.  
DEBTORS; AND JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Richard Francis Pulasky

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

Michelle Theresa Pulasky

Represented By  
Thomas E Brownfield

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Richard Francis Pulasky and Michelle Theresa Pulasky  
Vincent V Frounjian**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14106 Todd Michael Perry**

**Chapter 7**

**#25.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

CIT BANK, N.A.

VS.

DEBTOR

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Todd Michael Perry

Represented By  
John A Gibson

**Movant(s):**

CIT Bank, N.A., fka OneWest Bank,

Represented By  
Dane W Exnowski

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Todd Michael Perry**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 11, 2018

Hearing Room 5A

10:00 AM

8:17-14421 Michael Joseph Ruffner

Chapter 7

#26.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

TROJAN CAPITAL INVESTMENTS, LLC

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver; deny request for 180-day prospective relief due to insufficient grounds stated for such extraordinary relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Michael Joseph Ruffner

Pro Se

**Movant(s):**

Trojan Capital Investments LLC

Represented By  
Rafael R Garcia-Salgado

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Michael Joseph Ruffner**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14772 David Gonzalez**

**Chapter 13**

**#27.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
ADVANCED GROUP 16-114, LP  
VS.  
DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver and annulment.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Gonzalez

Pro Se

**Movant(s):**

Advanced Group 16-114, LP

Represented By  
Joseph Cruz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14853 Helmuth Von Bulow**

**Chapter 7**

**#28.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
ALICE ZELDEN, TRUSTEE OF THE ALICE WILLER-ZELDEN TRUST  
VS.  
DEBTOR

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Continue hearing to February 15, 2018 at 10:00 a.m. to allow Movant to correct defective service issue: Debtor served at incorrect street address -- correct # is "2458", not "2548."

Tentative ruling for 2/15/18 hearing (if unopposed): Grant with 4001(a)(3) waiver as well as Relief Request #s 7 (recording required), and 11. Relief Request #s 9 and 10 are denied.

***Note: If Movant accepts the foregoing tentative rulings, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helmuth Von Bulow

Represented By  
Robert K Wing

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Helmuth Von Bulow**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

#29.00 Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay Post-Confirmation Quarterly Fees **[Affects SunCal Emerald Meadows Ranch, LLC]**

Docket 5313

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of Motion filed 12/1/2017**

**Courtroom Deputy:**

**OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of Motion filed 12/1/2017 - td (12/1/2017)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#30.00 CON'TD Hearing RE: First and Final Fee Application for Approval of Fees

**[DORSEY & WHITNEY LLP, SPECIAL COUNSEL FOR DEBTOR]**

FR: 11-16-17

Docket 486

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Withdrawal of First  
and Final Fee Application filed 12/22/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Withdrawal of First and Final Fee Application filed  
12/22/2017 - td (12/22/2017)**

**Tentative Ruling:**

**November 16, 2017**

Approve fees and costs incurred up to and including May 13, 2017. Deny approval of fees and costs incurred during the period from May 14, 2017 through and including June 8, 2017, due to lack of court jurisdiction to approve such fees and costs per the terms of the confirmed plan and the order approving Applicant's employment.

Basis for Tentative Ruling

1. Per the terms of the confirmed plan and Applicant's employment application, fees and costs would only required court approval prior to the Effective Date of the confirmed plan.
2. Per the confirmed plan, the Effective Date is 30 days after the confirmation order becomes final.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

3. The confirmation order was entered on March 30, 2017. Per FRBP 8002, the time for filing an appeal of an order is 14 days following entry of the order. In this case, that would be April 13, 2017. Thirty days thereafter would be May 13, 2017. Thus, the Effective Date of the confirmed plan was May 13, 2017. Accordingly, the court lacks jurisdiction to approve any fees and costs after May 13, 2017.

4. The fee application erroneously states that the order approving its employment application indicates that the court would approve fees up to June 8, 2017. This is incorrect -- the order says no such thing. See Order Authorizing Debtor's Application to Employ Dorsey & Whitney LLP as Special Counsel entered June 12, 2017 [docket #452] at p. 2 ("... fees and costs incurred on and after the Effective Date or the Plan shall not be subject to the jurisdiction of this Court . . .").

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

**#31.00** Hearing RE: First Interim Application for Compensation and Reimbursement of Costs

**[THE LAW OFFICES OF MICHAEL G. SPECTOR, ATTORNEYS FOR THE REORGANIZED DEBTOR]**

Docket 524

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schenum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:14-14520 Philip M. Arciero, Jr.

Chapter 11

#32.00 Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay U.S. Trustee Quarterly Fees and Submit U.S. Trustee Post-Confirmation Reports

Docket 330

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/1/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/9/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 2/1/18 at 10:30 a.m., Per Order  
Entered 1/9/18 (XX) - td (1/9/2018)**

**Tentative Ruling:**

**January 11, 2018**

Grant motion to dismiss. No opposition filed.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:15-12147 Matthew Jason Whitman and Carla Maria Whitman

Chapter 7

#33.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 235

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Matthew Jason Whitman

Represented By  
Derik N Lewis  
Marian Garza

**Joint Debtor(s):**

Carla Maria Whitman

Represented By  
Derik N Lewis

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Matthew Jason Whitman and Carla Maria Whitman  
Christopher J Green**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:15-12147 Matthew Jason Whitman and Carla Maria Whitman

Chapter 7

#34.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[LOBEL WEILAND GOLDEN FRIEDMAN LLP, COUNSEL FOR THE  
CHAPTER 7 TRUSTEE]**

Docket 234

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Matthew Jason Whitman

Represented By  
Derik N Lewis  
Marian Garza

**Joint Debtor(s):**

Carla Maria Whitman

Represented By  
Derik N Lewis

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Matthew Jason Whitman and Carla Maria Whitman**

Beth Gaschen

Christopher J Green

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:15-12147 Matthew Jason Whitman and Carla Maria Whitman

Chapter 7

#35.00 Hearing RE: First and Final Application for Compensation and Reimbursement of Expenses

**[GROBSTEIN TEEPLE, LLP AS ACCOUNTANTS FOR THE CHAPTER 7 TRUSTEE]**

Docket 233

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Matthew Jason Whitman

Represented By  
Derik N Lewis  
Marian Garza

**Joint Debtor(s):**

Carla Maria Whitman

Represented By  
Derik N Lewis

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT...**

**Matthew Jason Whitman and Carla Maria Whitman**

Beth Gaschen

Christopher J Green

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:16-12413 OC Rebar Inc

Chapter 7

#36.00 Hearing RE: Motion RE: Objection to Creditor Jack Struble's Claim No. 8-1 Filed by Real Party in Interest Roger Struble filed in the Amount of \$43,000.00

Docket 75

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Sustain objection. Disallow the claim as a general unsecured debt of Debtor.

Basis for Tentative Ruling:

1. Standard

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *In re Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence as to its validity and amount, and will be strong enough to carry over a mere formal objection without more. *Id.* Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 223 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d 620 (9th Cir. 1991).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

CONT...

OC Rebar Inc

Chapter 7

2. Section 726(a)(3): Distributions re Tardily Filed Claims

Except as provided in section 510 of this title, property of the estate shall be distributed –

(2) Second, in payment of any allowed unsecured claim, other than a claim of a kind specified in paragraph (1), (3), or (4) of this subsection, proof of which is—

(A) Timely filed under section 501(a) of this title;

(B) Timely filed under section 501(b) or 501(c) of this title; or

(C) Tardily filed under section 501(a) of this title, if—

(i) The creditor that holds such claim did not have notice or actual knowledge of the case in time for timely filing of a proof of such claim under section 501(a) of this title; and

(ii) Proof of such claim is filed in time to permit payment of such claim.

(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.

In his Objection, Roger Struble ("Roger") argues that Jack Struble's ("Jack") claim #8-1 ("Claim") should be disallowed in its entirety because it was filed after the claims bar date. However, Debtor does not address at all Section 726(a)(3) which expressly permits third priority distribution status to tardily filed claims where the claimant knows of the bankruptcy prior to the bar date, as is the case here. Disallowance of the claim on this ground is not appropriate.

3. Loan v. Capital Contribution

In *Poultry Farms*, 177 B.R. 291, 299-300 (Bankr.W.D.Mo.1995), the bankruptcy court noted:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

CONT... OC Rebar Inc

Chapter 7

"[C]ourts apply several factors when determining whether a claim should be characterized as a loan or as a contribution to capital. See *In re Hyperion Enter., Inc.*, 158 B.R. 555, 561 (D.R.I.1993); *Diasonics*, 121 B.R. at 631; Jules S. Cohen, *Shareholder Advances: Capital or Loans?*, 52 Am.Bankr.L.J. 259, 264–65 (1978) [hereinafter *Shareholder Advances*].

Most of the criteria have to do with whether the transaction bears the earmarks of an arm's-length bargain. These criteria include the intent of the parties, whether there was an agreement for repayment, provision for interest, a fixed maturity date, a note or other document evidencing the debt, entries of a loan on the parties' books, lack of subordination to other debts, actual partial repayment, restriction on right to enforce collection, use of proceeds to acquire capital assets, loans proportionate to stockholdings, repayment to be made only from earnings, availability of outside financing, and enforcement of collection after default. The more the loans bear these earmarks of an arm's-length transaction, the more likely the courts are to treat the loans as loans and not capital investments.

*Shareholder Advances*, 52 Am.Bankr.L.J. at 264. Also relevant is whether the corporation was undercapitalized. *Id.* at 265. See also *Diasonics*, 121 B.R. at 631 (applying the same criteria used to determine undercapitalization for equitable subordination purposes: " '[s]hareholder loans may be deemed capital contributions in one of two circumstances: where the trustee proves initial undercapitalization or where the trustee proves that the loans were made when no other disinterested lender would have extended credit.' ").

Additional factors include the time when the shareholder advances were made, the amount or degree of shareholder control, and whether the ultimate financial failure was caused by undercapitalization. *Hyperion*, 158 B.R. at 561; *Shareholder Advances*, 52 Am.Bankr.L.J. at 271–72."

In this case, Roger argues that Jack did not provide sufficient supporting evidence with the Claim to substantiate it. The court agrees that the Claim, which includes only summary statement of three loans allegedly made to Debtor in 2015 (\$11,000.00 and \$13,000.00) and one in 2016 (\$19,000.00) is insufficient in this regard. In response to the Objection, Jack's

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

CONT... OC Rebar Inc

Chapter 7

Opposition includes 1) his declaration describing loans he and his wife made in 2016 totalling \$45,000.00. According to Jack's declaration (not made under penalty of perjury), he was a 51% owner of Debtor at the time of the bankruptcy filing and was the officer who initiated the filing. He also states that the 2016 loans were made due to Debtor's cash flow issues and its inability to pay its obligations. Jack's declaration also references bank statements evidencing money transfers totaling \$45,000 made to Debtor by either Jack and his wife personally or through his companies The Michael Company and Spyglass Security.

The court has reviewed Jack's declaration as well as the financial documents attached thereto and observes that 1) no promissory notes evidencing the loans are provided and, according to the Opposition, none exists, 2) there is no reference to any loan terms, i.e., interest, repayment terms (either amount or length of repayment), 3) no evidence of recordation of the loans on Debtor's books or company minutes, and 4) Jack is the controlling shareholder of Debtor. In sum, Jack has not satisfied his ultimate burden of proving that loans, and not capital contributions, were actually made to Debtor.

**Party Information**

**Debtor(s):**

OC Rebar Inc

Represented By  
Peter C Wittlin

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

#37.00 Hearing RE: First Interim Application for Fees and Reimbursement of Expenses  
[May 31, 2017 through December 11, 2017]

**[THE LAW OFFICES OF THOMAS H. CASEY, INC., ATTORNEY FOR  
CHAPTER 7 TRUSTEE]**

Docket 175

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#37.10** Hearing RE: Plaintiff and Judgment Creditor Woodlawn Colonial, L.P.'s Motion To Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion pending a decision by the Bankruptcy Appellate Panel only.

Basis for Tentative Ruling:

In the interest of judicial economy, the court is of the view that, in light of Debtor's successful procurement of a stay pending appeal from the BAP, this adversary proceeding should be stayed. The BAP's decision could substantively and/or substantially impact the direction and issues to be determined in the adversary proceeding, which could, in turn, affect the nature and scope of discovery as well as pretrial motions. Should an appeal of the BAP's decision be taken, any additional stay motions would be entertained in due course.

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Chad Paul Delannoy**

**Chapter 7**

**Defendant(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna  
Evan Rothman

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#38.00** Hearing RE: Defendant's Motion for Extension of Discovery Cutoff and Related Dates

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion as follows: 1) discovery cut-off date extended to sixty days following entry of the order of the BAP regarding the pending appeal of this court's Appeal Rights Sale Order; 2) the Pretrial Conference now set for April 12, 2018 at 9:30 a.m. shall be continued as a Status Conference to be held on May 31, 2018 at 9:30 a.m. with updated Joint Status Report to be filed by May 17, 2018.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Chad Paul Delannoy**

**Chapter 7**

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna  
Evan Rothman

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13229 Daniel Arechiga and Maria Xochilt Arechiga**

**Chapter 13**

**#39.00** Hearing RE: Debtors' Motion RE: Objection to Claim of California Business Bureau, Inc., Claim 1 (\$50,953.07)

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Overrule objection.

The Opposition, including the declarations of Jennifer Gonzales and David Sharp and the documents attached thereto sufficiently satisfy Claimant's ultimate burden of proving 1) entitlement to assert the claim through an assignment, and 2) the amount of the claim.

**Party Information**

**Debtor(s):**

Daniel Arechiga

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Maria Xochilt Arechiga

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13328 Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**#40.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 19

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/8/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/9/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 2/8/18 at 10:30 a.m., Per Order on Stipulation to Continue Hearing on Motion Entered 1/9/18 (XX) - td (1/9/2018)**

**Tentative Ruling:**

**January 11, 2018**

This matter will need to be set for an evidentiary hearing.

Proposed schedule:

Discovery cut-off date: March 16, 2018

Evidentiary Hearing: April 25, 2018 at 9:00 a.m.

**Party Information**

**Debtor(s):**

Jesus Villicana Nieto

Represented By  
Stephen L Burton

**Joint Debtor(s):**

Dalia R Nieto

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13945 Stacey Lyn Rozell**

**Chapter 13**

**#41.00** Hearing RE: Motion for Order Determining Value of Collateral

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Continue hearing to February 8, 2018 at 10:30 a.m. to allow Debtor to file and serve supplemental evidence/pleading by January 25, 2018.

The declaration and evidence submitted in support of the Motion is confusing, incomplete and incoherent.

1. Why is private party value being used? How is this consistent with the Supreme Court's decision re value in *Rash*? How is "averaging" the values of KBB and NADA consistent with *Rash*?
2. What exactly is the condition of the vehicle? Fair, Good, Very Good, Excellent (KBB), or Rough, Average, Clean Trade In, Clean Retail (NADA)?
3. It is Debtor's responsibility to provide a coherent analysis of value consistent with *Rash*.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stacey Lyn Rozell**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14237 PPI Direct, LLC**

**Chapter 11**

**#42.00** CON'TD Hearing RE: Order to Show Cause Why this Case Should Not be Dismissed Due to Failure to Comply with Local Bankruptcy Rule 9011-2(a) (OSC ISSUED 10/26/2017)

FR: 12-14-17

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

Dismiss case.

*Special note: Debtor has had ample opportunity to employ counsel and has failed to do so. The court has no confidence that Debtor will do so even if the case is converted to chapter 7.*

***Note: This matter appears to be uncontested. Accordingly, no court appearance by any party is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtor and UST will be so notified.***

-----

**January 11, 2018**

Dismiss case.

No opposition filed; no attorney has substituted into the case.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... PPI Direct, LLC**

**Chapter 11**

**Debtor(s):**

PPI Direct, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14237 PPI Direct, LLC**

**Chapter 11**

**#43.00** STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Take matter off calendar if case is dismissed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

PPI Direct, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14373 Amie Rauchelle Schardt**

**Chapter 13**

**#44.00** Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order counsel to File a 2016(b) Statement

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion in its entirety; all documents requested by Movant ( 2016 statement and retainer agreement) must be submitted within 10 days of entry of the order granting the motion. All fees received by Debtor's counsel must be remitted to Movant and/or Debtor (Movant's choice) within 30 days of entry of the order granting the motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amie Rauchelle Schardt

Represented By  
Peter L Nisson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14430 Zeena Sheriff Jackson**

**Chapter 7**

**#45.00** Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion in its entirety; all documents requested by Movant ( 2016 statement and retainer agreement) must be submitted within 10 days of entry of the order granting the motion. All fees received by Debtor's counsel must be remitted to Movant and/or Debtor (Movant's choice) within 30 days of entry of the order granting the motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Zeena Sheriff Jackson

Represented By  
Amid Bahadori

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14436 Arturo Raul Castaneda**

**Chapter 7**

**#46.00** Hearing RE: Debtor's Motion for Order to Turnover of Property Under 11 U.S.C. 542

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Withdrawal filed 1/8/18**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Withdrawal filed 1/8/18 - td  
(1/9/2018)**

**Tentative Ruling:**

**January 11, 2018**

Deny motion. Debtor does not have standing under 11 U.S.C. 542 to seek turnover of property by motion.

Section 542 only refers to the *trustee*.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arturo Raul Castaneda

Represented By  
Chris T Nguyen

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14457 Chadd-Oliver Bernard Henderson**

**Chapter 7**

**#47.00** Hearing RE: ORDER to Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -installments (\$103.33 Due on 12/8/2017) (OSC Issued 12/12/17)

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 12/18/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 12/18/2017 - td (12/18/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chadd-Oliver Bernard Henderson                      Pro Se

**Trustee(s):**

Richard A Marshack (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:17-14536 Thavy Tanksley

Chapter 7

#48.00 Hearing RE: U.S. Trustee's Motion to Reopen Chapter 7 Case for the Limited Purpose of Pursuing an 11 U.S.C. §329 Motion AGAINST Attorney Alon Darvish Former Counsel to the Debtor

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion. Clerk may reclose case sixty days following entry of order granting the motion without further notice or order of the court.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

10:30 AM

8:17-14536 Thavy Tanksley

Chapter 7

#49.00 Hearing RE: U.S. Trustee's Motion for Order Determining Whether Fees Paid to Counsel Where Excessive Under and Pursuant to 11 U.S.C. Section 329

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion to disgorge fees of \$595 in the current case; deny request for disgorgement in prior case (separate motion must be brought in the prior case). Fees must be remitted within 30 days of entry of the order granting the motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#50.00** Hearing RE: Plaintiff's Motion to: (1) Revoke Stipulation to Stay Proceedings Pending Outcome of the Divorce Proceeding and Request to Continue Status Conference Filed November 10, 2017 [Dkt. No. 9]; and Then (2) Obtain Court Ordered Stay of Proceedings Pending Outcome of the Divorce Proceeding, But Not Stay Plaintiff's Efforts to Seek Support Obligations or (3) Order Parties to Litigate

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion with the language set forth in option (1) on p. 10 of the Motion, lines 6-8 and lines 19-22.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Todd Leroy Hinker

Represented By

Diane L Mancinelli

James R Felton

Richard A Brownstein

**Defendant(s):**

Todd Leroy Hinker

Represented By

James R Felton

Richard A Brownstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Todd Leroy Hinker**

**Chapter 7**

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#51.00** CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order Granting Partial Summary Judgment RE Remaining Issues of Complaint for Declaratory Relief as to Whether and to What Extent, Assets Constitute Property of the Estate; Turnover of Property of the Estate; and for a Temporary Restraining Order, and Preliminary and Permanent Injunction

FR: 11-16-17

Docket 132

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Deny Motion due to triable issues of material facts.

Basis for Tentative Ruling:

By way of background, Margent Allen Rawson ("Debtor") filed a voluntary chapter 7 petition on February 13, 2015. Richard Marshack was duly appointed the chapter 7 trustee ("Trustee" and "Plaintiff"). On June 25, 2015, the Trustee filed the underlying adversary proceeding against the following defendants: (a) Debtor; (b) Margaret Allen Rawson, Successor Trustee of the Preston M. & Marvel L. Jones Family Trust ("Trustee Rawson"); and (c) DR Rawson, Third Successor Trustee of the Preston M. and Marvel L. Jones Family Trust ("Trustee DR Rawson"). Through the underlying complaint, the Trustee seeks: (1) declaratory relief that Debtor's beneficial interest in the Trust has vested and constitutes property of the bankruptcy estate; (2) turnover of property of the bankruptcy estate; and (3) a temporary restraining order, preliminary, and permanent injunction ("Complaint"). See *generally* Compl.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Margaret Allen Rawson**

**Chapter 7**

On June 30, 2015, the Trustee filed a motion for a temporary restraining order against all defendants. On August 11, 2015, the parties entered into a stipulation regarding the dissipation of assets and resolving the Trustee's motion for a temporary restraining order. This stipulation was approved by the court by the order entered on August 17, 2015. On August 10, 2015, the Debtor and Defendant Trustee Rawson filed their answers to the Complaint. Default was entered against Defendant Trustee DR Rawson on August 24, 2015.

On November 30, 2015, Trustee Rawson filed a motion for summary judgment, or in the alternative summary adjudication of issues. Debtor filed a joinder to the Motion on December 9, 2015. Thus, the relevant defendants to that motion summary judgment were Trustee Rawson and Debtor (collectively "Defendants"). While Defendants sought summary judgment on all claims for relief and dissolution of the preliminary injunction, the primary dispute between the parties was whether the Debtor's interest in the Preston M. and Marvel L. Jones Family Trust ("Trust") is property of the bankruptcy estate.

By order entered on October 12, 2016, the court granted partial summary adjudication as follows ("Order"):

A. First Claim for Relief [Declaratory]: The Court determined that the Surviving Spouse's Sub-Trust was not property of the bankruptcy estate, but that the Family Bypass and Marital Trusts were property of the bankruptcy estate.

B. Second Claim for Relief [Turnover of Property of the Estate]: The Court determined that the Trustee was not entitled to turnover of the Surviving Spouse's Sub-Trust, however, the Trustee may be entitled to recover at least 25% of the distributions of the Family Bypass and Marital Sub-Trusts, subject to the decision of the California Supreme Court in the Reynolds case. *In re Reynolds*, 779 F.3d 1028 (9th Cir. 2015).

C. Third Claim for Relief [Injunctive Relief]: The Court determined that the Trustee is not entitled to injunctive relief as to the Surviving Spouse's Sub-Trust.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT...

**Margaret Allen Rawson**

Chapter 7

Injunctive relief stipulation remains in effect as to the Family Bypass and Marital Sub-Trusts.

See Docket No. 81.

On October 4, 2017, the Trustee filed the instant motion for partial summary judgment re: remaining issues of complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction ("Motion"). The remaining issue, therefore, pertains to the second claim for relief, and whether the Trustee is entitled to recover at least 25% of the distributions of the Family Bypass and Marital Sub-Trusts, based on the decision of the California Supreme Court in *Carmack v. Reynolds*, which answers the certified question from the Ninth Circuit in *In re Reynolds*, 779 F.3d 1028 (9th Cir. 2015).

Summary Judgment Standard

Summary judgment is appropriate where "there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a) (applicable in adversary proceedings under Federal Rule of Bankruptcy Procedure 7056). The bankruptcy court must view the evidence in the light most favorable to the non-moving party when determining whether genuine disputes of material fact exist and whether the movant is entitled to judgment as a matter of law. See *Fresno Motors, LLC v. Mercedes Benz USA, LLC*, 771 F.3d 1119, 1125 (9th Cir. 2014). And, it must draw all justifiable inferences in favor of the non-moving party. *Id.* (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)). A fact is "material" only if it might affect the outcome of the case, and a dispute is "genuine" only if a reasonable trier of fact could resolve the issue in the non-movant's favor. *Anderson v. Liberty*, 477 U.S. at 248.

A party seeking summary judgment bears the initial responsibility of demonstrating the absence of a genuine issue of material fact, and establishing that it is entitled to judgment as a matter of law as to those matters upon which it has the burden of proof. *Celotex Corporation v. Catrett*, 477 U.S. 317, 323 (1986). The opposing party must make an affirmative

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

showing on all matters placed in issue by the motion as to which it has the burden of proof at trial. *Id.* at 324. "[T]he burden on the moving party may be discharged by 'showing' – that is, pointing out to the ... court – that there is an absence of evidence to support the nonmoving party's case." *Id.* at 325. The ultimate burden of demonstrating the existence of genuine issues of material facts lies with the nonmoving party. *Id.* at 322-23. Summary judgment is improper "where divergent ultimate inferences may reasonably be drawn from the undisputed facts." *Miller v. Glenn Miller Prods., Inc.*, 454 F.3d 975, 988 (9th Cir.2006).

The Trustee argues that he is entitled to up to 100% of Debtor's interest in the Bypass and Marital Sub Trusts since the same is currently due and payable to her out of principal. See *generally* Mot. Defendant acknowledges that the Motion concerns only those assets in the Marital and Family Bypass Sub Trusts, but contends that what remains unresolved are (1) the value of the particular sub trusts, and (2) the amount which Debtor and her dependent husband need for support, health, and welfare, neither of which may be resolved via summary judgment. See Opp., p.13:6-10.

Undisputed Facts

On or about September 17, 1992, Preston and Marvel L. Jones ("Marvel") established the Preston M. and Marvel L. Jones Family Trust ("Family Trust" or the "Trust"). After September 17, 1992, the Family Trust was amended from time to time, including the last known amendment thereto made on or about October 6, 2003 ("Third Amendment"). Plaintiff's Statement of Uncontroverted Facts ("PSUF"), ¶1; Plaintiff's Ex. 1A-1D; Isaacson Decl., ¶ 2. On or about June 22, 2012, Marvel died. PSUF, ¶2; Isaacson Decl, ¶3; Plaintiff's Ex. 2. At the time of Marvel's death the Trust was split into a Survivor's Trust, Family Bypass Trust and a Marital Trust (collectively the "Sub-Trusts"). Preston's half interest in community trust estate, and his separate trust estate, was allocated to the Surviving Spouse's Trust. Marvel's interest in the community trust estate, and her separate trust estate was allocated to the Family Bypass Trust and the Marital Trust. Pursuant to the terms of the Family Trust and the Third Amendment, upon the death of Preston and Debtor's survival of Preston by thirty (30) days, Trustee Rawson was required to distribute any accrued and undistributed income, and any

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Margaret Allen Rawson**

**Chapter 7**

remaining principal of the Surviving Spouse's Trust and the Marital Trust to the Debtor. PSUF, ¶ 3; Isaacson Decl., ¶23; Plaintiff's Exs. 1(A), (B), (C), and (D).

On the Petition Date, Debtor was and now is the Second Successor Trustee ("Successor Trustee") of the Preston M. & Marvel L. Jones Family Trust. PSUF, ¶ 6; Isaacson Decl., ¶ 5. On the Petition Date, the Family Trust assets included, but were not limited to: (1) funds on deposit with First Financial Equity Corporation ("FFEC") in the amount of approximately \$124,528.13; (2) real property located at 47 Myrtle Beach Drive, Henderson, NV 89074 ("NV Property"); (3) real property located at 8751 Dewey Drive, Garden Grove, California 92841 ("GG Property"); and an outstanding loan owed to the Family Trust by the Debtor in the amount of \$255,000 (collectively "Trust Assets"). PSUF, ¶ 7; Isaacson Decl., ¶ 4 and Plaintiff's Ex. 3(A) and 3(B).

After the Petition Date, on or about April 3, 2015, Trustee Rawson listed the GG Property for sale in the amount of \$599,000. PSUF, ¶ 8; Isaacson Decl., ¶ 6. On June 25, 2015, the Trustee filed the within adversary proceeding ("Complaint") against Defendants. The Trustee's Complaint sought a judicial determination as to whether and to what extent the Family Trust Assets constituted property of the bankruptcy estate (the "Estate"); turnover of property of the Estate, a temporary restraining order, preliminary and permanent injunction against the Defendants dissipation of Trust Assets of the Family Trust. PSUF, ¶ 9; Isaacson Decl., ¶ 7. On June 30, 2015, the Trustee filed a motion requesting a temporary restraining order against the Defendants' further dissipation of Trust Assets. PSUF, ¶ 10; Isaacson Decl., ¶ 8.

By order entered on July 1, 2015, the Court temporarily restrained the Defendants from selling, transferring, encumbering, or withdrawing any of the real or personal property currently held by or for the benefit of the Trust. PSUF, ¶ 11; Isaacson Decl., ¶8. On August 11, 2015, the parties entered into a stipulation regarding the dissipation of Trust Assets, including the GG Property, and resolving the Trustee's motion for a temporary restraining order and request for a preliminary or permanent injunction ("Stipulation"). Among other things, the Stipulation provided that the all sale proceeds from the sale



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

of the GG Property, after appropriate closing costs, would be deposited into the Trust's FFEC financial account. PSUF, ¶ 12; Isaacson Decl., ¶ 9 and Plaintiff's Ex. 4. On August 16, 2015, Preston passed away. PSUF, ¶ 11 "b" (misabeled at Docket No. 132 as a duplicate ¶11); Isaacson Decl., ¶ 10 and Plaintiff's Ex. 5.

On August 17, 2017, the parties' Stipulation was approved by the Court by order entered on August 17, 2015 ("Preliminary Injunction"). PSUF, ¶ 12 "b" (misabeled at Docket No. 132 as a duplicate ¶12); Isaacson Decl., ¶ 11 and Plaintiff's Ex. 6. On or about August 31, 2015, pursuant to the Stipulation, the net proceeds of the GG Property in the amount of \$503,507.28 were deposited into the Trust's FFEC financial account. PSUF, ¶ 13; Isaacson Decl., ¶ 12 and Plaintiff's Ex. 7. On November 30, 2015 Trustee Rawson filed a motion for summary judgment ("MSJ"), which was joined by the Debtor and opposed by the Trustee. The Defendants' MSJ sought judgment on all claims for relief [declaratory relief; turnover of estate property; preliminary and permanent injunction], yet the primary dispute was whether Rawson's interest in the Family Trust was property of the bankruptcy estate. PSUF, ¶ 14; Isaacson Decl., ¶13.

By order entered on October 12, 2016, the Court granted partial summary adjudication as follows ("Order"):

A. First Claim for Relief [Declaratory]: The Court determined that the Surviving Spouse's Sub-Trust was not property of the bankruptcy estate, but that the Family Bypass and Marital Trusts were property of the bankruptcy estate.

B. Second Claim for Relief [Turnover of Property of the Estate]: The Court determined that the Trustee was not entitled to turnover of the Surviving Spouse's Sub-Trust, however, the Trustee may be entitled to recover at least 25% of the distributions of the Family Bypass and Marital Sub-Trusts, subject to the decision of the California Supreme Court in the Reynolds case. *In re Reynolds*, 779 F.3d 1028 (9th Cir. 2015).

C. Third Claim for Relief [Injunctive Relief]: The Court determined that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

the Trustee is not entitled to injunctive relief as to the Surviving Spouse's Sub-Trust. Injunctive relief stipulation remains in effect as to the Family Bypass and Marital Sub-Trusts. PSUF, ¶ 15; Isaacson Decl., ¶13 and Plaintiff's Ex. 8.

Property of the Estate

11 U.S.C. §541(a) defines property of the estate broadly to include "all legal and equitable interests of the Debtor in property as of the commencement of the case." 11 U.S.C. §541(a)(1). An asset is determined to be estate property by examining the nature of the asset on the date the bankruptcy petition was filed. 11 U.S.C. §541(a)(1). The existence and scope of a debtor's property interest is determined by state law. *State v. Farmers Mkts., Inc. (In re Farmers Mkts, Inc.)*, 792 F.2d 1400, 1402 (9<sup>th</sup> Cir. 1986); *Butner v. United States*, 440 U.S. 48, 54-55 (1979).

Pursuant to paragraphs 3.4 and 3.5 of the Trust, upon the death of the first spouse, three sub-trusts were created: (1) the Surviving Spouse's Trust; (2) the Family Bypass Trust; and (3) the Marital Appointment Trust. Plaintiff's Ex. 1, Trust § 3.4-3.5. Marvel L. Jones died on June 22, 2012. PSUF, ¶2; Isaacson Decl, ¶3; Plaintiff's Ex. 2. As such, the Trust was divided into the aforementioned sub-trusts in June 2012.

As noted above in PSUF, ¶15, the court's grant of partial summary judgment determined that the Surviving Spouse's Sub-Trust was not property of the bankruptcy estate, but that the Family Bypass and Marital Trusts were property of the bankruptcy estate. Based on the court's analysis in the context of Defendant's motion for summary judgment, the Surviving Spouse's Trust remained revocable at the time the Debtor filed her bankruptcy petition. As a result, Debtor had no present property interest in the Surviving Spouse's Trust to be included as property of the estate. Particularly important to the instant motion for summary judgment, this court also concluded that the Marital Trust and Family Bypass Trust were irrevocable inter vivos trusts at the time Debtor filed her bankruptcy petition. Debtor's interest in these trusts was contingent on the death of the surviving spouse and surviving the surviving spouse by 30 days. Thus, Debtor's contingent interest in the Marital Trust and Family Bypass Trust was property of the estate at the time Debtor

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

**Chapter 7**

filed her bankruptcy petition. Therefore, to the extent Plaintiff's genuine issues of law ¶¶ 4, 5, 6 try to undermine this court's conclusions, they lack merit. See Docket No. 142, pp.3-4.

Spendthrift Provision

The Trust includes a spendthrift provision that may exclude trust property from the bankruptcy estate. The Trust's spendthrift provision states:

"No beneficiary shall anticipate, assign, encumber, or subject to any creditor's claim or to legal process any interest in principal or income before its actual receipt by an beneficiary. The beneficial and legal interests in this trust, its principal, and its income shall be free from interference or control of any beneficiary's creditor and shall not be subject to claims of any such creditor or liable to attachment, execution, bankruptcy or other process of law."

Plaintiff's Ex. 1-A, Trust §11.2; Docket No. 132, p. 46.

This spendthrift provision applies to the Trust, as well as all three sub-trusts. Section 11.1 states that the "following additional trust provisions shall apply under this instrument..." Plaintiff's Ex. 1-A, Trust §11.1; Docket No. 132, p. 46. The three sub-trusts are created under the "instrument," i.e. the Trust, and the provisions of the sub-trusts are provided within the Trust rather than separate documents. Moreover, the term "beneficiary" is not a defined term within the spendthrift provision and thus, applies generally to the beneficiaries of the Trust and/or sub-trusts.

Under section 541(c)(2), an anti-alienation provision in a spendthrift trust created under state law is enforceable to exclude the trust corpus from the bankruptcy estate. 11 U.S.C. §541(c)(2); *In re Kincaid*, 917 F.2d 1162, 1166-69 (9th Cir. 1990). A spendthrift trust is "[a] trust in which by the terms of the trust or by statute a valid restraint on the voluntary and involuntary transfer of the interest of the beneficiary is imposed." Restatement (Second) of Trusts, §152(2). California state law recognizes the general validity of spendthrift trusts. *In re Neuton*, 922 F.2d 1379 (9th Cir. 1990). In this matter, California Probate Code §15301 is the applicable non-bankruptcy law. This

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

section pertains to spendthrift provisions in California trusts and provides as follows:

"(a) Except as provided in subdivision (b) and in Sections 15304 to 15307, inclusive, if the trust instrument provides that a beneficiary's interest in principal is not subject to voluntary or involuntary transfer, the beneficiary's interest in principal may not be transferred and is not subject to enforcement of a money judgment until paid to the beneficiary."

This court's February 16, 2016 tentative ruling in Defendant's motion for summary judgment noted that "Section 15301(b) contains *an exception* to the general rule against transfer of a spendthrift trust beneficiary's interest in principal." (emphasis added). However, the California Supreme Court has since indicated that "section 15301(b) is properly viewed not as an exception to the general spendthrift protections but as a corollary." See *Carmack v. Reynolds*, 2 Cal. 5th 844, 851, 391 P.3d 625, 628 (2017). In light of this pronouncement, this court recognizes that Section 15301(b) contains the following corollary:

"(b) after an amount of principal has become due and payable to the beneficiary under the trust instrument, upon petition to the court under section 709.010 the Code of Civil Procedure by a judgment creditor, the court may make an order directing the trustee to satisfy the money judgment out of that principal amount."

The Trustee maintains that the Debtor held a contingent vested interest in the Trust principal that was property of the bankruptcy estate. While the Trustee could not demand the turnover of Trust principal while the contingency existed, once the principal balance became due and payable to the debtor the Trustee could demand the turnover of the same to the bankruptcy estate. Thus, the Trustee believes that the payments of principal are not protected by the spendthrift nature of the Trust under California Probate Code §15301(b). Mot., p.14:14-24. Although this court is persuaded by the Trustee's premise and eventual conclusion, it need not rely on the Trustee's citations to *Chatard v. Oveross*, 179 Cal.App.4th 1098, 1106 (2009) and *Frazier v. Wasserman*, 263 Cal.App.2d 120, 127 (1968). As explained

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room

5A

2:00 PM

CONT...

**Margaret Allen Rawson**

**Chapter 7**

below, the court applies the teachings of *Carmack v. Reynolds* with regard to spendthrift protections not applying to section 15301(b) assets. See 2 Cal. 5th at 852.

Accordingly, Debtor's opposition at Section V. "Distinguishing Plaintiff's Authority," need not be considered. See Opp., pp. 13-15. Within that section of Debtor's opposition, apart from trying to distinguish Plaintiff's authorities, she also argues under a flawed premise, which this court addresses below under "*Cal. Prob. Code § 15301(b) Applies, Rather than Cal. Prob. Code § 15306.5.*" In short, the main thrust of Debtor's opposition is that "[h]ere, unlike the Reynolds case, nothing was due and payable to Debtor at the Petition Date" and therefore, "[s]ince nothing was due and payable to Debtor at that time, Plaintiff is not entitled to anything under Cal. Prob. Code § 15301 (b)." Opp., p.9, Ins.1-2, 8-9.

Based on the California Supreme Court's opinion in *Carmack v. Reynolds*, on which the Ninth Circuit based its opinion in *In re Reynolds*, 867 F.3d 1119, 1120 (9th Cir. 2017), this court finds that there is more merit in the Trustee's position with regard to the inapplicability of spendthrift protections to Cal. Prob. Code §15301(b) assets. Nevertheless, a genuine issue of material fact remains with regard to Cal. Prob. Code § 15302.

The Application of *In re Reynolds* and *Carmack v. Reynolds*

The Ninth Circuit in *In re Reynolds*, held as follows:

[A] bankruptcy estate is entitled to the full amount of spendthrift trust distributions due to be paid as of the petition date. See *Carmack v. Reynolds*, 2 Cal.5th 844, 215 Cal.Rptr.3d 749, 391 P.3d 625, 628 (2017); Cal. Prob. Code § 15301(b). But the estate may not access any portion of that money the beneficiary needs for his support or education, as long as the trust instrument specifies that the funds are for that purpose. See *Carmack*, 215 Cal.Rptr.3d 749, 391 P.3d at 629; Cal. Prob. Code § 15302. The estate may also reach 25 percent of expected future payments from the spendthrift trust, reduced by the amount the beneficiary needs to support himself and his

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT...

**Margaret Allen Rawson**

**Chapter 7**

dependents. See *Carmack*, 215 Cal.Rptr.3d 749, 391 P.3d at 632; Cal. Prob. Code § 15306.5.

*In re Reynolds*, 867 F.3d 1119, 1120 (9th Cir. 2017). The Ninth Circuit attached to its opinion the California Supreme Court's opinion in *Carmack v. Reynolds*, but provided no further analysis. Accordingly, this court turns to the analysis in *Carmack v. Reynolds*, which when read more closely does not entirely support Defendant's reading of *In re Reynolds*.

*Cal. Prob. Code § 15301(b) Applies, Rather than Cal. Prob. Code § 15306.5*

Defendant's opposition adds emphasis to the holding in *In re Reynolds*, stating that the bankruptcy estate "is entitled to the full amount of spendthrift trust distributions due to be paid as of the petition date." See Opp., p.7:14-15. Defendant construes this sentence to mean that the bankruptcy estate is only entitled to "up to" the full amount of any payment "due and payable to the debtor at the time the petition was filed." (emphasis in original). See Opp., p.9:5-8. However, *Carmack v. Reynolds* does not go so far. Plaintiff has the more persuasive argument that the California Supreme Court did not require that funds be all due and payable "on the petition date." Reply, p.2, §A.

As *Carmack v. Reynolds* explains, both of the Reynolds parents had passed before the debtor filed his bankruptcy petition. The Reynolds trust provided "that at Freddie's death, Reynolds is entitled to \$250,000 from the trust if he survives Freddie by 30 days." *Carmack v. Reynolds*, 2 Cal.5th at 848. Therefore, on the petition date, the debtor in *Reynolds* held a contingent vested interest in the trust, but, nothing was due and payable to him on the petition date because he was required to survive his father by thirty (30) days. (emphasis added). As such, funds in the amount of \$250,000 would not be due and payable to the Reynolds debtor for another twenty-nine (29) days.

Here, Debtor's mother, Marvel, died pre-petition on or about June 22, 2012. PSUF, ¶2. Meanwhile, Debtor's father, Preston, passed away post-petition on August 16, 2015. Isaacson Decl., ¶ 10 and Plaintiff's Ex. 5. Importantly, this court has already determined that Debtor held a vested

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

contingent interest in the Marital and Family Bypass on the Petition Date. Upon her survival of her father by thirty (30) days the family trust provides that she was entitled to receipt of all trust assets. Specifically, the terms of the Third Amendment provide that "[a]t the surviving spouse's [Preston] death, the trustee [Margaret Rawson] shall distribute the entire remaining trust estate of whatsoever nature and wheresoever located to MARGARET L. RAWSON, so long as she survives the surviving spouse for thirty days . . ." Mot., Ex. 1-D, Docket No. 132, p. 61. It follows that when Preston passed away on August 16, 2015, this removed the contingency to the Debtor's entitlement to such distribution on September 16, 2015. As was the case in *Reynolds*, the distribution at issue here became due and payable, not *on the petition date*, but after.

Moreover, the Supreme Court in *Carmack v. Reynolds* made the following observations with regard to the definition of "due and payable."

[T]he Legislature provided the limiting principle in the introductory clause of section 15301(b): "*After an amount of principal has become due and payable...*" (Italics added.) This clause indicates that timing is critical: section 15301(b) reaches only those amounts which are presently set to be paid to the beneficiary. The provision thus requires an amount of principal to "ha[ve] become" due to the beneficiary, at which point upon a creditor's petition the court may enter an order "directing the trustee to satisfy the money judgment out *of that principal amount.*" (§ 15301(b), italics added.) In other words, under this provision creditors may reach the principal already set to be distributed and only up to the extent of that distribution.

*Carmack v. Reynolds*, 2 Cal. 5th at 851.

The California Supreme Court did not foreclose the possibility that an amount of principal can become due and payable, even where the timing for removal of a contingency does not start until after the petition is filed. As pointed out by Plaintiff, "[i]f the Debtor's argument is correct, the Reynolds trustee would not have been entitled to 100% of the \$250,000 distribution, but only 25%." Reply, p.3:1-3. Accordingly, § 15301(b) adds to the general rule

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

that principal held in a spendthrift trust may not be touched by creditors until it is paid to the beneficiary, by allowing the Court to direct payment instead to the Trustee of the amount that became due and payable to the Debtor post-petition. *Carmack v. Reynolds* at 851. "Because the beneficiary's interest in those assets have effectively vested, the law no longer has any interest in protecting them. (except as provided in section 15302, as explained below)." (emphasis added). *Id.*

The California Supreme Court also observed that "[t]he legislative history points the same way." *Carmack v. Reynolds*, 2 Cal. 5th at 851. Importantly, the Court went on to say that "the drafters also sought to clarify that once principal was due and payable, creditors could reach it both 'in the hands of the trustee and after payment to the beneficiary.' (internal citation omitted) In other words, spendthrift protections do not apply to section 15301 (b) assets. *Carmack v. Reynolds*, 2 Cal. 5th at 852. Thus, "due to be paid as of the petition date" as it appears in *In re Reynolds* should not be construed to mean "due to be paid on the petition date." The California Supreme Court in *Carmack v. Reynolds* did not impose such a requirement.

In view of the above, this court can find that Plaintiff is entitled to recover more than 25% of the funds due Debtor post-petition. Prior to the death of Debtor's father, had the Trustee sought turnover against Debtor's future interest in the family trust, such would be subject to § 15306.5 and the 25% limitation. However, the distinction here is that the Trustee is not seeking the turnover of future trust funds due, but is seeking the turnover of the entire principal of the Jones Family Trust that became due and payable to Debtor on or about September 16, 2015. See Reply, pp.3:24-4:1. Consequently, this court need not consider Debtor's arguments under § 15306.5, other than to accept the California Supreme Court's clarification of the distinction between §§ 15301(b) and 15306.5.

The California Supreme Court concluded that "a bankruptcy trustee, standing as a hypothetical judgment creditor, can reach a beneficiary's interest in a trust that pays entirely out of principal in two ways." *Carmack v. Reynolds*, 2 Cal. 5th at 857.

In particular, the Court resolved that a bankruptcy trustee "may



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

**Chapter 7**

reach up to the full amount of any distributions of principal that are currently due and payable to the beneficiary, unless the trust instrument specifies that those distributions are for the beneficiary's support or education and the beneficiary needs those distributions for either purpose." *Carmack v. Reynolds*, 2 Cal. 5th at 857. The first clause is consistent with the first part of the Ninth Circuit's holding in *In re Reynolds* that "a bankruptcy estate is entitled to the full amount of spendthrift trust distributions due to be paid as of the petition date," and therefore refers to Cal. Prob. Code § 15301(b)." Meanwhile, the second clause that begins with "unless the trust instrument specifies..." is consistent with the second part of *In re Reynolds* holding where the Ninth Circuit noted that "the estate may not access any portion of that money the beneficiary needs for his support or education, as long as the trust instrument specifies that the funds are for that purpose," and therefore refers to Cal. Prob. Code § 15302, which this court analyzes below.

Finally, distinguishing § 15306.5 the California Supreme Court announced: "Separately, the bankruptcy trustee can reach up to 25 percent of any anticipated payments made to, or for the benefit of, the beneficiary, reduced to the extent necessary by the support needs of the beneficiary and any dependents." *Carmack v. Reynolds*, 2 Cal. 5th at 857. In turn, the Ninth Circuit in *In re Reynolds* accurately held that "[t]he estate may also reach 25 percent of expected future payments from the spendthrift trust, reduced by the amount the beneficiary needs to support himself and his dependents." 867 F.3d at 1120 (9th Cir. 2017).

Based on the foregoing, this court can conclude that the 25 percent limitation of section 15306.5 would not apply to section 15301(b). First, the "spendthrift protections do not apply to section 15301(b) assets." *Carmack v. Reynolds*, 2 Cal. 5th at 852. As established above, Plaintiff is seeking section 15301(b) assets that have become due and payable rather than an order subject to section 15306.5, which would be subject to the 25 percent cap. Second, although the court can now determine that as between section 15306.5 and section 15301(b), the spendthrift provision does not apply in limiting the amount of Debtor's interest in the Trust is accessible to the Trustee, it cannot make the same determination under Cal. Prob. Code § 15302. In fact, the Court in *Carmack v. Reynolds* explicitly included the clause "unless the trust instrument specifies that those distributions are for

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

**Chapter 7**

the beneficiary's support or education and the beneficiary needs those distributions for either purpose," and the Ninth Circuit held, "the estate may not access any portion of that money the beneficiary needs for his support or education, as long as the trust instrument specifies that the funds are for that purpose." 867 F.3d at 1120 (9th Cir. 2017). Therefore, although Plaintiff is entitled to partial summary adjudication as a matter of law under Cal. Prob. Code § 15301(b), there remains a genuine issue of material fact where the second claim for relief for turnover as sought by Plaintiff seeks "100 percent of the Family Trust Assets within the Bypass and Martial Sub Trusts." See Mot., generally, Reply, p.7:13-18. Thus, the Motion must be denied.

*Genuine Issues of Fact Remain As to Cal. Prob. Code § 15302, Rather than Cal. Prob. Code § 15306.5*

As noted above, the Trustee's request is for the turnover of the entire principal that became all due and payable to the Debtor on September 16, 2015 pursuant to Cal. Prob. Code § 15301(b), "which is not limited by § 15306.5(c)" See Reply, p. 5:4-5. While the latter clause is accurate, it fails to account for the limitation under § 15302. The California Supreme Court concluded its analysis of § 15301(b), with the following:

Importantly, creditors' access under section 15301(b) is not unlimited. [...]Section 15302 explicitly provides that it does not apply where creditors seek access under sections 15304 through 15307, but section 15302 does not exclude orders under section 15301(b). Section 15302 thus provides limited continued protection to former trust assets where the donor specifically intended the distribution to support the beneficiary.

(emphasis added). *Carmack v. Reynolds*, 2 Cal. 5th at 852.

Here, although Defendant's opposition argued in the incorrect context of §15306.5(c), the court recognizes that the facts therein could be applied to an initial analysis under §15302. First, Defendant asserts that "[t]he Trust instrument also states that the trustee shall pay to the beneficiary as much of the income or principal 'as the trustee considers necessary for the income beneficiary's health, education, support, comfort, welfare ...'." Opp., p.10:3-5.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

**Chapter 7**

However, Defendant does not cite to where exactly this comes from in the Trust. One possible reason is that it may actually be a quote from Article 2 of the Trust, which is explicitly titled "Trust During Settlor's Joint Lives," See Mot., Ex. 1-A, §2.3; Docket No. 132, p.26. Section 2.3 of the Trust states:

The trustee shall pay to or for the income beneficiary's benefit as much of the net income of the community trust estate as necessary for the income beneficiary's health, education, support, comfort, welfare, or happiness to maintain at a minimum the income beneficiary's accustomed manner of living. The trustee shall add to principal any net income not so distributed.

(emphasis added).

Section 2.4 of the Trust is phrased similarly except it references the *principal* beneficiary's health, education, support, comfort, welfare or happiness. See Mot., Ex. 1-A, §2.4; Docket No. 132, p.26. Notably, Section 2.2 of the Trusts lists the income beneficiaries and principal beneficiaries as the "Class composed of the settlors for their joint lives." See Mot., Ex. 1-A, § 2.2; Docket No. 132, p.26. This would therefore presumably Debtor's parents, but not Debtor. That said, Article 8.1 of the Trust, according to the Third Amendment to the Trust, provides that Debtor shall serve as successor trustee. See Mot., Ex. 1-D; Docket No. 132, p.62. Further, Article 6 of the Trust addresses the "Family Bypass Trust," which lists the principal beneficiaries as "Class composed of the surviving spouse as primary beneficiary and the settlors' descendants and daughter-in-law." See Mot., Ex. 1-A, §6.2; Docket No. 132, p.36. Section 6.4 includes a provision that "the trustee shall pay to or for the principal beneficiary as much of the principal as is necessary for the principal beneficiary's health, education, or support to maintain the principal beneficiary's accustomed manner of living." See Mot., Ex. 1-A, §6.4; Docket No. 132, p.36. Based on the foregoing, Debtor's argument that "[t]he amount necessary for Debtor's health and welfare and the amount necessary for the health and welfare of her dependent husband raise legal and factual issues," has some merit. Partial summary adjudication on such triable issues of fact would therefore be inappropriate at this time.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT...

**Margaret Allen Rawson**

**Chapter 7**

The court turns briefly to Debtor's additional argument that the allocation of assets between sub-trusts raises questions of fact, which preclude summary judgment. See Opp., pp.15-17. This has some merit when viewed under the lens of Cal. Prob. Code § 15302, in that before a court could order the distribution of principal other than what is for a beneficiary's support or education, the court must ascertain from what total amount of principal it would be ordering such a distribution. Thus, the court cannot entirely agree when the Trustee "submits that the Court need only determine that the Trustee is entitled to 100% of assets of the Family Bypass Trust, which is made up of Marvel Jones' community property and separate property trust estate." See Reply, p. 5:16-19. Even if this court accepts the evidence in the form of copies of grant deeds or real property records purporting to show Preston and Marvel Jones's ownership, genuine issues apparently remain.

Debtor represents that while "an accounting of the separate subtrusts has become necessary," only a "partial accounting has been prepared [...]." Opp., p.16:16-20. However, this partial accounting "deals primarily with the trust's assets," and "[i]t did not seek to divide the assets among the subtrusts." Opp., p.16:20-22. Hence, according to Debtor, "[b]efore Plaintiff can receive anything, the parties must determine which assets were community property (to be divided equally between the subtrusts), and which were the separate property of Debtor's father (who survived her mother) to be allocated strictly to the Survivor's subtrust which is not property of the bankruptcy estate." Opp., p.17:1-4. Therefore, even if as a matter of law, Plaintiff is entitled to turnover of the distribution due and payable to Debtor, the remaining issues of fact militate against a grant of partial summary adjudication.

Finally, Debtor's arguments with regard to Plaintiff's lack of good faith in prosecution of the adversary action and counsel's purported conflict of interest are not germane to the merits of the Motion and need not be addressed by the court in this context.

Conclusion

The California Supreme Court in *Carmack v. Reynolds* answered the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... **Margaret Allen Rawson**

Chapter 7

question certified by the Ninth Circuit in *In re Reynolds*. Among other things, this court recognizes that, while the general rule is that principal held in a spendthrift trust may not be touched by creditors until it is paid to the beneficiary, "section 15301(b) is properly viewed not as an exception to the general spendthrift protections but as a corollary." See *Carmack v. Reynolds*, 2 Cal. 5th 844, 851 (2017). Plaintiff here is a hypothetical judgment creditor, and can reach a beneficiary's interest in a trust that pays entirely out of principal in two ways. The bankruptcy trustee can reach up to 25 percent of any anticipated payments made to, or for the benefit of, the beneficiary, reduced to the extent necessary by the support needs of the beneficiary and any dependents, through Cal. Prob. Code § 15306.5. Plaintiff here asserts it does not seek relief under that Probate Code section, but instead, through Cal. Prob. Code § 15301(b). *Carmack v. Reynolds* instructs that, alternatively, a trustee such as Plaintiff here "may reach up to the full amount of any distributions of principal that are currently due and payable to the beneficiary, unless the trust instrument specifies that those distributions are for the beneficiary's support or education and the beneficiary needs those distributions for either purpose." As explained above, the first clause appears to have been satisfied as the principal was due and payable to Debtor. However, the court concludes that the second clause beginning with "unless" creates material triable issues of fact that must be tried.

**Party Information**

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew  
David A Tilem

**Defendant(s):**

Margaret Allen Rawson

Represented By  
Kevin S Lacey  
David A Tilem

Margaret Allen Rawson, Successor

Represented By  
Eric J Olson  
Arbella Azizian

DR Rawson, Third Successor

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Margaret Allen Rawson**

**Chapter 7**

**Plaintiff(s):**

Richard Marshack

Represented By  
Misty A Perry Isaacson  
Chad V Haes

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Misty A Perry Isaacson  
Donald W Sieveke  
Chad V Haes  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#52.00** CON'TD STATUS CONFERENCE RE: Complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction

FR: 9-10-15; 4-14-16, 7-21-16; 10-6-16; 12-15-16; 3-30-17; 7-13-17; 8-17-17; 12-14-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 10, 2015**

Discovery Cut-off Date: Jan. 15, 2016

Deadline to Attend Mandatory Mediation: Mar. 11, 2016

Pretrial Conference Date: Apr. 14, 2016 at 9:30  
a.m. (XX)

Deadline to Lodge Joint Pretrial Stipulation: Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**August 17, 2017**

Continue status conference to Dec. 14, 2017 at 9:30 a.m. with updated status report due Nov. 30, 2017; any further pretrial motion(s) must be filed in time for reserved hearing date of November 16, 2017 at 2:00 p.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 11, 2018

Hearing Room 5A

2:00 PM

CONT... Margaret Allen Rawson

Chapter 7

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Continue hearing to January 11, 2018 at 2:00 p.m., same date/time as hearing on summary judgment motion. Updated status report not required.  
(XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson	Represented By Sylvia Lew
-----------------------	------------------------------

**Defendant(s):**

Margaret Allen Rawson	Pro Se
Margaret Allen Rawson, Successor	Pro Se
DR Rawson, Third Successor	Pro Se

**Plaintiff(s):**

Richard Marshack	Represented By Misty Perry Isaacson
------------------	--

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
Richard A Marshack (TR)	Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 11, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Margaret Allen Rawson**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:15-01459 Marshack v. AWP Energy, Inc

**#1.00 Examination of Manho Joung for AWP Energy, Inc. RE: Enforcement of Judgment**

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Examinee Manho Joung to appear in court to be sworn in by the court clerk.  
Thereafter, the examination will take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

AWP Energy, Inc

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

**Represented By**

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang

Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate (set at s/c held 5-18-17)

FR: 11-3-16; 12-15-16; 2-16-17; 5-4-17; 5-18-17; 11-16-17  
(advanced from 1-18-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/22/18 AT 9:30 A.M.,  
PER ORDER ENTERED 1/4/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 3/22/18 at 9:30 a.m., Per Order Continuing: (1) Discovery Cut-off Date; (2) Pre-trial Conference; and (3) Related Report Dates and Deadlines Entered 1/4/18 (XX) - td (1/4/2018)**

**Tentative Ruling:**

**May 4, 2017**

Continue status conference to May 18, 2017 at 2:00 p.m.; updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Defendant(s):**

SD Medical Clinic, Inc. Pro Se

Pacific Western Bank Pro Se

**Joint Debtor(s):**

Linda Bae Lee Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

**#3.00** CONT'D Hearing RE: Motion for Reconsideration of Order Overruling Objections to Proof of Claim #1

FR: 10-19-17; 11-30-17

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 19, 2017**

Continue hearing to November 30, 2017 at 10:30 a.m. Defendant must serve entire Motion on Plaintiffs directly (U.S. mail, fax, or personal service) in accordance with LBR 9013-1 due to Plaintiffs' attorney of record's ineligibility to practice law as of September 1, 2017 (per website of California State Bar). (XX)

***Note: If Defendant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

-----

**November 30, 2017**

Deny motion. Overrule objection on the merits.

Basis for Tentative Ruling:

1. This court previously overruled Debtor's objection to POC #1 for the reason that the basis for the claim was pending in a related nondischargeability adversary proceeding filed by the Claimants. However, as noted on today's calendar, the court is inclined to dismiss the adversary proceeding for lack of prosecution. Assuming the adversary proceeding is dismissed, the court will reconsider Debtor's claim objection on its merits.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

2. A claim, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest objects. 11 U.S.C. § 502(a). A proof of claim executed and filed in accordance with Rule 3001 shall constitute prima facie evidence of the validity and amount of the claim.

3. To overcome the presumption of validity created by a timely filed proof of claim, the objecting party must present sufficient counter evidence sufficient to rebut the presumption. Once such evidence is presented, the ultimate burden of proof is shifted to the claimaints. *In re Garner*, 246 B.R. 617. 623 (9th Cir. BAP 2000).

4. In this matter, Debtor's objections are presented in a "shot-gun" approach, i.e, several theories of defense are presented in a matter that undermines the goal of rebutting the presumption. First, Debtor conflates dischargeability issues into his arguments countering the merits of the claim. This is not helpful, particularly as it appears the complaint for nondischargeability will be dismissed. Second, Debtor argues that state law is "preempted" by bankruptcy law. This is not true. POC #1 is an unliquidated claim that has not yet been adjudicated by any court and is based entirely on state law. Third, Debtor points to procedural irregularities in the state court actions as a basis for invalidating the proof of claim -- no legal basis for this novel theory has been offered and the court is aware of none. Fourth, Debtor raises similar arguments regarding "procedural confusion in the state court proceedings" that are unavailing as a basis for disallowing the claim. Fifth, Debtor refers the court to an unrelated adversary proceeding for fraudulent conveyance commenced by the chapter 7 trustee against Debtor and a third party as a basis for disallowing POC #1, again without any legal support. Sixth, while on the one hand arguing that state law is "preempted" by federal bankruptcy law, Debtor cites several California statutes in support of the objection. In this regard, Debtor maintains that Cal Prob Code 850, Cal Prob 859 and Cal Civil Code 789.3 are all preempted by bankruptcy without presenting any persuasive legal analysis in support of that position. Seventh, Debtor complains that failing to attach certain exhibits to the proof of claim renders it invalid. As a matter of law, this is incorrect. The failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Rather, if the claim is based entirely on a writing and the writing is not attached the presumption of validity may not apply. Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto. Eighth, Debtor argues that sustaining the objection is necessary to allow Debtor a fresh start; this is not a basis under Section 502 for disallowing a claim and, assuming the adversary proceeding is dismissed, Debtor will receive a discharge regardless of the allowance of POC #1.

In addition to the foregoing, Debtor argues that Claimants are precluded from amending their proof of claim without leave of court. The court is at a loss as to how this argument supports disallowance of the claim. Further, Debtor argues that Claimants and their counsel have engaged in violations of the automatic stay, a matter that is entirely separate from the allowance or disallowance of a claim.

-----

**January 17, 2018**

Deny motion.

Same tentative as for 11/30/17. See above.

There is no substantive difference between an objection to claim and disallowance of a claim. The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:16-01263 Golden v. Mount et al

**#4.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance of Actual Intent Fraudulent Transfer; 2) Avoidance of Constructive Fraudulent Transfer; 3) Recovery of Transfer; 4) Judgment Quieting Title; 5) Declaratory Relief; and, 6) Injunction Preventing Further Transfers

FR: 3-9-17; 8-17-17; 10-19-17  
(advanced from 1-18-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 9, 2017**

Discovery Cut-off Date:	July 16, 2017
Pretrial Conference Date: (XX)	August 17, 2017 at 9:30am
Deadline to file Joint Pretrial Stipulation:	August 3, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**January 17, 2018**

Discovery Cut-off Date:	May 4, 2018
Pretrial Conference Date:	June 21, 2018 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	June 7, 2018

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Kyle Patric Mount

Pro Se

Kyle Patric Mount Trustee of the

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Thomas H Casey

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12408 Patti Denise Crowley**

**Chapter 13**

Adv#: 8:17-01216 Crowley v. Crowley

**#5.00** STATUS CONFERENCE RE: Complaint for Judgment for Order Authorizing the Sale of Interest of the Estate and Co-owner in Property Pursuant to §363(h); for Turnover of Co-owner's Interest in Property of the Estate Pursuant to §542(a); and for Appointing Elisor to Execute Documents on Behalf od Co-owner to Carry Orders Related to Sale

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Take matter off calendar in light of entry of default judgment.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Patti Denise Crowley

Represented By  
Richard G Heston

**Defendant(s):**

Michael Crowley

Pro Se

**Plaintiff(s):**

Patti Crowley

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Patti Denise Crowley**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12842 Lisa W. Wu**

**Chapter 7**

Adv#: 8:17-01215 American Express Centurion Bank v. Wu

**#6.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Discovery Cut-off Date:	May 15, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	June 18, 2018
Pretrial Conference Date:	July 31, 2018
Deadline to Lodge Joint Pretrial Order:	July 17, 2018

*Special note: Plaintiff has requested that no pretrial conference be conducted. However, the court is of the view that a pretrial stipulation and conference is necessary to clearly identify the issues, identify witnesses and exchange exhibits.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lisa W. Wu

Represented By  
Joseph M Tosti

**Defendant(s):**

Lisa W. Wu

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lisa W. Wu**

**Chapter 7**

**Plaintiff(s):**

American Express Centurion Bank

Represented By  
Dennis Winters

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

Adv#: 8:17-01160 Schlissel v. ACS/EFS/NNI/CGO

**#7.00 STATUS CONFERENCE RE: Complaint to Discharge Student Loan**

(Advanced from 1-18-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Debtor must file an amended complaint and obtain Another Summons within 15 days of today's hearing or the court will issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed.

Basis for Tentative Ruling:

There are several issues with the complaint that need to be corrected by Plaintiff before this adversary proceeding can proceed:

1. The complaint appears to lump four separate entities into a single entity -- ACS, EFS, NNI and CGO (sic) are four different companies and each needs to be separately identified as a defendant and separately served.
2. "CGO" appears to be a typo -- probably should be "GCO."
3. Each entity must be separately served in accordance with Federal Rules of Bankruptcy Procedure 7004(b)(3), i.e., to the attention of an officer, director or agent for service of process.
4. As for ACS specifically, Plaintiff mailed the summons and complaint to a general address (commercial business park or plaza) with no suite, room or

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

9:30 AM

CONT... Aileen Merrill Schlissel  
unit number.

Chapter 7

5. In light of the foregoing, Plaintiff needs to file an amended complaint to separately name each company that she believes should be a defendant and separately serve each one.

6. In connection with the amended complaint, Plaintiff needs to obtain the issuance of Another Summons.

***Note: If Plaintiff understands and accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel	Pro Se
--------------------------	--------

**Defendant(s):**

ACS/EFS/NNI/CGO	Pro Se
-----------------	--------

**Plaintiff(s):**

Aileen Schlissel	Pro Se
------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13193 Christina Burke**

**Chapter 7**

Adv#: 8:17-01150 Burke v. Barnes et al

**#8.00** CON'TD STATUS CONFERENCE RE: Complaint Pursuant to 11 USC Section 362(k)

FR: 12-14-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Main Case and All Pending Adversary Proceedings Entered 12/20/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Main Case and All Pending Adversary Proceedings Entered 12/20/2017 - td (12/20/2017)**

**Tentative Ruling:**

**December 14, 2017**

The docket does not reflect that Plaintiff timely served the complaint and summons on Defendant as no proof of service has been filed. Additionally, a joint status report has not been timely filed as required by LBR 7016-1. The court will issue an order to show cause why this adversary proceeding should not be dismissed for failure to prosecute, which OSC shall be heard on January 17, 2018 at 9:30 a.m. The status conference shall be continued to the same date/time. (XX)

**Party Information**

**Debtor(s):**

Christina Burke Pro Se

**Defendant(s):**

Troy D Barnes Pro Se

Celeste R Barnes Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Christina Burke**

**Chapter 7**

**Plaintiff(s):**

Christina Burke

Pro Se

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-11822 Francisco Carmona

Chapter 13

#9.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

CAPITAL ONE AUTO FINANCE

VS.

DEBTOR

FR: 12-14-17

Docket 40

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Motion withdrawn by  
Movant on 1/16/18. [Docket No. 48]**

**Courtroom Deputy:**

**OFF CALENDAR: Movant Withdraw of Document filed 1/16/18 - adm  
(1/16/2018)**

**Tentative Ruling:**

**January 17, 2018**

Off calendar. Motion withdrawn by Movant on 1/16/18 [docket #48].

<b>Party Information</b>
--------------------------

**Debtor(s):**

Francisco Carmona

Represented By  
Charles Shamash

**Movant(s):**

Capital One Auto Finance, a division

Represented By  
Bret D. Allen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Francisco Carmona**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-12732 Deborah Ann Brown

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR FFMLT TRUST 2005-FF2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-FF2

VS.

DEBTOR; CHRISTOPHER DE LA CRUZ, NON-FILING CO-DEBTOR

Docket 35

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay under 11 U.S.C. §362 (Real Property) (Settled by Stipulation) Entered 1/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay under 11 U.S.C. §362 (Real Property) (Settled by Stipulation) Entered 1/5/2018 - td (1/5/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Deborah Ann Brown

Represented By  
Ramiro Flores Munoz

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Mark D Estle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13182 Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**#11.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
ALLY FINANCIAL LEASE TRUST  
VS.  
DEBTORS

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**Movant(s):**

ALLY FINANCIAL LEASE

Represented By  
Adam N Barasch

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-14109 Linda Lane

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
LSREF4 SHARK (HUNTINGTON), LLC  
VS.  
DEBTOR

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Lane

Represented By  
Leslie K Kaufman

**Movant(s):**

LSREF4 SHARK (HUNTINGTON),

Represented By  
Scott Andrews

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Linda Lane**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-14174 Jazmine Socorro Langford

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FINANCIAL SERVICES VEHICLE TRUST  
VS.  
DEBTOR

Docket 34

\*\*\* VACATED \*\*\* REASON: RESCHEDULED FOR 1/17/18 AT 2:00  
P.M., PER ORDER ENTERED 1/4/18 (XX)

Courtroom Deputy:

**RESCHEDULED: Hearing Rescheduled to 1/17/18 at 2:00 p.m., Per Order  
Entered 1/4/18 (XX) - td (1/5/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Movant(s):**

Financial Services Vehicle Trust

Represented By  
Bret D. Allen  
Rebecca A Caley

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-14237 PPI Direct, LLC

Chapter 11

#14.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
(RE: 37370 Horsemans Drive, Temecula, CA 92592)

TD REO FUND, LLC, its successors and/or assigns

VS.

DEBTOR

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

PPI Direct, LLC

Pro Se

**Movant(s):**

TD REO FUND, LLC, its successors

Represented By  
Nichole Glowin

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-14237 PPI Direct, LLC

Chapter 11

#15.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
(RE: 45610 Corte Vista Clara, Temecula, CA 92590)

TD REO FUND, LLC, ITS SUCCESSORS AND/OR ASSIGNS

VS.

DEBTOR

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

PPI Direct, LLC

Pro Se

**Movant(s):**

TD REO FUND, LLC, its successors

Represented By  
Nichole Glowin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14615 Michael Steven Yousef and Sargena Yousef**

**Chapter 7**

**#16.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
MERCEDES-BENZ FINANCIAL SERVICES USA LLC  
VS.  
DEBTORS

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver and annulment.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Steven Yousef

Represented By  
Brian J Soo-Hoo

**Joint Debtor(s):**

Sargena Yousef

Represented By  
Brian J Soo-Hoo

**Movant(s):**

Mercedes-Benz Financial Services

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Michael Steven Yousef and Sargena Yousef  
John H Kim**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:00 AM

8:17-14856 Vicente Jaimes

Chapter 7

#17.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
ARNEL MANAGEMENT COMPANY  
VS.  
DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Vicente Jaimes

Represented By  
Edward A Bauman Jr

**Movant(s):**

ARNEL MANAGEMENT

Represented By  
Scott Andrews

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Vicente Jaimes**

**Chapter 7**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:12-23337 Mark D. Vargas

Chapter 13

#18.00 Hearing RE: Debtor's Objection to Claim #4 of Franchise Tax Board filed in the Amount of \$6,443.00

Docket 94

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Franchise Tax Board filed 1/9/18

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Franchise Tax Board filed 1/9/18 - td (1/9/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mark D. Vargas

Represented By  
Bruce D White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:12-23337 Mark D. Vargas

Chapter 13

#19.00 Hearing RE: Debtor's Objection to Claim #3 of Internal Revenue Service filed in the Amount of \$28,387.00

Docket 96

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Internal Revenue Service filed 1/15/18.

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Internal Revenue filed 1/15/18 - adm (1/16/2018)**

**Tentative Ruling:**

**January 17, 2018**

Continue hearing to March 8, 2018 at 10:30 a.m. to allow Debtor to correct defective service: IRS was not served at the addresses set forth in the Court Manual, Appendix D, 2.1, 2.3.

*Special Note: Even if Debtor is determined to be correct about the principal amount of the 2010 tax liability, Debtor has not included a calculation of interest and penalties related to the late filing of the tax return.*

**Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required.**

**Party Information**

**Debtor(s):**

Mark D. Vargas

Represented By  
Bruce D White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-11037 Lawrence Keith Dodge**

**Chapter 7**

**#20.00** CON'TD Hearing RE: Second Interim Application for Chapter 7 Fees and Reimbursement of Costs (December 20, 2016 through October 31, 2017)

**[BROWN RUDNICK LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE  
THOMAS H. CASEY]**

FR: 11-30-17; 12-21-17

Docket 614

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 21, 2017**

Allow 80% of fees with 20% holdback; allow expenses as requested.

The 20% holdback reflects the court's concerns about the amount of fees being charged by Applicant.

Areas of concern:

1. Redactions

The court is unable to fully assess the reasonableness of the fees requested because huge chunks of time re research, emails and conferencing were redacted as to the purpose of such services.

2. Claims Administration and Objections

Approximately \$46,000 or 24% of the total fees incurred fall under this category. The only identifiable claim is that of Kristina Dodge. Apparently an

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

objection was prepared but not filed. This time appears excessive. Time charged for preparation of motion(s) to approve settlements appear excessive given that much of the points and authorities is boilerplate.

3. Tax Review and Analysis

Approximately \$47,000 or 25% of total fees incurred fall under this category at a blended rate of \$631.92. No explanation as to why Applicant's attorneys spent 74 hours dealing with tax issues when the Trustee had employed Hahn Fife to work on tax issues.

4. Fee/Employment Applications and Objections

\$24,000 or 12% of total fees incurred seems high for the preparation of two uncomplicated fee applications.

-----

**January 17, 2018**

Approve fees and expenses as requested, less \$10,000, and costs as requested.

The \$10,000 reduction is for excessive fees charged for the preparation of the unfiled claim objection (\$8,000) and for preparation of two fee applications (\$2,000).

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required if Applicant accepts the tentative ruling. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lawrence Keith Dodge

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lawrence Keith Dodge**

**Chapter 7**

Mike D Neue  
Derrick Talerico  
Alan J Friedman  
William N Lobel

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Cathrine M Castaldi  
Thomas H Casey  
Laurel R Zaeske  
Bruce A Hughes

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#21.00 CON'TD Post Confirmation Status Conference RE: Second Amended Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. Held 8/19/14)

FR: 2-12-15; 8-20-15; 2-11-16; 8-4-16; 9-22-16; 11-3-16; 1-19-17; 2-16-17, 7-27-17 (advanced from 1-18-18)

Docket 107

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 12, 2015**

Continue post-confirmation status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 20, 2015**

Continue post-confirmation status conference to February 11, 2016 at 10:30 a.m.; updated status report to be filed by January 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**February 11, 2016**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

---

10:30 AM

CONT... Alicia Elizabeth Blackman Chapter 11

Continue post-confirmation status conference to August 4, 2016 at 10:30 a.m.; updated status report to be filed by July 21, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

---

**August 4, 2016**

Updated status report not filed. Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

---

**September 22, 2016**

Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report or to file a motion to dismiss the case.

***Note: Appearance at this hearing is required.***

---

**January 19, 2017**

Updated postconfirmation status report has not been filed. Since August, 2016, Debtor has failed to timely file postconfirmation status reports. See tentative ruling comments for matter #31 on today's calendar.

Take matter off calendar if the case is dismissed.

---

**February 16, 2017**

Continue Post Confirmation Status Conference to July 27, 2017 at 10:30

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

a.m.; updated status report must be filed by July 13, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**July 27, 2017**

Continue Post Confirmation Status Conference to January 18, 2018 at 10:30 a.m.; updated status report must be filed by January 4, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**January 17, 2018**

Debtor's counsel to appear and advise the court of the status of the 2nd distribution to class 6(b) shortfall of \$2823.14. Has this shortfall been paid? If not, when will it be paid?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alicia Elizabeth Blackman

Represented By  
Bert Briones



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-16130 Ronald T. Wilson**

**Chapter 13**

**#22.00** Hearing RE: Debtor's Motion to Disallow Claim No. 4 Filed by PNC Bank N.A.  
(Filed in the Sum of \$77,066.49)

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Continue hearing to Feb 22, 2018 at 10:30 a.m. to allow Movant to correct defective service: PNC Bank was not served with the motion per FRBP 7004 (h)

Tentative ruling for 2/22/18 hearing (if unopposed): Grant.

***Note: If Movant accepts the tentative ruling, appearance at this hearing is not required***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ronald T. Wilson

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:15-13989 Ted Peter Cheron and Loretta Cheron

Chapter 7

#23.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 139

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ted Peter Cheron

Represented By  
Bert Briones

**Joint Debtor(s):**

Loretta Cheron

Represented By  
Bert Briones

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Ted Peter Cheron and Loretta Cheron**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:15-13989 Ted Peter Cheron and Loretta Cheron

Chapter 7

#24.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[LOBEL WEILAND GOLDEN FRIEDMAN LLP, COUNSEL FOR THE  
CHAPTER 7 TRUSTEE]**

Docket 138

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Ted Peter Cheron

Represented By  
Bert Briones

**Joint Debtor(s):**

Loretta Cheron

Represented By  
Bert Briones

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Ted Peter Cheron and Loretta Cheron**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#25.00 CON'TD Hearing RE: Debtor's Chapter 11 Disclosure Statement**

FR: 10-12-17; 11-30-17

Docket 90

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/8/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/5/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 3/8/18 at 10:30 a.m., Per Order Entered 1/5/18  
(XX) - td (1/5/2018)**

**Tentative Ruling:**

**November 30, 2017**

No amended disclosure statement/plan filed to address issues raised by the UST or possible loan modification. Debtor to advise the court re the status of the same.

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#26.00** CONT'D STATUS CONFERENCE hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-18-17; 9-21-17; 10-12-17; 11-30-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 18, 2017**

Claims Bar Date:	July 25, 2017 (notice by 5/25/17)
Deadline to file plan/DS:	Aug. 31, 2017
Continued Status Conf:	Sept. 21, 2017 at 10:30 a.m. (XX)
Deadline to file Updated Status Report: have	Sept. 7, 2017 (unless the Plan/DS been timely filed, in which case the requirement of an updated report
will be	waived and the Status Conf will be continued to the same date/time as
hrg	on approval of the DS

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

-----  
**September 21, 2017**

Continue status conference to October 12, 2017 at 10:30 a.m., same date/time set for hearing on approval of disclosure statement. Updated status report not required.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----  
**October 12, 2017**

No tentative ruling; disposition will depend upon the outcome of the hearing on approval of the disclosure statement.

-----  
**November 30, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Continue status conference to trail hearing on approval of disclosure statement on January 17, 2018 at 10:30 a.m. (XX)

-----  
**January 17, 2018**

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as continued hearing on disclosure statement. Updated status report not required.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Philip Richard Cantwell, Jr**

**Chapter 11**

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#27.00** Hearing RE: Debtor's Objection to Proof of Claim No. 1-1 of The Department of The Treasury - Internal Revenue Service (\$33,560.18)

Docket 49

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Withdrawal of Debtor's  
Objection to Proof of Claim No. 1-1 and Motion for Disallowance of Claim  
filed 1/8/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Withdrawal of Debtor's Objection to Proof of Claim No.  
1-1 and Motion for Disallowance of Claim filed 1/8/2018 - td (1/8/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

**8:17-13763 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#28.00** Hearing RE: Debtors' Objection to Proof of Claim Filed by Everardo Muniz  
(Claim #1)

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Continue hearing to Feb 22, 2018 at 10:30 a.m. to allow Debtor to correct defective service: Claimant was not served per FRBP 3007(a)(2). NEF service is insufficient.

Tentative ruling for 2/22/18 hearing (if unopposed): Sustain objection.

***Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
A Mina Tran

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
A Mina Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13763 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#29.00** Hearing RE: Debtors' Objection to Proof of Claim Filed by Augustin Ramos Jijon and Lorena Tagle Soto (Claim #2)

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Sustain as to usurious interest; overrule as to balance -- allow claim in the amount set forth in Claimant's opposition.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
A Mina Tran

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
A Mina Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

10:30 AM

8:17-14375 Richard Thomas

Chapter 7

#30.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P., Rule 2017

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant motion -- disgorgement amount is \$1,000.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Richard Thomas

Represented By  
Brian Nomi

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 7**

**#32.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FINANCIAL SERVICES VEHICLE TRUST  
VS.  
DEBTOR  
(rescheduled from 1/17/18 at 10:00 am)

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant with 4001(a)(3) waiver and annulment.

The court finds that Debtor proceeded in bad faith as to this creditor.

1. Contradictory Declarations

Debtor has made contradictory and inconsistent sworn statements to the court in her declaration in support of sanctions against Movant in Adv. 17-01162 ("Sanctions Decl.") and her declaration filed in opposition to this Motion ("RFS Decl.):

**Sanctions Decl, Paragraphs 4, 5 & 8:**

"I use The Car for my business." (para 4)

"I run an "Uber" or personal taxi service, and the use of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Jazmine Socorro Langford**

**Chapter 7**

The Car is important to impress clients, to acquire tips and because of its quality as a vehicle for purposes related to driving" (para 5)

"My work as an "Uber" driver requires the use of The Car. Without The Car I have no source of income from employment." (para 8)

**RFS Decl.**

"I am technically not an Uber drive [sic] even as of today. Frederick Smith is an Uber drive [sic] and I operate under his account."

**2. Violation of Lease Terms**

Debtor was a co-lessor of the subject vehicle and, according to the lease terms, the vehicle was not to be used "for hire" to transport persons. Debtor violated the lease terms by using the vehicle to transport Uber customers.

**3. Failure to Disclose**

Debtor did not disclose on her bankruptcy schedules that Frederick Smith was a co-debtor re the BMW lease.

**4. Insurance**

Debtor did not have proper insurance on the vehicle per the lease terms.

5. Debtor's Sanctions Decl., Debtor testified that prior to the prepetition repossession of the vehicle, she earned \$225 per day as an Uber driver. However, her SOFA contradicts that she earned such income in 2017.

**Party Information**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Jazmine Socorro Langford**

**Chapter 7**

**Movant(s):**

Financial Services Vehicle Trust

Represented By  
Bret D. Allen  
Rebecca A Caley

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 13**

Adv#: 8:17-01162 Langford v. BMW Financial Services N.A., LLC

**#31.00** Hearing RE: BMW Financial Services NA, LLC's Motion for Reconsideration of Debtors Motion for Relief and Sanctions

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Grant motion. Vacate court's Order entered November 13, 2017 in this adversary proceeding granting the Motion for Relief [docket # 14] and enter new superceding order denying the same.

Basis for Tentative Ruling:

The Motion is Timely

As a preliminary matter, Defendant's motion is timely. Defendant brought its motion under FRCP 60(b)(1) and (3), as incorporated by FRBP 9024. Such a motion must be made within a reasonable time and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding. See FRCP 59(c)(1). Notably, Debtor's opposition contends that Defendant's Motion should be treated as a motion to alter or amend a judgment because it was filed within 14 days of the order from which it requests relief. Pursuant to FRBP 9023, a FRCP 59 motion shall be filed within 14 days after entry of judgment.

Here, the order granting Debtor's Motion for Relief was entered on November 13, 2017. Docket No. 14. Defendant filed the instant motion for reconsideration on November 22, 2017, well within reasonable time and

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

2:00 PM

CONT... **Jazmine Socorro Langford**

**Chapter 13**

certainly not more than one year for a motion under FRCP 60(b). Docket No. 17. The motion is also timely as a motion under FRCP 59(e), as it was filed before the 14-day deadline.

Legal Standards

As a threshold matter, while federal courts generally do not recognize a "Motion for Reconsideration," the Ninth Circuit has long noted that "nomenclature is not controlling". *Sea Ranch Association v. California Coastal Zone Conservation Commission*, 537 F.2d 1058, 1061 (9th Cir. 1976). The case at bar is not the like the case of *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991), in which the court observed that the "case illustrates the dangers of filing a self-styled 'motion to reconsider.'" *Id.*

While a determination as to whether a motion for reconsideration is requesting relief under FRCP 59 or FRCP 60 may be necessary *if not specified by the moving party*, such a determination is unnecessary in this case as Defendant has specifically moved under FRCP 60(b)(1) and (3). Therefore, although the Motion was filed within the time period allowed for a motion under FRCP 59(e), this court may nevertheless consider the motion under FRCP 60(b), as requested by the moving party. Even if the court evaluates the motion under the lens of FRCP 59(e), the court can find Defendant is entitled to reconsideration.

*FRCP 59(e)*

Since specific grounds for a 59(e) motion are not listed in the rule, a court enjoys considerable discretion in granting or denying the motion. However, reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.2000). Motions for reconsideration are committed to the discretion of the trial court. *School Dist. No. 1J. Mutlinomah County v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir.1993). To succeed in a motion to reconsider, a party must set forth facts or law of a strongly convincing nature to induce the Court to reverse its prior decision. See, e.g., *Kern-Tulare Water Dist. v. City of Bakersfield*, 634 F.Supp. 656, 665

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

2:00 PM

CONT... **Jazmine Socorro Langford**  
(E.D.Cal.1986).

Chapter 13

*FRCP 60(b)*

Pursuant to FRCP 60(b), made applicable under FRBP 9024, there are six grounds that authorize a court to relieve a party from a final judgment, order, or proceeding: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that warrants a new trial; (3) fraud, misrepresentation, or misconduct by an opposing party; (4) a void judgment; (5) the judgment has been satisfied; and (6) any other reason justifying relief.

Moreover, in cases of mistake, inadvertence, surprise, or excusable neglect, the court must weigh the following factors: (1) the danger of prejudice to the non-moving party; (2) the length of the delay and its potential impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the movant; and (4) whether the movant acted in good faith. See *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 395 (1993).

Merits

Here, Defendant seeks reconsideration under "mistake, inadvertence, surprise, or excusable neglect," and "fraud, misrepresentation, or misconduct by an opposing party." See FRCP 60(b)(1) and (3).

*FRCP 60(b)(1)*

The court weighs the aforementioned factors and finds that due to mistake, inadvertence, and excusable neglect justifying relief under the circumstances. Although Defendant asserts that the case at bar is similar to that of *Pincay v. Andrews*, 389 F.3d 853 (9th Cir. 2004), which involved a calendaring error and upon discovery of the mistake the attorney there quickly filed a notice of appeal and a request for an extension. 389 F.3d. at 855. Although not factually or procedurally identical to the instant case, this court notes that ultimately the Ninth Circuit *en banc* decided the case based on *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, the very case that already guides the analysis.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Jazmine Socorro Langford**

**Chapter 13**

(1) Danger of Prejudice

First, with regard to the danger of prejudice to the non-moving party, this court is persuaded that there is little to no danger of prejudice to Debtor. The Motion for Relief sought turnover of the Vehicle and \$225 for Debtor's alleged lost income. Notably, the parties agreed to have the Vehicle returned on November 15, 2017, but Debtor's counsel emailed that morning to inform Defendant that his client no longer wanted the Vehicle, that Debtor would be converting her case to one under Chapter 7, and that the sanctions payments should be mailed to Debtor's counsel. Given that Debtor has since changed her mind about turnover, that particular relief originally sought is now moot. In terms of lost income, that basis for relief does not follow where the income was purportedly derived from Debtor's driving the Vehicle. This factor weighs in favor of finding excusable neglect.

(2) Length of Delay and Its Impact on Judicial Proceedings

Second, the length of the delay here is not dispositive. Debtor has since converted her case to one under Chapter 7, so confirmation of a Chapter 13 Plan is no longer an issue. The adversary proceeding was commenced on October 25, 2017, Debtor filed an OST, the Motion for Relief was granted soon after at the hearing held on November 9, 2017, the Order was entered on November 13, 2017. Defendant acted promptly by bringing the Motion on November 22, 2017. Such a timeline is both short and does not have an impact on judicial proceedings. This second factor weighs in favor of finding excusable neglect.

(3) Reason for the Delay

Third, the reason for the delay, including whether it was within the reasonable control of the movant, is a closer call. Defendant concedes that BMW FS's in-house paralegal, Sabrina Morell, received notification from CT Corporation, and that its in-house counsel, Jason Bichsel, was on email notice, but was on vacation at the time the notice of the motion was served on November 3, 2017. Ms. Morell attests that the "overwhelming majority of CT notifications received have on average 3 weeks to 30 days for a response

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Jazmine Socorro Langford**

**Chapter 13**

from BMW FS" and that she failed to note the very short hearing date. See Morell Decl., ¶ 3. In turn, Mr. Bichsel, upon returning from his vacation also apparently did not notice the hearing on shortened notice. Mr. Bichsel attests that he began working through and responding to the emails as soon as practical. See Bichsel Decl., ¶ 5.

Debtor does not directly address this factor under FRCP 60(b), relying solely on an analysis under FRCP 59(e). Even so, Debtor points out that Defendant has confirmed receipt of her communications. Despite Defendant's contention that CT Corporation's mailing of the notification and moving papers to the purportedly different entity of "BMW of North America, LLC" at the Woodcliff Lake, New Jersey address may have caused confusion, this does not overcome Ms. Morell and Mr. Bichsel's electronic receipt of notification.

On the other hand, Debtor filed an OST because her asserted loss of income apparently needed to be addressed quickly. Debtor's alleged reliance on the vehicle to earn a living is now questionable. While it was incumbent on Defendant's paralegal and in-house counsel to stay abreast of the notices of hearings, their testimony reflects that the fact that this matter involved an expedited hearing with an abbreviated response time. This offers some mitigation. Though the delay in responding to the electronic notices were within the reasonable control of Defendant, under the circumstances presented here, where Debtor proceeded on shortened notice for what is now an apparently unwarranted reason, this factor weighs only slightly against finding excusable neglect.

(4) Whether the movant acted in good faith

Finally, Defendant explains how it quickly sought to remedy damages by offering to return the Vehicle to Debtor within 24 hours of obtaining the court's order. The facts are reflective of good faith, and in turn this factor weighs in favor of finding mistake, inadvertence, and excusable neglect under the circumstances.

Based on the foregoing, Defendant is entitled to reconsideration under FRCP 60(b)(1) and based on the misrepresentations addressed under FRCP 60(b)(3), Debtor's Motion for Relief should have been denied.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Jazmine Socorro Langford**

**Chapter 13**

*FRCP 60(b)(3)*

A bankruptcy court may also grant relief from an order that is based on fraud, misrepresentation, or other misconduct by the adverse party. Fed.R.Civ.P. 60(b)(3). "To prevail, the moving party must prove by clear and convincing evidence that the verdict was obtained through, fraud, misrepresentation, or other misconduct and that the conduct complained of prevented the losing party from fully and fairly presenting the defense." *De Saracho v. Custom Food Machinery, Inc.*, 206 F.3d 874, 880 (9th Cir. 2000).

Here, Debtor's Petitions, Schedules, and Motion for Relief include numerous inconsistencies indicative of misrepresentations to the court or other misconduct. Debtor's testimony therein improperly provided the basis of granting of the Motion for Relief. Importantly, this court notes that Debtor's opposition offers no substantive response to Defendant's allegations of Debtor's misrepresentations. In short, the court should not have accepted Debtor's testimony about her need for turnover of the Vehicle and compensation for lost income.

Defendant details misrepresentations with regard to Debtor's finances, her intended use of the Vehicle, and where she resides.

According to the unrefuted evidence presented by Defendant, in her credit application submitted to BMW FS in January 2017, Debtor represented that she was currently employed at "SAM" as a "waiters" for the previously two months [November 2016]. She also represented to BMW FS that her income from that employment was \$42,000 and that she earned additional annual income of \$18,000, from World Ventures, for a total annual income of \$60,000. See Winfrey Decl., ¶9, Ex. D. Meanwhile, her SOFA filed on October 20, 2017, reflects zero income for 2017, 2016, and 2015. SOFA, Part 2. See Caley Decl., ¶7, Ex. J and RJN. As highlighted by Defendant, Debtor's schedules and SOFA disclose that she is not employed or self-employed, has \$0 gross monthly income, owns no business as sole-proprietorship, but has \$2,000 monthly income from business. See Caley Decl., ¶¶6-8, Ex. G, I, J. Debtor's declaration in support of the Motion for Relief only further muddies the water as it contains inconsistent, if not

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room

5A

2:00 PM

CONT...

**Jazmine Socorro Langford**

**Chapter 13**

contradictory, information. Debtor attested that she earned \$225 per day as an Uber driver. A five-day work week, should theoretically yield her monthly earnings of approximately \$4,500, which is greater than the \$2,000 figure she represents to the Court in her Schedule "I", and the zero income she states in her SOFA. Consequently, this court's order granting the Motion for Relief was based on misrepresentations that warrant reversal of the grant of the Motion for Relief.

Defendant's analysis of Debtor's use of the vehicle and inconsistent place of residence bolster its contention that the Debtor has made misrepresentations or engaged in misconduct. Although it is quite possible that Debtor's intended use at the time of leasing the vehicle may have changed subsequently, the sequence of events would not support such a conclusion. Notably, the insurance policy purchased three days after Debtor filed for bankruptcy indicated the Vehicle would be used for "pleasure," while the Motion for Relief filed a few weeks later included representations that the Vehicle was for her occupation as an Uber driver and her sole source of income. See Caley Decl., ¶9, Ex. K.

Debtor's Schedule "H" indicates that she has no co-debtors. Yet, Frederick Smith is a co-lessee on the Lease for the use of the Vehicle. Debtor is also identified on Mr. Smith's (co-debtor) insurance policy as a driver in the household of Mr. Smith. See Caley Decl., ¶5 Winfrey Decl., ¶2, 17, Exs. E, H. The insurance policy identifies Mr. Smith's address as :XXXX Hickory Place in Costa Mesa, CA, the same garaging address as identified on the Lease. On the other hand, Debtor identified in her bankruptcy petition that her address was 2501 Alton Parkway, Irvine, CA. See Winfrey Decl., ¶6, 17; Caley Decl., ¶4, Exs. E, G. Likewise perplexing, Debtor's credit application executed in January 2017 includes testimony that she resides at an address of 297 N. State College Blvd., Orange CA. However, her Statement of Financial Affairs reflects that she did not reside at the State College Address after August 2016. See Caley Decl., ¶7; Exs. D, E, J; Winfrey Decl., ¶9, 17.

Thus, Debtor's representations are inconsistent with her representations to this court that she had zero income from 2015-2017 and relied on this Vehicle for "business" income and lived at a different address. Again, this strongly supports a finding of misrepresentation or misconduct that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, January 17, 2018

Hearing Room 5A

2:00 PM

CONT... **Jazmine Socorro Langford**

**Chapter 13**

warrants reconsideration of the Motion for Relief, and ultimately denial of the previously granted relief.

The court recognizes that Defendant's reply addresses FRCP 59(e) in response to Debtor's opposition, which focused on the analysis of reconsideration under that rule. Although the court has already found reconsideration is appropriate under FRCP 60(b)(1) and (3), the same argument and evidence in support thereto are applicable to at least two grounds under FRCP 59(e).

*FRCP 59(e)*

There are four basic grounds upon which a Rule 59(e) motion may be granted. First, (1) the judgment is based upon manifest errors of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) amendment is necessary to prevent manifest injustice; and (4) there is an intervening change in the controlling law. *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999)(citing 11 Charles Alan Wright et. al., Federal Practice and Procedure §2810.1 (2d ed. 1995).

As specific grounds for an FRCP 59(e) motion are not listed in the rule, the court has considerable discretion in granting or denying the motion. However, reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.2000). A "manifest injustice" is an error in the trial court that is "direct, obvious, and observable, such as a defendant's guilty plea that is involuntary or that is based on a plea agreement that the prosecution rescinds." *In re Oak Park Calabasas Condominium Ass'n*, 302 B.R. 682, 683 (Bankr. C.D.Cal. 2003). While a "manifest error" is "an error that is plain and indisputable, and that amounts to a complete disregard of the controlling law or the credible evidence in the record." *Id.*

Here, the Motion is necessary to correct manifest error of fact upon which the order granting the Motion for Relief is based. The facts as set forth above with regard to apparent misrepresentations by Debtor are direct, obvious, and observable in the contradictory papers filed in Debtor's main



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Jazmine Socorro Langford Chapter 13**

bankruptcy case, as well as in the adversary proceeding (especially in the Motion for Relief). Similarly, the Motion is necessary to prevent manifest injustice, where Defendant was ordered to turn over the Vehicle and pay damages. As is clear from the record, Debtor has since converted her case to one under Chapter 7, and declined to accept the arranged turnover for the Vehicle that she purportedly needed as part of her Uber driving business, and sole source of income.

**Party Information**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

BMW Financial Services N.A., LLC

Represented By  
Rebecca A Caley

**Plaintiff(s):**

Jazmine S Langford

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 18, 2018

Hearing Room 5A

9:30 AM

**8:07-11443 Transact Inc**

Chapter 7

Adv#: 8:14-01044 Wolfe v. D'Errico et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Fraudulent Transfer - Intentional Fraud; 2) Fraudulent Transfer - Constructive Fraud

FR: 5-8-14; 3-12-15; 3-19-15; 6-18-15, 10-15-15; 1-21-16; 5-5-16; 9-8-16; 1-12-17; 4-20-17; 7-27-17, 8-31-17; 10-5-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation to Dismiss Adversary Action and to Vacate Pre-trial Conference Entered 11/22/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation to Dismiss Adversary Action and to Vacate Pre-trial Conference Entered 11/22/2017 - td (11/22/2017)**

**Tentative Ruling:**

**May 8, 2014**

Discovery Cut-off Date:	Nov. 21, 2014
Deadline to Attend Mediation:	Jan. 23, 2015
Pretrial Conference Date:	Mar. 12, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pre-trial Stipulation:	Feb. 26, 2015

**Note: If all parties (not including defaulting parties) agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Transact Inc

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Transact Inc**

**Chapter 7**

Alexander W Tucker - SUSPENDED -  
Craig J Beauchamp

**Defendant(s):**

The D'Errico & Associates, Inc.

Represented By  
Daniel J Kessler

A1 Real Estate, Inc.

Pro Se

Steven R. Cameron

Pro Se

Frank D'Errico

Represented By  
Daniel J Kessler

**Interested Party(s):**

Courtesy NEF

Represented By  
Michelle R Ghidotti

**Plaintiff(s):**

John M Wolfe

Represented By  
Robert E Huttenhoff

**Trustee(s):**

John M Wolfe (TR)

Pro Se

John M Wolfe (TR)

Represented By  
John M Wolfe  
Leonard M Shulman  
Robert E Huttenhoff

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 18, 2018

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate (set at s/c held 5-18-17)

FR: 11-3-16; 12-15-16; 2-16-17; 5-4-17; 5-18-17; 11-16-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: PRE-TRIAL CONFERENCE ADVANCED TO 1/17/18 AT 9:30 A.M. ON COURT'S OWN MOTION; See Notice of Advanced Pre-trial Conference Hearing Filed on 11/10/17, Document #70 by Caroline Djang, Attorney for Plaintiff (XX)**

**Courtroom Deputy:**

**ADVANCED: Pre-trial Conference Advanced to 1/17/18 at 9:30 a.m. on Court's Own Motion; See Notice of Advanced Pre-trial Conference Hearing filed on 11/10/17, Document #70, by Caroline Djang, Attorney for Plaintiff (XX) - td (11/13/2017)**

**Tentative Ruling:**

**May 4, 2017**

Continue status conference to May 18, 2017 at 2:00 p.m.; updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Defendant(s):**

Pacific Western Bank Pro Se

SD Medical Clinic, Inc. Pro Se

**Joint Debtor(s):**

Linda Bae Lee Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 18, 2018

Hearing Room 5A

9:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

Adv#: 8:16-01263 Golden v. Mount et al

**#3.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance of Actual Intent Fraudulent Transfer; 2) Avoidance of Constructive Fraudulent Transfer; 3) Recovery of Transfer; 4) Judgment Quieting Title; 5) Declaratory Relief; and, 6) Injunction Preventing Further Transfers

FR: 3-9-17; 8-17-17; 10-19-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE ADVANCED TO 1/17/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Advancement of Status Conference Hearing filed by Tom Casey, Attorney for Plaintiff on 11/10/17, Document #29 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 1/17/18 at 9:30 a.m. on Court's Own Motion; See Notice of Advancement of Status Conference Hearing filed by Tom Casey, Attorney for Plaintiff on 11/10/17, Document #29 (XX) - td (11/8/2017)**

**Tentative Ruling:**

**March 9, 2017**

Discovery Cut-off Date:	July 16, 2017
Pretrial Conference Date: (XX)	August 17, 2017 at 9:30am
Deadline to file Joint Pretrial Stipulation:	August 3, 2017

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Kyle Patric Mount

Pro Se

Kyle Patric Mount Trustee of the

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Thomas H Casey

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 18, 2018

Hearing Room 5A

9:30 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

Adv#: 8:17-01160 Schlissel v. ACS/EFS/NNI/CGO

**#4.00 STATUS CONFERENCE RE: Complaint to Discharge Student Loan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE  
RESCHEDULED FOR 1/17/18 AT 9:30 A.M. SEE COURT'S NOTICE  
DATED 12/5/17, DOCUMENT # 4 (XX)**

**Courtroom Deputy:**

**RESCHEDULED: Status Conference Rescheduled for 1/17/18 at 9:30  
a.m.; See Court's Notice Dated 12/5/17, Document # 4. Plaintiff Aileen  
Schlissel Notified via voice mail (XX) - td (12/5/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel	Pro Se
--------------------------	--------

**Defendant(s):**

ACS/EFS/NNI/CGO	Pro Se
-----------------	--------

**Plaintiff(s):**

Aileen Schlissel	Pro Se
------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 18, 2018

Hearing Room 5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#5.00 CON'TD Post Confirmation Status Conference RE: Second Amended Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. Held 8/19/14)

FR: 2-12-15; 8-20-15; 2-11-16; 8-4-16; 9-22-16; 11-3-16; 1-19-17; 2-16-17, 7-27-17

Docket 107

\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE  
RESCHEDULED FOR 1/17/18 AT 10:30 A.M. ON COURT'S OWN  
MOTION; SEE COURT'S NOTICE DATED 11/7/17, Document #231 (XX)

**Courtroom Deputy:**

**RESCHEDULED: Status Conference Rescheduled for 1/17/18 at 10:30 am, on Court's Own Motion; See Court's Notice Dated 11/7/17, Document #231 (XX) - td (11/7/2017)**

**Tentative Ruling:**

**February 12, 2015**

Continue post-confirmation status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 20, 2015**

Continue post-confirmation status conference to February 11, 2016 at 10:30 a.m.; updated status report to be filed by January 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 18, 2018

Hearing Room 5A

---

10:30 AM

CONT... Alicia Elizabeth Blackman Chapter 11

***responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**February 11, 2016**

Continue post-confirmation status conference to August 4, 2016 at 10:30 a.m.; updated status report to be filed by July 21, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**August 4, 2016**

Updated status report not filed. Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

-----

**September 22, 2016**

Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report or to file a motion to dismiss the case.

***Note: Appearance at this hearing is required.***

-----

**January 19, 2017**

Updated postconfirmation status report has not been filed. Since August, 2016, Debtor has failed to timely file postconfirmation status reports. See tentative ruling comments for matter #31 on today's calendar.

Take matter off calendar if the case is dismissed.

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, January 18, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

-----  
**February 16, 2017**

Continue Post Confirmation Status Conference to July 27, 2017 at 10:30 a.m.; updated status report must be filed by July 13, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**July 27, 2017**

Continue Post Confirmation Status Conference to January 18, 2018 at 10:30 a.m.; updated status report must be filed by January 4, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

**Party Information**

**Debtor(s):**

Alicia Elizabeth Blackman

Represented By  
Bert Briones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, January 18, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#6.00 CON'TD Post-Confirmation Status Conference RE: Debtor and Official Committee of Unsecured Creditors' Joint Plan of Reorganization

(Set at Plan Conf. Hrg. held 6-15-16)  
FR: 12-15-16; 7-13-17

Docket 378

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/1/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice filed 1/4/2018,  
Document # 620 (XX)**

**Courtroom Deputy:**

**CONTINUED: Post-Confirmation Status Conference Continued to 2/1/18 at 10:30 a.m.; See Court's Notice filed 1/4/18, Document #620 (XX) - td (1/4/2018)**

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.; updated status report must be filed by June 29, 2017. (XX)

*Special note: The court is aware that objections to the Reorganized Debtor's motion to extend the time for filing objections to claim have been filed. That matter will be taken up in due course and not at today's hearing.*

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.**

-----

**July 13, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc. Chapter 11**

Continue postconfirmation status conference to January 18, 2018 at 10:30 a.m.; updated status report to be filed by January 11, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14612 Jose Luis Murillo and Maria M Murillo**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Murillo

Represented By  
Luis G Torres

**Joint Debtor(s):**

Maria M Murillo

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14598 Jorge Dominguez Alvarado**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jorge Dominguez Alvarado

Represented By  
Seema N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14542 Paul E Marshall**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paul E Marshall

Represented By  
James R Selth

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14487 Ngoc Yen Vong**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ngoc Yen Vong

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14480 Deborah Ambrose**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Deborah Ambrose

Represented By  
Todd B Becker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14470 Monica Banuelos**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 12/1/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 12/1/2017 - td (12/1/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monica Banuelos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14463 Christopher Izzo**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 1/2/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 1/2/2018 - td (1/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Izzo

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14455 BobbiJo Cook**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

BobbiJo Cook

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14454 Bertha Zapata**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bertha Zapata

Represented By  
Gary Polston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14390 Shawn A. Favilla and Tiffany A. Favilla**

**Chapter 13**

**#11.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shawn A. Favilla

Represented By  
Christian T Spaulding

**Joint Debtor(s):**

Tiffany A. Favilla

Represented By  
Christian T Spaulding

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14383 Santiago Munoz and Maria Gloria Munoz**

**Chapter 13**

**#12.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Santiago Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Joint Debtor(s):**

Maria Gloria Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14333 Nhu Quynh Nguyen**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nhu Quynh Nguyen

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14308 Edward Solomon**

**Chapter 13**

**#14.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edward Solomon	Pro Se
----------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14295 Malili Fuamatu, Jr.**

**Chapter 13**

**#15.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Malili Fuamatu Jr.

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14228 Ricardo Calderon and Brenda M. Brenes**

**Chapter 13**

**#16.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 12-22-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ricardo Calderon

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

Brenda M. Brenes

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14178 Edeliza Par Vergara**

**Chapter 13**

**#17.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 12-22-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edeliza Par Vergara

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 23, 2018

Hearing Room 5A

1:30 PM

8:17-14148 Ivette Marie Gonzaga

Chapter 13

#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-22-17

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 1/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 1/23/2018 - td (1/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ivette Marie Gonzaga

Represented By  
Benjamin A Yrungaray

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13829 Barry Ford**

**Chapter 13**

**#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 12-22-17

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barry Ford

Represented By  
Derik N Lewis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13763 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#20.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 12-22-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
A Mina Tran

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
A Mina Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13671 Gregory W. Sivard and Amy A. Sivard**

**Chapter 13**

**#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 12-22-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory W. Sivard

Represented By  
Sundee M Teeple

**Joint Debtor(s):**

Amy A. Sivard

Represented By  
Sundee M Teeple

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#22.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 23, 2018

Hearing Room 5A

1:30 PM

8:17-13541 Kees G. Davis

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-21-17

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 12/22/2017; Amended Debtor's Notice of Conversion filed 12/22/2017; Case Converted to Chapter 7**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 12/22/2017; Amended Debtor's Notice of Conversion filed 12/22/2017; Case Converted to Chapter 7 - td (12/22/2017)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kees G. Davis

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 23, 2018

Hearing Room 5A

1:30 PM

8:17-13470 Myrnalee B McLane

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-21-17

Docket 18

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 1/23/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 1/23/2018 - td (1/23/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

**Debtor(s):**

Myrnalee B McLane

Represented By  
Alon Darvish

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13303 Masood Awan**

**Chapter 13**

**#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Masood Awan

Represented By  
Todd B Becker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13300 Marc David Finnie**

**Chapter 13**

**#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Marc David Finnie

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13229 Daniel Arechiga and Maria Xochilt Arechiga**

**Chapter 13**

**#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-24-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daniel Arechiga

Represented By  
Michael Jones

**Joint Debtor(s):**

Maria Xochilt Arechiga

Represented By  
Michael Jones

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13182 Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-24-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#29.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 9-26-17

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-12694 Mary E. Schaffer**

**Chapter 13**

**#30.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-26-17; 11-21-17

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary E. Schaffer

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-11995 Jesus M Razo**

**Chapter 13**

**#31.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jesus M Razo

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 23, 2018

Hearing Room 5A

2:30 PM

8:17-13945 Stacey Lyn Rozell

Chapter 7

#32.00 CON'TD Hearing RE: Confirmation of First Amended Chapter 13 Plan

FR: 12-22-17

Docket 15

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 1/22/2018; Case Converted to Chapter 7.**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 1/22/2018; Case Converted to Chapter 7 - td (1/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-11732 Kimberly Nadina Fisher**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kimberly Nadina Fisher

Represented By  
Heather J Canning

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#34.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 50

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of  
Withdrawal of Trustee's Motion, filed 1/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion,  
filed 1/19/2018 - td (1/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10508 Joy Anne Victoria Lacebal Fumera**

**Chapter 13**

**#35.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 9-26-17; 10-24-17

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joy Anne Victoria Lacebal Fumera

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10042 Arthur Gilbert Jimenez**

**Chapter 13**

**#36.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 11-21-17

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur Gilbert Jimenez

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14917 Thomas G. Peuser**

**Chapter 13**

**#37.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas G. Peuser

Represented By  
Bruce D White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, January 23, 2018

Hearing Room 5A

2:30 PM

8:16-14243 Daryl John Parks

Chapter 13

#38.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 41

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 1/19/2018

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 1/19/2018 - td (1/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daryl John Parks

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12017 David Hepburn and Kimberly Hepburn**

**Chapter 13**

**#39.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Hepburn

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Kimberly Hepburn

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#40.00** Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (3) to Modify Plan or Suspend Plan Payments

Docket 67

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#41.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 9-26-17; 11-21-17; 12-22-17

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-10334 Martin Naranjo and Christina Naranjo**

**Chapter 13**

**#42.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martin Naranjo

Represented By  
Heather J Canning  
Barry E Borowitz

**Joint Debtor(s):**

Christina Naranjo

Represented By  
Heather J Canning  
Barry E Borowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14202 Mary L. Pesce**

**Chapter 13**

**#43.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary L. Pesce

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-10376 Paul Von Schoter and Gianna Von Schoter**

**Chapter 13**

**#44.00** CON'TD Hearing RE: Chapter 13 Trustee's Motion to Dismiss Case failure to make plan payments

FR: 12-22-17

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paul Von Schoter

Represented By  
Sundee M Teeple  
Craig K Streed

**Joint Debtor(s):**

Gianna Von Schoter

Represented By  
Sundee M Teeple  
Craig K Streed

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-16259 Justin William Mize and Heather Ann Mize**

**Chapter 13**

**#45.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 94

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Justin William Mize

Represented By  
Misty A Perry Isaacson

**Joint Debtor(s):**

Heather Ann Mize

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-12624 Jimmy DeAnda**

**Chapter 13**

**#46.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 12-22-17

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jimmy DeAnda

Represented By  
Michael E Hickey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-13765 Jeffrey B Shuy and Karen S Shuy**

**Chapter 13**

**#47.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jeffrey B Shuy

Represented By  
Tate C Casey

**Joint Debtor(s):**

Karen S Shuy

Represented By  
Tate C Casey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-12028 Haley Freedman and JoAnn Freedman**

**Chapter 13**

**#48.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 60

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 1/11/2018.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Haley Freedman

Represented By  
Bruce C Bridgman

**Joint Debtor(s):**

JoAnn Freedman

Represented By  
Bruce C Bridgman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-23337 Mark D. Vargas**

**Chapter 13**

**#49.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case Due to Material Default**

FR: 10-24-17; 12-22-17

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mark D. Vargas

Represented By  
Bruce D White

**Movant(s):**

Amrane (SA) Cohen (TR)

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-21458 Juan Nazario Celis and Katty Celis**

**Chapter 13**

**#50.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juan Nazario Celis

Represented By  
Claudia C Osuna

**Joint Debtor(s):**

Katty Celis

Represented By  
Claudia C Osuna

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14610 Alejandro Zamora and Maria Antonia Zamora**

**Chapter 13**

**#51.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alejandro Zamora

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Maria Antonia Zamora

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-13211 Maggy Margaret Hutchison**

**Chapter 13**

**#52.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 79

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maggy Margaret Hutchison

Represented By  
Steven A Alpert

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 5A**

2:00 PM

**8:02-10608 Ibt International Inc**

**Chapter 11**

**#1.00 CONT'D ORAL RULING RE: Motion for Sanctions Against David H. Tedder and His Attorney of Record Robert Kent Pursuant to F.R.B.P. Rule 9011**

FR: 5-4-17; 6-15-17; 8-8-17; 10-12-17; 11-14-17; 1-9-18

Docket 414

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ibt International Inc

Represented By  
Karen S. Naylor  
Burd & Naylor  
C. Michael Chapman  
William M. Burd  
Todd C. Ringstad

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 5A**

2:00 PM

**8:02-10617 Southern Ca Sunbelt Devel Inc**

**Chapter 11**

**#2.00 CON'TD ORAL RULING RE: Motion for Sanctions Against David H. Tedder and His Attorney of Record, Robert K. Kent, Pursuant to F.R.B.P. Rule 9011**

FR: 5-4-17; 6-15-17; 8-8-17; 10-12-17; 11-14-17; 1-9-18

Docket 484

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Southern Ca Sunbelt Devel Inc

Represented By  
Todd C. Ringstad  
C. Michael Chapman  
Nanette D Sanders

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, January 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#1.00** Hearing RE: Emergency Motion for Interim and Final Order Authorizing Debtor and Debtor in Possession to Use Cash Collateral Under 11 U.S.C. Section 363 (e) **(OST Entered 1/19/18)**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-12218 Jay Brett Freedman**

**Chapter 7**

Adv#: 8:15-01328 Askew et al v. Freedman

**#1.00 Judgment Debtor Examination of Jay Brett Freedman RE: Enforcement of Judgment**

Docket 67

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting  
Request for Hearing for Judgment Debtor's Exam to be Taken Off Calendar  
SIGNED 1/26/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Request for Hearing for Judgment  
Debtor's Exam to be Taken Off Calendar SIGNED 1/26/18 - td (1/29/2018)**

**Tentative Ruling:**

**February 1, 2018**

Off calendar.

**Party Information**

**Debtor(s):**

Jay Brett Freedman

Represented By  
Pamela Jan Zylstra

**Defendant(s):**

Jay Brett Freedman

Pro Se

**Joint Debtor(s):**

Tamara Sue Freedman

Represented By  
Pamela Jan Zylstra

**Plaintiff(s):**

David Askew

Represented By  
Benjamin N Flint III  
Benjamin N Flint III

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Jay Brett Freedman**

**Chapter 7**

Julianne Askew

Represented By  
Benjamin N Flint III

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#2.00 STATUS CONFERENCE RE: Complaint for: (1) Breach of Fiduciary Duty -  
Derivative; (2) Constructive Trust**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons  
Issued 12/12/17; New Status Conference Set for 2/22/18 at 9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 12/12/17; New Status  
Conference Set for 2/22/18 at 9:30 a.m. (xx) - td (12/12/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network, Inc.

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

9:30 AM

8:17-11895 Damian Robert Kutzner

Chapter 7

Adv#: 8:17-01222 Federal Trade Commission v. Kutzner

#3.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt  
Owed to Federal Trade Commission

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Discovery Cut-off Date: Apr. 13, 2018  
Pretrial Conference Date: May 31, 2018 at 9:30  
a.m.  
Deadline to File Joint Pretrial Stipulation: May 17, 2018

*Special Note: The parties are not precluded from filing pretrial motions during the discovery period.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Damian Robert Kutzner

Represented By  
Peter L Nisson

**Defendant(s):**

Damian Kutzner

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Damian Robert Kutzner**

**Chapter 7**

**Plaintiff(s):**

Federal Trade Commission

Represented By  
Katherine Johnson  
Thomas Syta

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13193 Christina Burke**

**Chapter 7**

Adv#: 8:17-01220 Credit Union of Southern California v. Burke

**#4.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Main  
Case and All Pending Adversary Proceedings Entered 12/20/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Main Case and All Pending  
Adversary Proceedings Entered 12/20/2017 - td (12/20/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christina Burke	Pro Se
-----------------	--------

**Defendant(s):**

Christina Burke	Pro Se
-----------------	--------

**Plaintiff(s):**

Credit Union of Southern California	Represented By Karel G Rocha
-------------------------------------	---------------------------------

**Trustee(s):**

Thomas H Casey (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14535 Prime Metals U.S.A., Inc.**

**Chapter 7**

Adv#: 8:17-01244 Hyundai Steel Co. v. Central Metal, Inc. et al

**#5.00** STATUS CONFERENCE RE: Amended Notice of Removal of State Court Action BC658457 (SUP. CT. CA, LA) RE: First Amended Cross-Complaint of Central Metal, Inc., and Jong Uk Byun for: 1.Breach of Central and Byun Confirmed Plans Against all Cross-Defendants; 2. Declaratory Relief Against all Defendants; 3. Fraud Against Prime and Mr. Oh; 4. Breach Negligence Misrepresentation Against Prime and Mr. Oh; 5. Breach of Covenant of Good Faith and Fair Dealing Against all Defendants

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Defendants/Cross Complainants ("Defendants") to advise the court as to 1) why this matter was removed to this court, and 2) why this court should not abstain from hearing this matter (Defendants do not consent to this court entering final judgment) under 28 USC 1334(c)(1) as this case involves all state law issues, involves multiple non-debtor parties, involves issues that can be adjudicated in pending state court action, and will not materially affect the administration of this chapter 7 case.

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Defendant(s):**

Central Metal, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Prime Metals U.S.A., Inc.**

**Chapter 7**

Steven G Polard

Jong Uk Byun

Represented By  
Steven G Polard

Bok Soon Byun

Represented By  
Steven G Polard

**Plaintiff(s):**

Hyundai Steel Co.

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**8:13-17920 Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

**#6.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

BMW BANK OF NORTH AMERICA

VS.

DEBTORS

FR: 10-5-17; 11-30-17

Docket 756

**Courtroom Deputy:**

**Tentative Ruling:**

**November 30, 2017**

Movant to advise the court re the status of this matter.  
-----

**February 1, 2018**

Continue hearing to April 12, 2018 at 10:00 a.m.

***Note: If all parties agree to the continued hearing date, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Movant(s):**

BMW BANK OF NORTH

Represented By  
Bret D. Allen

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:00 AM

8:17-10019 Mac Thi Nguyen

Chapter 13

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

PRADIP B. SHAH and HARDIKA P. SHAH, HARSHIT P. BANDANI and  
APARNA H. BANDANI

VS.

DEBTOR

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant motion unless Debtor brings account current by the time of the hearing or the parties agree to an adequate protection order.

***Note: Appearances at this hearing are required unless 1) the parties have entered into an adequate protection stipulation and agree the matter should be taken off calendar OR 2) the parties agree to a continued hearing date in order to complete negotiation of an adequate protection stipulation (available continued hearing dates: March 8, 2018, March 13, 2018 or March 22, 2018 at 10:00 a.m.***

**Party Information**

**Debtor(s):**

Mac Thi Nguyen

Represented By  
Christopher J Langley

**Movant(s):**

PRADIP B. SHAH and HARDIKA

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mac Thi Nguyen**

Julian K Bach

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14062 Thomas Eugene McKinnon, Sr. and Renee Linda**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

MID AMERICA MORTGAGE, INC.

VS.

DEBTORS

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Eugene McKinnon Sr.

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Renee Linda McKinnon

Represented By  
Steven A Alpert

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room     5A**

---

10:00 AM

**CONT...     Thomas Eugene McKinnon, Sr. and Renee Linda**

**Chapter 7**

**Movant(s):**

MID AMERICA MORTGAGE,

Represented By  
Gilbert R Yabes

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

**#9.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

CAB WEST, LLC

VS.

DEBTOR

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Movant(s):**

CAB WEST LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:00 AM

8:17-14095 Martin Tlaseca Flores and Estela Galindo-Vergara

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Martin Tlaseca Flores Pro Se

**Joint Debtor(s):**

Estela Galindo-Vergara Pro Se

**Movant(s):**

U.S. Bank National Association, as Represented By  
Mark D Estle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Martin Tlaseca Flores and Estela Galindo-Vergara**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

**#10.10 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]**

TROJAN CAPITAL INVESTMENTS, LLC

VS.

DEBTOR

FR: 1-11-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver; deny request for 180-day prospective relief due to insufficient grounds stated for such extraordinary relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**February 1, 2018**

**[THIS TENTATIVE RULING HAS BEEN UPDATED SINCE ITS ORIGINAL POSTING]**

Set matter for evidentiary hearing re the status of the subject loan.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Michael Joseph Ruffner**

**Chapter 7**

The court notes that its hard copy of the \$95,000 payable to National City is legible (more legible than the copy that appears on the electronic version. Further, the reply refers to an Exhibit A purporting to be a copy "real" National City correspondence. Exhibit A is of insufficient evidentiary value without an accompanying declaration of a knowledgeable person. The court cannot make determination as to which side is telling the truth. The court would like to see the originals of all documents relating to the loan and its assignment.

Available dates for an evidentiary hearing: February 28, 2018 at 9:30 a.m.; February 29, 2018 at 9:30 a.m.; April 26, 2018 at 9:30 a.m.; April 27, 2018 at 9:30 a.m.

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner	Pro Se
------------------------	--------

**Movant(s):**

Trojan Capital Investments LLC	Represented By Rafael R Garcia-Salgado
--------------------------------	---

**Trustee(s):**

Thomas H Casey (TR)	Pro Se
---------------------	--------

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:00 AM

8:17-14846 Kathy Vuong

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
WILMINGTON TRUST, NA  
VS.  
DEBTOR

Docket 7

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Movant's Voluntary  
Dismissal of Motion, filed 1/24/18

Courtroom Deputy:

**OFF CALENDAR: Movant's Voluntary Dismissal of Motion, filed 1/24/18 -  
td (1/24/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kathy Vuong

Pro Se

**Movant(s):**

Wilmington Trust, National

Represented By  
Laurie Howell

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14853 Helmuth Von Bulow**

**Chapter 7**

**#11.10** CON'TD Hearing RE: Motion for relief from the automatic stay  
[UNLAWFUL DETAINER]

ALICE ZELDEN, TRUSTEE OF THE ALICE WILLER-ZELDEN TRUST

VS.

DEBTOR

FR: 1-11-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Continue hearing to February 15, 2018 at 10:00 a.m. to allow Movant to correct defective service issue: Debtor served at incorrect street address -- correct # is "2458", not "2548."

Tentative ruling for 2/15/18 hearing (if unopposed): Grant with 4001(a)(3) waiver as well as Relief Request #s 7 (recordation required), and 11. Relief Request #s 9 and 10 are denied.

***Note: If Movant accepts the foregoing tentative rulings, appearance at this hearing is not required.***

-----

**February 1, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:00 AM

CONT... **Helmuth Von Bulow**

Chapter 7

Grant motion with 4001(a)(3) waiver; deny request for prospective relief.

There appears to be an issue re service and/or timeliness of service. However, the court is not inclined to continue the matter further because 1) an opposition has been filed, 2) a state court judgment in favor of Movant and against Debtor was entered in the UD action on 12/4/17, and 3) a writ of possession was issued on 12/4/17. Additionally, Debtor complains that he did not receive credit for \$12,500 paid on 11/3/17. This appears to be inaccurate as the 12/4/17 stipulated judgment specifically credits Debtor this this amount (see para. 6(a) of the judgment). The judgment also indicates in para 6(c) that the lease is forfeited.

In addition to the foregoing, and most importantly, this is the second bankruptcy case filed by this debtor within less than one year of the dismissal of the most recent prior filing in October 2016. Under Section 362(c)(3), the automatic stay expired 30 days from the filing date of 12/16/17 (or approximately 1/16/18). No motion to extend the stay beyond the 30 days was filed and no such motion can be entertained at this point because the hearing on such a motion must be completed within the initial 30 day period.

In light of the foregoing evidence, there does not appear to be any argument Debtor can make that would warrant a continuance of this hearing. The issue of the security deposit is beyond the scope of this hearing.

As to the request for prospective relief based upon multiple filings, the court is not incline to grant such relief as the prior case was in May, 2017, three months before the lease was executed and before the UD action was filed. Accordingly, the prior bankruptcy case could not have been filed to hamper a UD action involving property Debtor had not yet even taken possession of. That said, if Debtor files another bankruptcy case prior to October 3, 2018, under 362(c)(4) no stay will go into effect upon such filing and Debtor will have to affirmatively move for a stay on notice to creditors. Accordingly, Movant effectively has the same relief.

**Party Information**

**Debtor(s):**

Helmuth Von Bulow

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Helmuth Von Bulow**

Robert K Wing

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:12-22702 Leslie Noel Twomey

Chapter 13

#12.00 Hearing RE: Debtor's Objection to Claim Number 2-1 The Claim of Azurea I, LLC [\$8,169.32]

Docket 107

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Proof of Claim filed 1/2/18; Notice of Withdrawal of Objection to Proof of Claim #2, Docket #107, filed 1/30/18

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Proof of Claim filed 1/2/18; Notice of Withdrawal of Objection to Proof of Claim #2, Docket #107, filed 1/30/18 - td (1/30/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:12-22702 Leslie Noel Twomey

Chapter 13

#13.00 Hearing RE: Debtor's Objection to Claim Number 3-1 The Claim of Lindia LLC  
[\$3,309.40]

Docket 108

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal  
of Proof of Claim filed 1/2/18; Notice of Withdrawal of Objection to Proof of  
Claim #3, Docket #108, filed 1/30/18

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Proof of Claim filed 1/2/18;  
Notice of Withdrawal of Objection to Proof of Claim #3, Docket #108,  
filed 1/30/18 - td (1/30/2018)**

Tentative Ruling:

**February 1, 2018**

Sustain Objection

Notice of non-opposition filed by claimant.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Debtor is required.***

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:12-22702 Leslie Noel Twomey

Chapter 13

#14.00 Hearing RE: Debtor's Objection to Claim Number 9-1 The Claim of Credit First  
NA [\$1,518.11]

Docket 111

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Sustain Objection

*Special Note: Debtor's spouse, Robert Twomey states in his declaration that he listed Credit First NA in his 2013 case (13-11337). He did not and, therefore, he theoretically could face liability under 523(b)(3). However, Debtor is not subject to 523(b)(3) and, for this reason, the discharge appears to cover her as the case was a no asset case and the time to file a proof of claim in Robert's converted chapter 7 case did not expire.*

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Debtor is required.**

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Leslie Noel Twomey**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:14-14520 Philip M. Arciero, Jr.

Chapter 11

#15.00 CON'TD Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay U.S. Trustee Quarterly Fees and Submit U.S. Trustee Post-Confirmation Reports

FR: 1-11-18

Docket 330

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion to dismiss. No opposition filed.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**February 1, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#16.00 CONT'D Hearing RE: Motion for Allowance of Unreduced Jixing Claim by Subbrogation Under 11 U.S.C. Section 509

FR: 12-14-17; 12-21-17

Docket 606

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/5/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Motion Continued to 4/5/18 at 10:30 a.m., Per Order  
Entered 1/30/18 (XX) - td (1/30/2018)**

**Tentative Ruling:**

**December 14, 2017**

Continue hearing to December 21, 2017 at 10:30 a.m., same date/time as hearing on Debtor's motion for entry of final decree. (XX)

***Note: Appearances at this hearing are not required.***

-----

**December 21, 2017**

The court strongly suggests that the parties meet and confer prior to the hearing to determine once and for all if a resolution can be reached, taking the following views/concerns of the court into account:

1. For reasons this court has already stated in prior hearings, it will not require Debtor to pay Jixing directly the full amount of its claim in light of the \$661k paydown by the Huas. The Huas assert this court's prior rulings on this issue were "erroneous" but ultimately declined to have the District Court resolve the matters on appeal and now come back to this court with essentially the same unsuccessful arguments.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

CONT... JBJ Pipe & Supply Co., Inc.

Chapter 11

2. On the other hand, the court is not persuaded by Debtor's argument that it will not enjoy a windfall but not having to pay Jixing or the Huas the \$661k. It alludes to vague "defenses" to the Hua's possible 509 claim but does not clearly articulate what such defenses would be. It is undisputed that the Huas paid approximately \$661k of the debt owed by Debtor to Jixing and, consequently, should be entitled to recovery from Debtor, whether via subrogation, reimbursement or contribution.

EVIDENTIARY RULINGS

A. Evidentiary Objections to Declaration of John Hua [docket #606]

<u>Para. Objected to</u>	<u>Ruling</u>
4	Overruled. The invoices are filed in RFJN Exh 1; The court can take judicial notice of the judgment and its content.
5	Sustained. Improper legal conclusion
7	Overruled
8	Overruled

B. Evidentiary Objections to Declaration of Chris Hua [docket #606]

<u>Para. Objected to</u>	<u>Ruling</u>
4	Overruled. The invoices are filed in RFJN Exh 1; The court can take judicial notice of the judgment and its content.
5	Sustained. Improper legal conclusion

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc. Chapter 11**

6 Sustained. Agreement speaks for itself

7 Overruled

8 Overruled

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#17.00 CON'TD Hearing RE:Reorganized Debtor's Motion for Entry of Final Decree Pursuant to Federal Rule of Bankruptcy Procedure 3022

FR: 12-21-17

Docket 604

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/5/18 AT 10:30 A.M,  
PER ORDER ENTERED 1/30/18 (XX)

Courtroom Deputy:

**CONTINUED: Motion Continued to 4/5/18 at 10:30 a.m., Per Order Entered 1/30/18 (XX) - td (1/30/2018)**

Tentative Ruling:

**December 21, 2017**

Deny motion so long as the Hua/Jixing controversy persists.

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#18.00 CON'TD Post-Confirmation Status Conference RE: Debtor and Official Committee of Unsecured Creditors' Joint Plan of Reorganization

(Set at Plan Conf. Hrg. held 6-15-16)  
FR: 12-15-16; 7-13-17

Docket 378

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/5/18 AT 10:30 A.M,  
PER ORDER ENTERED 1/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Post-Confirmation Status Conference Continued to 4/5/18  
at 10:30 a.m., Per Order Entered 1/30/18 (XX) - td (1/30/2018)**

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.; updated status report must be filed by June 29, 2017. (XX)

*Special note: The court is aware that objections to the Reorganized Debtor's motion to extend the time for filing objections to claim have been filed. That matter will be taken up in due course and not at today's hearing.*

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.**

-----

**July 13, 2017**

Continue postconfirmation status conference to January 18, 2018 at 10:30 a.m.; updated status report to be filed by January 11, 2018. (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

CONT... JBJ Pipe & Supply Co., Inc.

Chapter 11

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

Party Information

Debtor(s):

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#19.00** Hearing RE: Debtor's Objection to Claim Number 4 by Michelle Roe  
(\$32,500.00)

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Continue hearing to March 8, 2018 to allow Debtor correct service (service not made pursuant to the proof of claim -- which does not provide for service by email).

Tentative ruling for 3/8/18 hearing (if unopposed):

Disallow claim as a secured claim and recharacterize it as an interest in the subject property in accordance with the state court judgment (i.e., \$25,000 from proceeds from sale of the property plus any additional amounts to be distributed in accordance with paragraph 1(d) of the Settlement Agreement attached to the judgment); allow unsecured claim in the amount of \$2500 for unpaid attorneys fees owing to Claimant.

***Note: This matter appears to be uncontested; if Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with same within 7 days of today's hearing.***

**Party Information**

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Rosa M Harding**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

**8:16-11577 Cristhian Contador and Paige Contador**

**Chapter 11**

**#20.00** Hearing RE: Debtors' Motion for Order Authorizing the Filing of Documents Under Seal Prior to Approval of Compromise Motion and Limited Notice of Hearing on Compromise Motion

Docket 181

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Cristhian Contador

Represented By  
Arnold P Peter

**Joint Debtor(s):**

Paige Contador

Represented By  
Arnold P Peter

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#21.00 Hearing RE: Motion For Order Approving Sale Procedures

Docket 153

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/15/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/31/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 2/15/18 at 10:30 a.m., Per Order  
Entered 1/21/18 (XX) - td (1/31/2018)**

**Tentative Ruling:**

**February 1, 2018**

Approve sale procedures except as to the amount of the proposed break up fee, which will be capped at 5%.

The court will not approve a break up fee in excess of 5%. The proposed break up fee here is at least 10%. Five percent is generous. See, e.g., *In re Integrated Resources (approximately 3%) and In re JW Res. Inc*, 536 B.R. 193, 195 (Bankr. ED Ky 2015 (recognizing common break up fee amount of 1-2%).

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stuart Moore (USA) Ltd.**

Thomas H Casey  
Jeffrey S Shinbrot

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

#22.00 CON'TD Hearing RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]

FR: 11-30-17

Docket 62

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/8/2018 AT 10:30 A.M.,  
PER STIP. & ORDER ENTERED 1/19/2018.**

**Courtroom Deputy:**

**CONTINUED TO 3/8/2018 AT 10:30 A.M., PER STIP. & ORDER ENTERED  
1/19/2018. - adm (1/19/18)**

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018. (XX)

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12177 Christopher Quentin Chappell**

**Chapter 13**

**#23.00** Hearing RE: Debtor's Objection to Claim of Internal Revenue Service, Claim 1  
(\$166,644.85)

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Continue hearing to March 8, 2018 at 10:30 a.m. allow Debtor to correct service issue: IRS was not properly served at the addresses set forth in the Court Manual, Appendix D, 2.1, 2.4 (no service was made to the Civil Process Clerk of the US Attorneys Office or to the US Attorney General).

Tentative ruling for 3/8/18 hearing (if unopposed): Sustain objection.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Quentin Chappell

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#24.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-17-17; 11-16-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date:	Oct. 23, 2017 (notice by 8/21/17)
Deadline to file Plan/Discl. Stmt:	Nov. 1, 2017
Continued Status Conference: updated	Nov. 16, 2017 at 10:30 a.m.;
	status report to be filed by 11/2/17 unless the plan/discl. stmt has been timely filed, in which case the no status report need be filed and the status conference will be continued
to	
(XX)	the date of the discl. stmt hearing.

***Note: If Debtor accepts the foregoing tentative ruling and is in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership  
November 16, 2017

Chapter 11

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.*

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

<b>Party Information</b>
--------------------------

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12412 Curtis William Hague**

**Chapter 7**

**#25.00** Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Approving Sale of Real Property [21932 Montbury Drive, Lake Forest, California 92630-6507, APN 613-282-03] Pursuant to 11 U.S.C. Section 363(b) and (f); (2) Approving Compensation of Real Estate Broker; (3) approving Overbid Procedures (4) Approving Distribution of Sale Proceeds; (5) For a Good Faith Finding Pursuant to 11 U.S.C. Section 363(m); (6) For Turnover; and (7) Waiver of The Stay of Rule 6004(h)

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Approve motion, subject to overbid and with modifications requested by Movant and with conditions requested by Caliber Home Loans

<b>Party Information</b>
--------------------------

**Debtor(s):**

Curtis William Hague

Represented By  
Richard G Heston

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#26.00** CON'TD Hearing RE: Individual Debtor's Disclosure Statement in Support of Plan of Reorganization

FR: 12-14-17

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow Debtor to file an amended plan and disclosure statement. Amended plan and disclosure statement must be filed no later than January 11, 2018; any comments/opposition must be filed by January 18, 2018 and any reply by January 25, 2018 (XX)

Comments re the Disclosure Statement:

1. Debtor needs to address the objection raised by the UST re the treatment of tax claims.
2. DS page 2, Part 1, A: Debtor's DS indicates that Debtor will pay Tang & Associates its estimated fees of "\$10,000 on or before the effective date of the Plan." However, Debtor's Plan at page 2, A. refers to estimated professional fees of only "\$5,000." Debtor's declaration at paragraph 7 states that the estimated fees are \$10,000 and that Debtor's attorney has agreed to be paid in monthly installments of \$500 for 20 months. Debtor should address this discrepancy.
3. DS page 2, Part 1, B: Debtor's DS refers to Article II of the Plan. However, Article II of the Plan, under Class (b) indicates an Interest rate of 6%, while the subsequent paragraph indicates an interest rate of 5%. Debtor should

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kathy Elizabeth McDonald**

**Chapter 11**

amend the Plan to reflect the correct interest rate.

4. DS page 4, Part 3, C: Debtor's DS includes the following notation: "Debtor stated receiving rental income of \$5,000 beginning in June 2017." However, Debtor's declaration of current/postpetition income and expenses reflects "Income from rental property" as "\$4,000." See DS, Ex. A, p.2.

5. DS page 4, Part 3, D: Debtor marked the box for "Other sources of income," but no explanation follows. Notably, Debtor's Plan does not have the box for other sources of funding marked. If there are no other sources of income, Debtor should correct the DS to reflect the correct sources of income.

***Note: If Debtor and UST accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**February 1, 2018**

Subject to modifications noted below, the disclosure statement will approved and the following confirmation schedule will apply:

Confirmation Hearing Date: Apr.12, 2018 at 10:30 a.m.

Deadline to file final version of DS: Feb. 8, 2018

Deadline to serve plan/DS/Order/ballot: Feb. 22, 2018

Deadline to return ballot/file obj. to plan: Mar. 23, 2018

Deadline to file confirmation brief (including 1129 evidence re feasibility) and ballot tally analysis: Mar. 30, 2018

Court's comments re the amended disclosure statement:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kathy Elizabeth McDonald**

**Chapter 11**

1. Pg. 2: Re tax claims, para C: The first sentence states that 507(a)(8) will be paid on the effective date of the Plan. However, it appears that only the FTB priority claim will be paid on the Effective Date; the IRS claim is being paid over time.

1. Pg 5: Does the \$628 referred to under "Other Plan payments on the Effective Date" reflect the amount owed to FTB? If so, should the amount be \$677.27?

2. Pg 6: The source of the borrowed funds of \$3,000 and repayment terms should be disclosed.

3. Exhibit C (list of unsecured creditors):

a. Need to confirm the amount of the IRS's unsecured claim. Debtor lists it as \$10,000 but the proof of claim indicates \$18,775.58

b. Exhibit C does not include the unsecured claim of the FTB in the amount of \$9,132.91.

c. How will the additional unsecured debt of \$17,908.49 affect the distribution percentage to Class 6 which is currently at 1%? [Plan at p. 6]

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#27.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-31-17; 11-30-17; 12-14-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Claims bar date:	10/31/17
Deadline to serve bar date notice:	9/1/17
Deadline to file plan/discl. stmt.:	11/9/17
Continued Status Conf:	11/30/17 at 10:30 a.m. (XX)
Updated Status Report due:	11/16/17*

\*If the plan and discl. stmt are timely filed the requirement of an updated status report on 11/16/17 will be waived.

-----

**November 30, 2017**

Continue status conference to December 14, 2017 at 10:30 a.m., same date/time set for hearing on approval of Debtor's disclosure statement; updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----

**December 14, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kathy Elizabeth McDonald**

**Chapter 11**

Continue status conference to February 1, 2018 at 10:30 a.m.; updated status report not required. (XX)

-----

**February 1, 2018**

Continue status conference to April 12, 2018 at 10:30 a.m.; updated status report not required.

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is the responsibility of Debtor to confirm such compliance with the UST prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

**8:17-13182 Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**#28.00** Hearing RE: Debtors' Motion for Authority to Enter into Loan Modification Agreement

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

#29.00 Hearing RE: Motion for extension of time to file a complaint objecting to discharge

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant motion on condition that Movant files, within 24 hours of the hearing, the unfiled declaration of counsel and exhibits referenced in the Motion. No further extensions will be granted.

The Motion does not include the Declaration of Bradley D. Blakeley or the exhibits thereto referenced on p. 3, lines 1-8 of the Motion, nor could the court locate a separately filed declaration on the court docket.

Overrule Debtor's objections. Sixty days is not unreasonable and will not unduly delay Debtor's discharge.

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Maria H. Helton-Rehburg

Represented By  
Christopher P Walker

**Movant(s):**

Lisa M. Rehburg

Represented By  
Bradley D Blakeley

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Maria H. Helton-Rehburg**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13798 Maria De Cruz Flores**

**Chapter 13**

**#30.00** CONT'D Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence

FR: 11-30-17

Docket 40

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/15/18 AT 10:30 A.M.,  
PER ORDER ENTERED 1/25/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 2/15/18 at 10:30 a.m., Per Order  
Entered 1/25/18 (XX) - td (1/25/2018)**

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018.

Additional comments:

1. The court is satisfied that Exhibit 3 to the Motion sufficiently establishes the principal amount owed on the senior loan. Respondent's objection on this point is, therefore, overruled absent proof from Respondent that the balance is incorrect.
2. Respondent seeks an order of the court that avoidance of its lien must be conditioned on both completion of plan payments and entry of discharge. Entry of discharge appears to be inconsistent (and therefore unenforceable) in light of the 9th Circuit's decision in *In re Blendheim*, 803 F.3d 477, 496-497 (9th Cir. 2015) (Discharge is not required to permanently strip lien). In any supplemental opposition, Responding party will need to provide legal analysis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 01, 2018

Hearing Room 5A

10:30 AM

CONT... **Maria De Cruz Flores**

**Chapter 13**

supported by case law in light of *Blendheim*.

3. The court has no problem with including in an order granting the Motion that the no lien strip will be effectuated where there is a dismissal or the case or conversion to chapter 7.

4. Re the request for an order re application of surplus funds in the event of a foreclosure by the senior lienholder, the court declines to include any findings or language in this regard. The court will not issue any advisory rulings based on future scenarios. For example, the foreclosure could happen years after Debtor completes all plan payments and receives a permanent avoidance order. Respondent presents no legal authority for the proposition that it would be entitled to receive anything from any surplus under that scenario.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria De Cruz Flores

Represented By  
Jessica E Rico

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13907 Mark Anthony Baez**

**Chapter 7**

**#31.00** Hearing RE: Motion for Order Extending Deadline for Filing an Adversary Complaint Pursuant to 11 U.S.C. §727 and/or Motion to Dismiss Case Under and Pursuant to 11 U.S.C. §707(b)

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark Anthony Baez

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 01, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14063 Slobodan Cuk**

**Chapter 11**

**#32.00** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 12-14-17

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

Take matter off calendar in light of granting of UST's motion to dismiss case.

***Note: Appearances at this hearing are not required.***

-----

**February 1, 2018**

It appears the automatic stay expired in this case around November 12, 2017. Given that the case was filed to retain Debtor's residence, how will the lack of a stay impact reorganization?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Slobodan Cuk

Represented By  
Chris T Nguyen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13650 Giuseppe Galietta**

**Chapter 13**

Adv#: 8:17-01228 Galietta et al v. Vinci

**#1.00 STATUS CONFERENCE RE: Complaint for: (1) Avoidance of Preferential Transfers Pursuant to 11 U.S.C. Section 547(b)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: Adversary proceeding voluntarily dismissed by Plaintiffs on 1/31/18**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Off calendar; adversary proceeding voluntarily dismissed by Plaintiffs on 1/31/18 [docket #4].

<b>Party Information</b>
--------------------------

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber

**Defendant(s):**

Janice M Vinci

Pro Se

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber

**Plaintiff(s):**

Giuseppe Galietta

Represented By  
Fritz J Firman

Heldia F DeGalietta

Represented By  
Fritz J Firman



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Giuseppe Galietta**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 08, 2018

Hearing Room 5A

10:00 AM

8:17-14925 Christopher Earl Hobson and Aida Ospino Hobson

Chapter 7

#2.00 Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

CITIMORTGAGE, INC.

VS.

DEBTORS

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant with 4001(a)(3) waiver.

No equity in property after taking into account costs of sale (8% est).

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Christopher Earl Hobson

Represented By  
Harlene Miller

**Joint Debtor(s):**

Aida Ospino Hobson

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT... Christopher Earl Hobson and Aida Ospino Hobson  
Harlene Miller**

**Chapter 7**

**Movant(s):**

CitiMortgage, Inc., its assignees

Represented By  
Jennifer C Wong

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10079 Glen M Passaretti**

**Chapter 7**

**#3.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

CHIEN TZU SU

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Glen M Passaretti

Pro Se

**Movant(s):**

Chien Tzu Su

Represented By  
Theresa A Jones

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Glen M Passaretti**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#4.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 5

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

The court is inclined to deny the motion for the following reasons:

1. Debtor's income, including "family contributions", has decreased from \$4751.67 to \$3099.00 since the 2017 bankruptcy filing and arrearages have increased from \$33,000 to \$42,000. No explanation provided. Clearly, Debtor has not made any mortgage payments since the dismissal of the 2017 bankruptcy case.
2. As Debtor is retired and only has Social Security income, it is not apparent to the court why Debtor's illness in the 2017 was a factor causing the dismissal of the case.
3. Debtor's plan depends almost entirely upon family contributions of approximately \$2000. No declaration has been presented by any family member re ability and willingness to contribute \$120,000 to Debtor's plan.

In sum, insufficient evidence of changed circumstances supporting Debtor's position that this case will be any more successful than the 2017 case.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Willie Marie Singletary**

**Chapter 13**

**Movant(s):**

Willie Marie Singletary

Represented By  
Luis G Torres  
Luis G Torres  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-20817 Rosario Perry**

**Chapter 11**

**#5.00** Hearing RE: Debtor In Possession's Motion For Discharge, Lien Avoidance, Final Decree And Order Closing Case

Docket 171

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion in part as follows: 1) Grant request for immediate discharge and final decree, 2) Grant closing of case effective April 13, 2018, 3) deny request to strip liens without prejudice to filing a separate motion for such relief on notice to affected creditors per FRBP 7004(b)(3) or 7004(h), whichever is applicable.

*Special note: the court is requiring a separate lien strip motion because the motion was not served on the affected creditors per 7004.*

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Rosario Perry

Represented By  
Michael D Franco



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

**#6.00** Hearing RE: Debtor's Motion to Dismiss Chapter 7 Case

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Deny motion.

Debtor has not established sufficient cause for dismissal of the case by failing to establish that dismissal will not result in legal prejudice to the estate or creditors of the estate. *In re Sherman*, 491 F.3d 948, 970 (9th Cir. *Hickman v. Hana (In re Hickman)*, 384 B.R. 832. The court incorporates by reference that Trustee's arguments in its Opposition at pp 6-8. Importantly, the remaining unsecured creditors, Peggy Cain, Jeff Cain and Heli-Ops International LLC join in the Trustee opposition to the motion.

The court disagrees that that the two issues framed by Debtor in her Reply must necessarily be decided in order for the court rule on the Motion. First, Debtor appears to completely ignore the ruling of the court on the Trustee's motion for summary judgment (see tentative ruling for January 11, 2018 hearing) re the Trustee's entitlement to more than 25%. Second, the briefing for the proposed findings of fact and conclusions of law re partial adjudication remains outstanding. Third, Debtor did not address the possible adverse effect, i.e., legal prejudice, of Nevada homestead exemption law on the Cains.

Debtor urges this court to adopt the "practical result" in *In re Kaur*, 510 B.R. 281 (Bankr.ED Cal. 2014). The actual result in *Kaur* is that the court denied the motion to dismiss. In *Kaur*, Debtor had paid all unsecured creditors and only the trustee's administrative claims remained at the time the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

10:30 AM

CONT... **Margaret Allen Rawson**

**Chapter 7**

motion to dismiss was filed. The case had no non-exempt assets save the trustee's fraudulent transfer action against the debtor's daughter which had not yet been adjudicated. Contrary to Debtor's assertion that the court granted the motion to dismiss, in fact, the court denied the motion but allowed that if the parties on their own could reach an agreement regarding the payment of the administrative expenses, the court would allow dismissal without further hearing. In reaching the conclusion that an outright dismissal was not appropriate, the court made the following observations:

"In this case, the pool of interested parties includes administrative claimants, who, unlike the other unsecured (lower-priority) creditors, have not been paid. Cf. Hall, 15 B.R. at 915 (providing that trustee "has standing to object [to debtor's motion to dismiss] on the grounds that his fees, costs or expenses must be paid before the case may be dismissed"). The pool of interested parties must also include the estate itself. See Stalnaker v. DLC, Ltd., 376 F.3d 819, 823–24 (8th Cir.2004). Here, the Debtor cannot show that administrative claimants and the estate would not be prejudiced by an outright dismissal of her case."

"Indeed, the administrative claimants would clearly suffer prejudice by a dismissal of the Debtor's case since dismissal will necessarily terminate their ability to get paid for rendering services to the estate. The Debtor argues that since there are currently no nonexempt estate assets from which to pay administrative expenses, those claimants would get paid nothing whether or not the case gets dismissed. With regard to the Trustee's pending Adversary Proceeding against Jasvir, the Debtor argues that the Residence has not yet been recovered and liquidated and therefore cannot be used to pay administrative expenses at this time. However, simply because the Trustee has not yet recovered the Residence does not mean that the Trustee will never recover the Residence.<sup>10</sup> It still remains a possible \*287 source of payment. If dismissal is ordered now, that necessarily puts an end to the Trustee's Adversary Proceeding and to any opportunity he may have to pay the administrative expenses. See In re Hopper, 404 B.R. 302, 307 (Bankr.N.D.Ill.2009) ("Legal prejudice is found to exist where assets which would otherwise be available to creditors are lost because of the dismissal."). "

"[A]llowing the Debtor to dismiss her case outright at this time effectively punishes the Trustee for diligently performing his statutory duties and acting in the best interests of the estate. Until the case is closed, the estate still exists, even after all prepetition unsecured claims have been paid. So long as nonexempt assets are available, the estate has not been fully administered until its administrative obligations have also been paid. Under these circumstances, dismissal before the estate can be fully administered would do violence to the bankruptcy process, creating a disincentive for trustees to work expeditiously in augmenting the estate so that creditors can receive the maximum recovery on their claims. Thus, the estate would also be prejudiced by an early dismissal of this case."

"[T]he court finds and concludes that dismissal under § 707(a) is not appropriate, and

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

10:30 AM

**CONT... Margaret Allen Rawson**

**Chapter 7**

the Motion will be *denied*. However, the court appreciates that the ultimate goal is to achieve some finality with regard to the proceedings in this court and to end the accrual of legal fees, on both sides, without unduly burdening the Trustee and his professionals who have worked to administer the estate. Therefore, the case may hereafter be dismissed at any time, without a further hearing, *upon a showing that the Debtor and the Trustee have reached an agreement* to provide for payment of the reasonable and necessary chapter 7 administrative expenses. In that event, the terms of such agreement need only be disclosed to and approved by the United States Trustee and need not be approved by this court."

510 B.R. at 286-289.

As in *Kaur*, if Debtor, the Cains and the Trustee reach an agreement regarding the resolution of this matter, the parties may submit a stipulation and no further hearing will be required.

*Special Note:* Regarding Debtor's quote from *Kaur* at p. 11, lines 18-24 of the Motion, the court notes that omitted last sentence of the cited paragraph:

"However, that policy requires an assessment of the circumstances existing at the time that the trustee and his or her professionals incurred their fees. See *Mednet*, 251 B.R. at 108 (stating that "the applicant must demonstrate only that the services were 'reasonably likely' to benefit the estate at the time the services were rendered").

**Party Information**

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew  
David A Tilem

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Misty A Perry Isaacson  
Donald W Sieveke  
Chad V Haes  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

10:30 AM

8:15-13261 Bruce R Fink

Chapter 13

#7.00 Hearing RE: Debtor's Motion to Vacate Dismissal of Case Under Rule 60

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion on conditions requested by trustee and on the additional condition that Movant file a notice of change of address as required by Local Bankruptcy Rule 1002-1(a)(2) within **twenty four hours** of today's hearing. Failure to file a notice of change of address by February 9, 2018 will result in denial of the Motion.

***Note: If Debtor and the Chapter 13 trustee accept the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

10:30 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#8.00 Hearing RE: Debtors' Motion for Order Disallowing Claim of Ocwen Loan Servicing, LLC, Claim #12

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13328 Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**#9.00** CON'TD Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

FR: 1-11-18

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

This matter will need to be set for an evidentiary hearing.

Proposed schedule:

Discovery cut-off date: March 16, 2018

Evidentiary Hearing: April 25, 2018 at 9:00 a.m.

-----

**February 8, 2018**

Movant to advise the court re the status of this matter. Has discovery been taken? Does the discovery/evidentiary schedule set forth for the January 11, 2018 hearing (see above) work?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jesus Villicana Nieto

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**Joint Debtor(s):**

Dalia R Nieto

Represented By  
Stephen L Burton

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13945 Stacey Lyn Rozell**

**Chapter 7**

**#10.00 CON'TD Hearing RE: Motion for Order Determining Value of Collateral**

FR: 1-11-18

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Continue hearing to February 8, 2018 at 10:30 a.m. to allow Debtor to file and serve supplemental evidence/pleading by January 25, 2018. (XX)

The declaration and evidence submitted in support of the Motion is confusing, incomplete and incoherent.

1. Why is private party value being used? How is this consistent with the Supreme Court's decision re value in *Rash*? How is "averaging" the values of KBB and NADA consistent with *Rash*?
2. What exactly is the condition of the vehicle? Fair, Good, Very Good, Excellent (KBB), or Rough, Average, Clean Trade In, Clean Retail (NADA)?
3. It is Debtor's responsibility to provide a coherent analysis of value consistent with *Rash*.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**February 8, 2018**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stacey Lyn Rozell**

**Chapter 7**

Deny motion -- supplemental pleading not timely filed by January 25, 2018 as ordered at the January 11, 2018 hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**Movant(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

10:30 AM

8:17-14846 Kathy Vuong

Chapter 7

#11.00 Hearing RE: United States Trustee's Motion to Dismiss Chapter 7 Case, with a Three Year Bar to Refiling Pursuant to 11 U.S.C. Sections 707(b)(3)(A), 105(a), 109(g) and 349

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion in its entirety.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Vuong Pro Se

**Trustee(s):**

Thomas H Casey (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10011 Vitacore Holdings, LTD**

**Chapter 7**

**#12.00** Hearing RE: Order to Show Cause Why this Case Should not be Dismissed Due to Failure to Comply with Local Bankruptcy Rule 9011-2(a) (OSC Issued 1/9/18)

Docket 7

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 1/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 1/25/2018 - td (1/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vitacore Holdings, LTD

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

2:00 PM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#13.00** Hearing RE: Defendant's Motion in Limine No. 1 to Exclude All Evidence Related to Unpled Claims and Theories

Docket 208

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion to exclude any theory of denial of discharge under Section 727 (a) based on the means test. Deny in all other respects.

*Special note:* The court will consider ordering the parties to a judicial settlement conference.

Comments of the Court/ Basis for Tentative Ruling

1. Reminiscent of the original pretrial stipulation [docket #206], the Motion, Opposition, and Reply collectively barely articulate coherent positions from which this court can glean a basis for granting or denying relief. In the court's view, both parties have contributed to elevating what should be a relatively straightforward adversary proceeding to one of unwarranted complexity and convolution.

2. Defendant asserts in the Motion that it is based on Plaintiff's "newly disclosed theories of liability" that were not pled in the Second Amended Complaint ("SAC"). First, denial of discharge under Section 727(a) has nothing to do with the establishment of "liability," that is, a debt owed to a creditor. Rather, it relates solely to whether a debtor, based upon conduct or circumstances specified therein, is not entitled to be relieved of personal liability for a debt. Second, assuming that by "theories of liability," Defendant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 08, 2018

Hearing Room 5A

---

2:00 PM

CONT...

**Robert David Suer**

**Chapter 7**

means that Plaintiff is improperly seeking to add a new theory for denial of discharge under Section 727(a), Defendant, with one exception, fails to identify the new theory for denial of discharge. The exception appears at page 6 of the Motion, to wit:

"In the Pretrial Stipulation, DL contends for the first time that Suer's liability [sic] is premised on the theory that 'Suer improperly underreported his income and/or assets to avoid being subjected to the 'Means Test,' which is required for debtors to qualify for chapter 7 protection." Motion at 6.

Other than the Means Test theory, no other new theories for denial of discharge are clearly articulated.

3. The court is inclined to grant the motion as to the Means Test theory only because 1) eligibility to be a chapter 7 debtor is not a stated exception to discharge under 727(a), 2) Defendant did disclose in his schedules that income was being funneled into his wholly owned LLC (as conceded by Plaintiff) so no concealment or nondisclosure in that regard is apparent, and 3) any issue of irregularity regarding the means test requirement could have, and should have been, addressed by the chapter 7 trustee or the U.S. Trustee.

4. Defendant seeks to exclude all tax documents without identifying any other "new" theories. The court notes that the SAC alleges commingling of Defendant's and BCCC's funds and the transfer of property from Defendant to BCCC in paragraphs 64-68.

5. The SAC doesn't mention violation of the means test provisions of the Code and, again, the court is not clear how such would implicate 727(a)(2), (3) or (4). Plaintiff's opposition sheds no light on this point. To the extent Plaintiff is requesting through the opposition that it be allowed to amend the complaint to add this allegation, such request is denied as untimely. The court set aside *this date* for pretrial motions -- a motion to amend was not mentioned in the original pretrial stipulation and no motion has been filed to date. Parenthetically, the court does not understand the reason or purpose for the submission of the documents attached to the declarations of Michael Sobkowiak and Monika Wiener in support of the Opposition.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 08, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Robert David Suer**

**Chapter 7**

**Party Information**

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/12/18 AT 9:30 A.M.,  
PER ORDER ENTERED 2/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 4/12/18 at 9:30 a.m., Per  
Order Entered 2/2/18 (XX) - td (2/2/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29 , 2017 if a settlement has not been approved by such date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/12/18 AT 9:30 A.M.,  
PER ORDER ENTERED 2/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 4/12/18 at 9:30 a.m., Per  
Order Entered 2/2/18 (XX) - td (2/2/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Donald Woo Lee

Chapter 7

-----  
**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

-----  
**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By

David Wood

Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10760 Mary Helen Leonard**

**Chapter 7**

Adv#: 8:17-01229 Kosmala v. Lippe Wood Company

**#3.00 STATUS CONFERENCE RE: Complaint for Declaratory Relief; Quiet Title; and Avoidance of Transfer**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed for failure to timely file a status report in this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Defendant(s):**

Lippe Wood Company

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10015 Nathan T. Blea and Briana M. Blea**

**Chapter 13**

**#4.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTORS

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

If Debtors are current, grant adequate protection order.

An adequate protection order, as opposed to denial, is appropriate because 1) Debtors offer no explanation as to why they have not made August 2017 payment as of February 1, 2018 (Declaration of Debtor Brianna Blea admits in paragraph 8 that Debtors remain behind re the August payment), and 2) Debtors admit they are delinquent re the January 2018 payment.

Debtors' argument that the Motion is untimely borders on frivolous. The proof of service indicates that service by mail was timely conducted on January 25, 2018. Debtors complain that the mailing was not postmarked until one day later on January 26, 2018. If, for example, the final postal pick-up is 5:00 pm and the pleading was delivered to the postal office at 5:05 pm on January 25, service would be timely -- even though the envelope would not be postmarked until the following day. Rule 9013-1(d) does not have a "postmark" requirement.

***Note: If the parties have reached the terms of an adequate protection***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

10:00 AM

CONT... Nathan T. Blea and Briana M. Blea Chapter 13  
*order but require more time to memorialize and file it, the matter may be continued to March 8, 2018 at 10:00 am by making an oral request during the court clerk's roll call at the time of the hearing.*

**Party Information**

**Debtor(s):**

Nathan T. Blea

Represented By  
Joseph M Hoats

**Joint Debtor(s):**

Briana M. Blea

Represented By  
Joseph M Hoats

**Movant(s):**

U.S. BANK, NA AS LEGAL TITLE

Represented By  
Diane Weifenbach

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 15, 2018

Hearing Room 5A

10:00 AM

8:17-12272 Raul Alba

Chapter 13

#5.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Raul Alba

Represented By  
R Grace Rodriguez

**Movant(s):**

U.S. Bank National Association

Represented By  
Darlene C Vigil



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Raul Alba**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14693 Kelli L Ennes**

**Chapter 7**

**#6.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FORD MOTOR CREDIT COMPANY  
VS.  
DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kelli L Ennes

Represented By  
Christie Cronenweth

**Movant(s):**

Ford Motor Credit Company

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Kelli L Ennes**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14719 Oliver Fidel Brito**

**Chapter 7**

**#7.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
ALASKA USA FEDERAL CREDIT UNION  
VS.  
DEBTOR

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Oliver Fidel Brito

Represented By  
Luis G Torres

**Movant(s):**

Alaska USA Federal Credit Union

Represented By  
Bonni S Mantovani

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Oliver Fidel Brito**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14834 Naser Ashraf**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Naser Ashraf

Represented By  
Brian J Soo-Hoo

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Naser Ashraf**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#8.10** CONT'D Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

FR: 2-8-18

Docket 5

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

The court is inclined to deny the motion for the following reasons:

1. Debtor's income, including "family contributions", has decreased from \$4751.67 to \$3099.00 since the 2017 bankruptcy filing and arrearages have increased from \$33,000 to \$42,000. No explanation provided. Clearly, Debtor has not made any mortgage payments since the dismissal of the 2017 bankruptcy case.
2. As Debtor is retired and only has Social Security income, it is not apparent to the court why Debtor's illness in the 2017 was a factor causing the dismissal of the case.
3. Debtor's plan depends almost entirely upon family contributions of approximately \$2000. No declaration has been presented by any family member re ability and willingness to contribute \$120,000 to Debtor's plan.

In sum, insufficient evidence of changed circumstances supporting Debtor's position that this case will be any more successful than the 2017 case.

-----

**February 15, 2018**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Willie Marie Singletary**

**Chapter 13**

Only one contribution declaration was filed -- the same declaration was filed twice [docket #s 18 and 19]

<b>Party Information</b>
--------------------------

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Movant(s):**

Willie Marie Singletary

Represented By  
Luis G Torres  
Luis G Torres  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-26508 Thomas Martin Nockold and Catherine Lynne Nockold**

**Chapter 13**

**#9.00** Hearing RE: Debtors' Motion to Vacate Dismissal and Reinstate Chapter 13 Case

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant motion on the following limited basis: dismissal order vacated and case reinstated for the sole purpose of allowing the Chapter 13 trustee to disburse the funds on hand to Wells Fargo per its filed proof of claim so that the plan can be completed and discharge order entered. The court will not entertain another objection to the Wells Fargo Claim. Instead, Debtor's counsel shall remit to Debtors the amount of the alleged overpayment of \$2,000.00.

The court will not entertain another claim objection for the following reasons:

1. The August 22, 2017 motion to dismiss hearing was continued to October 24, 2017 because the first objection to Well Fargo's plan was actually pending as of August 22, 2017. The objection was overruled at a hearing held on October 5, 2017 due to substantial deficiencies.
2. At the time of the October 24, 2017 motion to dismiss hearing, no objection to the motion had been filed, there was no pending objection to claim (contrary to Debtors' counsel's declaration in support of this Motion) as the second objection was not filed until October 30, 2017, and Debtors' counsel failed to attend the October 24 hearing. Had Counsel filed the second objection prior to the continued motion to dismiss hearing (he had nearly three weeks to do so from the October 5 claim objection hearing), the October 24, 2017 hearing might have been continued. He failed to do so and,

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas Martin Nockold and Catherine Lynne Nockold  
therefore, he should bear the cost of such failure.

Chapter 13

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Movants shall lodge an order consistent with the same within 7 days of the hearing.**

Party Information

**Debtor(s):**

Thomas Martin Nockold

Represented By  
Rajiv Jain

**Joint Debtor(s):**

Catherine Lynne Nockold

Represented By  
Rajiv Jain

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

8:14-12082 Joseph J. Munoz, MD, Inc.

Chapter 11

#10.00 Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay U.S. Trustee Quarterly Fees and Submit U.S. Trustee Post-Confirmation Reports

Docket 258

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/8/2018 AT 10:30 A.M.  
PER ORDER ENTERED 2/12/18 (XX)

Courtroom Deputy:

**CONTINUED: Order Granting Stipulation Between the Reorganized Debtor and The United States Trustee to Continue the Motion to Dismiss or Convert Reorganized Debtor's Case to Chapter 7 Pursuant to 11 U.S.C. Section 1112(b); Continued to 3/8/16 at 10:30 a.m. (XX) - Liz (2/1218)**

Tentative Ruling:

**February 15, 2017**

Grant motion to dismiss; judgment in favor of UST for any unpaid quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#11.00 CON'TD Hearing RE: Motion For Order Approving Sale Procedures

FR: 2-1-18

Docket 153

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Approve sale procedures except as to the amount of the proposed break up fee, which will be capped at 5%.

The court will not approve a break up fee in excess of 5%. The proposed break up fee here is at least 10%. Five percent is generous. See, e.g., *In re Integrated Resources (approximately 3%) and In re JW Res. Inc*, 536 B.R. 193, 195 (Bankr. ED Ky 2015 (recognizing common break up fee amount of 1-2%).

-----

**February 15, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Same tentative ruling as for 2/1/18. See above.

***Special Note: No opposition was filed in connection with the originally scheduled hearing (February 1, 2018). However, A substantive late opposition was filed on 2/13/18 by Petitioning Creditors. No explanation as to why the opposition was just two days prior to the hearing has been provided. This court will not consider this pleading or allow argument re the same at the hearing.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

8:17-13798 Maria De Cruz Flores

Chapter 13

#12.00 CONT'D Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence

FR: 11-30-17; 2-1-18

Docket 40

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Debtor's Motion to Avoid Lien under 11 U.S.C. §522(f) (Real Property) [Settled by Stipulation] Entered 2/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Debtor's Motion to Avoid Lien under 11 U.S.C. §522(f) (Real Property) [Settled by Stipulation] Entered 2/13/2018 - td (2/13/2018)**

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018.

**Additional comments:**

1. The court is satisfied that Exhibit 3 to the Motion sufficiently establishes the principal amount owed on the senior loan. Respondent's objection on this point is, therefore, overruled absent proof from Respondent that the balance is incorrect.
2. Respondent seeks an order of the court that avoidance of its lien must be conditioned on both completion of plan payments and entry of discharge. Entry of discharge appears to be inconsistent (and therefore unenforceable) in light of the 9th Circuit's decision in *In re Blendheim*, 803 F.3d 477, 496-497

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

CONT... **Maria De Cruz Flores** **Chapter 13**

(9th Cir. 2015) (Discharge is not required to permanently strip lien). In any supplemental opposition, Responding party will need to provide legal analysis supported by case law in light of *Blendheim*.

3. The court has no problem with including in an order granting the Motion that the no lien strip will be effectuated where there is a dismissal or the case or conversion to chapter 7.

4. Re the request for an order re application of surplus funds in the event of a foreclosure by the senior lienholder, the court declines to include any findings or language in this regard. The court will not issue any advisory rulings based on future scenarios. For example, the foreclosure could happen years after Debtor completes all plan payments and receives a permanent avoidance order. Respondent presents no legal authority for the proposition that it would be entitled to receive anything from any surplus under that scenario.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**February 15, 2018**

Grant motion.

Despite granting a continuance to permit Respondent an opportunity to file supplemental evidence, no new pleadings have been timely filed. No further continuances will be granted.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria De Cruz Flores

Represented By  
Jessica E Rico



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Maria De Cruz Flores**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 15, 2018

Hearing Room 5A

10:30 AM

8:17-14536 Thavy Tanksley

Chapter 7

#13.00 CON'TD Hearing RE: U.S. Trustee's Motion for Order Determining Whether Fees Paid to Counsel Where Excessive Under and Pursuant to 11 U.S.C. Section 329

FR: 1-11-18

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Grant motion to disgorge fees of \$595 in the current case; deny request for disgorgement in prior case (separate motion must be brought in the prior case). Fees must be remitted within 30 days of entry of the order granting the motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**February 15, 2018**

Same tentative ruling as for January 11, 2018. See above.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thavy Tanksley**

**Chapter 7**

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14772 David Gonzalez**

**Chapter 13**

**#14.00** Hearing RE: ORDER to Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -Installments (\$100.00 Due on 1/8/2018) (OSC Issued 1/10/2018)

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Dismiss case for failure to pay filing fee.

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Gonzalez Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#15.00** Hearing RE: Second Emergency Motion for Interim and Final Order Authorizing Debtor and Debtor in Possession to Use Cash Collateral Under 11 U.S.C. Section 363(e) Pertaining to the Secured Claims of The Internal Revenue Service and CA Department of Tax and Administration **(OST ENTERED 2/1/18)**

Docket 26

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of Second Emergency Motion, filed 2/5/18**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of Second Emergency Motion, filed 2/5/18 - td (2/5/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13621 Jose Manuel Medina**

**Chapter 7**

**#1.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. [RE: 2017 Subaru Outback - \$38,277.16]  
[CB CASE]**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Manuel Medina

Represented By  
Tina H Trinh

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14220 Brian Roger Le**

**Chapter 7**

**#2.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and TD Auto Finance, LLC [RE: 2014 Hyundai Sonata - \$19,005.47]  
[CB CASE]**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian Roger Le

Represented By  
Tina H Trinh

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14302 Fulge Moreno Aguilar**

**Chapter 7**

**#3.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Orange County's Credit Union [RE: 2013 Toyota Camry - \$16,811.10]  
[CB CASE]**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fulge Moreno Aguilar

Represented By  
Lauren M Foley

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14316 John Paul Marc Z. Escolar-Chua and Jacqueline R. Escolar Chapter 7**

**#4.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (RE: 2016 Honda Odyssey - \$5,318.55)**

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Paul Marc Z. Escolar-Chua

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Jacqueline R. Escolar-Chua

Represented By  
Christine A Kingston

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14529 Barbara Joan Dickenson**

**Chapter 7**

**#5.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Navy Federal Credit Union **[RE: 2014 GMC Light Duty Terrain - \$19,005.47]**  
**[CB CASE]**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Barbara Joan Dickenson

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14581 Sami Barack and Sharifa Barack**

**Chapter 7**

**#6.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and American Honda Finance Corporation **(RE: 2016 Honda Civic - \$3,744.32)**  
**[TA CASE]**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sami Barack	Pro Se
-------------	--------

**Joint Debtor(s):**

Sharifa Barack	Pro Se
----------------	--------

**Trustee(s):**

Thomas H Casey (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14581 Sami Barack and Sharifa Barack**

**Chapter 7**

**#7.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (RE: 2014 Honda CRV)  
[TA CASE]**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sami Barack	Pro Se
-------------	--------

**Joint Debtor(s):**

Sharifa Barack	Pro Se
----------------	--------

**Trustee(s):**

Thomas H Casey (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14874 Tuan Thanh Nguyen**

**Chapter 7**

**#8.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation **[RE: 2013 Toyota Sienna - \$3,440.00]**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tuan Thanh Nguyen	Pro Se
-------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:15-01459 Marshack v. AWP Energy, Inc

**#1.00** CON'TD Examination of Manho Joung for AWP Energy, Inc. RE: Enforcement of Judgment

FR: 1-17-18

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Examinee Manho Joung to appear in court to be sworn in by the court clerk. Thereafter, the examination will take place outside the courtroom.  
-----

**February 22, 2018**

Examinee Manho Joung to appear in court to be sworn in by the court clerk. Thereafter, the examination will take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

AWP Energy, Inc

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

8:15-12062 AAA Gold Exchange, LLC

Chapter 7

Adv#: 8:17-01008 Marshack v. Firouzgar et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint: 1) thru 5) To Avoid Fraudulent Transfers Pursuant to 11 USC Sections 544, 548 and Cal Civil Code Section 3439; 6) To Avoid Preferential Transfers Pursuant to 11 USC Section 547; 7) To Recover Avoidable Transfers Pursuant to 11 USC Section 550; 8) To Preserve Avoidable Transfers for the Benefit of the Estate Pursuant to 11 USC Section 551; 9) To Recover Unlawful Distributions Pursuant to Cal Corporations Code Section 17704; To Disallow Proofs of Claim Pursuant to 11 USC Section 502(d)

FR: 4-13-17; 7-13-17; 12-21-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Dismissal of Adversary Proceeding with Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed 1/31/18; No Answer Filed**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Dismissal of Adversary Proceeding with Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed 1/31/18; No Answer Filed - td (2/6/2018)**

**Tentative Ruling:**

**April 13, 2017**

Continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a motion for default judgment has not been filed by such date. (XX)

***Note: Appearance at this hearing is not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**July 13, 2017**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

CONT... AAA Gold Exchange, LLC

Chapter 7

Plaintiff to appear and advise the court 1) why a status report was not filed, and 2) why sanctions in the amount of \$100 should not be imposed.

***Note: Appearance at this hearing is required.***

-----

**December 21, 2017**

Continue status conference to February 22, 2018 at 9:30 a.m.; updated status report must be filed by February 8, 2018 if the adversary proceeding remains pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

AAA Gold Exchange, LLC

Represented By  
Illyssa I Fogel

**Defendant(s):**

Parviz Firouzgar

Pro Se

Stephen Kent

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Kyra E Andrassy  
Robert S Marticello

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#3.00** CON'TD PRE-TRIAL CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery:	July 1, 2016
Pretrial Stipulation due date:	August 18, 2016
Pretrial Conference:	Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

---

**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

---

**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

---

**November 30, 2017**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***

---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***

-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez	Represented By Marc C Forsythe
-----------------	-----------------------------------

**Defendant(s):**

Rosalva Ramirez	Represented By Marc C Forsythe
Jose Luis Ramirez Sr	Pro Se
Herman F Cea	Pro Se
The Ramirez Family Trust	Pro Se
Family Steel Corporation	Pro Se
First American Title Insurance	Pro Se
Olimpia Family Trust, Dated	Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rosalva Ramirez**

**Chapter 11**

**Plaintiff(s):**

Mayanin Sotelo

Represented By  
Michael Soroy

Salon Envious, Inc.

Represented By  
Michael Soroy

Aurelio Vera

Represented By  
Michael Soroy

Faviola Vera

Represented By  
Michael Soroy

**U.S. Trustee(s):**

United States Trustee (SA)

Represented By  
Frank Cadigan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12253 Pedro Carrillo**

**Chapter 7**

Adv#: 8:16-01199      Nguyen v. Carrillo

**#4.00**    PRE-TRIAL CONFERENCE RE: Complaint to Challenge Discharge 11 U.S.C.  
Section 727(a)(4)(A)

FR: 12-1-16; 3-16-17; 4-13-17; 5-11-17; 6-1-17; 9-21-17; 11-16-17

Docket      1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 1, 2016**

Discovery Cut-off Date:	Feb. 1, 2017
Pretrial Conference Date: (XX)	Mar. 16, 2017 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Mar. 2, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**March 16, 2017**

No tentative ruling. Disposition will depend upon the outcome of the hearing re motion to compel set for today's motion to compel. This matter will be trailed to the 10:30am calendar.

-----

**April 13, 2017**

At least one party must appear and advise the court re the status of the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo  
settlement.

Chapter 7

-----  
**May 11, 2017**

Continue as a Status Conference to June 1, 2017 at 10:30 a.m., same date/time as hearing on pending motion to compel.No status report required (XX)

*Special note: The pending motion to compel does not appear to satisfy the requirement of joint stipulation or alternative declaration re movant's drafting of such a joint stipulation and opposing party's refusal to participate in the preparation of the required joint stipulation.*

**Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.**

-----  
**June 1, 2017**

Continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report to be filed by September 7, 2017. (XX)

**Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.**

-----  
**September 21, 2017**

Continue status conference to November 16, 2017 at 9:30 a.m.; updated joint status report must be filed by November 2, 2017. (XX)

*Special note: If Defendant has not complied with a discovery order, it is Plaintiff's responsibility to seek further relief (e.g., contempt) from the court. The court will not grant relief sua sponte.*

**Note: Appearances at this hearing are not required.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

---

**November 16, 2017**

Though the parties have apparently entered into an agreement for judgment in favor of Plaintiff only re the 727 action, such agreement appears to be improper. The 727 action can only be "settled" by denying discharge as to all creditors. See e.g., *In re Armond*, 240 B.R. 51, 59 (Bankr.CD. Cal 1999) ("Where a creditor brings claims against a debtor under both § 727 and § 523, the plaintiff may not settle the claims by dismissing the § 727 claim and taking payment individually on the § 523 claim. Such conduct violates the fiduciary duties to the other creditors that the plaintiff has undertaken in asserting the § 727 claim. The fiduciary duty violation and the resulting tainted settlement can only be cured by turning the settlement over to the trustee for distribution to all creditors."). See also *In re Beltran*, 2010 WL 3338533 at \*6 (Plaintiff in 727 action cannot settle the same to benefit only himself when the purpose of the statute inures to the benefit of all creditors).

***Note: Appearance at this hearing is required.***

---

**February 22, 2018**

Comments re the Joint Pretrial Stipulation:

1. The sole claim for relief in this adversary proceeding is for denial of discharge under 727(a)(4), i.e., that Debtor knowingly and fraudulently made a false oath, account or claim in connection with this bankruptcy case.
2. It is not clear to the court how admitted fact #s 1, 2, 3 or 5 relate to 727(a)(4)
3. It is not clear to the court how disputed fact #s 1, and 2 in Section B relate to 727(a)(4).
4. None of the disputed facts set forth a basis for the alleged false oath, or false account or false claim by Debtor.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

5. Bottom line: the court is at a loss as to how this Stipulation sets forth the specific facts and issues to be tried as to the 727(a)(4) claim.

6. Why is the motion to compel discovery relevant to 727(a)(4)?

This joint stipulation needs to be modified and thought through more carefully.

***Note: Appearances at this hearing ARE required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Carrillo

Represented By  
Kathleen A Moreno

**Defendant(s):**

Pedro Carrillo

Pro Se

**Plaintiff(s):**

Michelle Nguyen

Represented By  
J.D. Cuzzolina

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#5.00** STATUS CONFERENCE RE: Complaint for: (1) Breach of Fiduciary Duty -  
Derivative; (2) Constructive Trust  
(Another Summons Issued 12/12/17)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue status conference to May 3, 2018 at 9:30 a.m.; updated status report must be filed by April 19, 2018.

*Special Note:* Defendant Haleh Fardi has requested an extension of 30 days to respond to the complaint per "ex parte" motion filed 1/11/18 [order lodged 2/5/18]. Defendant asserts extension was requested from Plaintiff but Plaintiff failed to respond to the request.

***Note: If the parties accept the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

Jason Martin	Pro Se
Local Zoom, Inc.	Pro Se
OC Listing, Inc.	Pro Se
Sky Motorsports, Inc.	Pro Se
Haleh Fardi	Pro Se
1Network, Inc.	Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01233 Ashour v. Naderi

**#6.00** STATUS CONFERENCE RE: Complaint for Non-Dischargeability of Debt Pursuant to 11 U.S.C. §523 and Denial of Discharge Pursuant to 11 U.S.C. § 727(a)(2), (a)(3), (a)(4) and (a)(5)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue status conference to April 12, 2018 at 2:00 pm, same date/time as hearing on Defendant's motion to dismiss; updated status report not required.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Fred Farid Ashour

Represented By  
Larry Fieselman  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

9:30 AM

**8:17-13512 Gilles Raymond Cailleaux**

**Chapter 7**

Adv#: 8:17-01232 AMERICAN EXPRESS BANK, FSB v. Cailleaux et al

**#7.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation to Judgment in Settlement of Adversary Complaint Entered  
12/19/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation to Judgment in  
Settlement of Adversary Complaint Entered 12/19/2017 - td (12/19/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gilles Raymond Cailleaux

Represented By  
Brian C Fenn

**Defendant(s):**

Gilles Raymond Cailleaux

Pro Se

Scarlett Eva Cailleaux

Pro Se

**Joint Debtor(s):**

Scarlett Eva Cailleaux

Represented By  
Brian C Fenn

**Plaintiff(s):**

AMERICAN EXPRESS BANK,

Represented By  
Gilbert B Weisman

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

8:14-11674 Jeffrey Edward Dickstein and Dana Ann Dickstein

Chapter 13

#8.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, ET AL  
VS.  
DEBTOR

Docket 80

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary  
Dismissal of Motion, filed 1/31/2018

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of Motion, filed  
1/31/2018 - td (2/1/2018)

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jeffrey Edward Dickstein

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Dana Ann Dickstein

Represented By  
Michael Jones  
Sara Tidd

**Movant(s):**

The Bank of New York Mellonn

Represented By  
Mark S Krause

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jeffrey Edward Dickstein and Dana Ann Dickstein**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

8:14-14997 Olive Kintu-Sebuliba

Chapter 13

#9.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTOR

FR: 12-21-17

Docket 64

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/29/18 AT 10:00 A.M.,  
PER ORDER ENTERED 2/21/18 (XX)**

**Courtroom Deputy:**

**OFF CALENDAR: Continued to 3/29/18 at 10:00 a.m., Per Order Entered  
2/21/18 (XX) - td (2/21/2018)**

**Tentative Ruling:**

**December 21, 2017**

Movant indicates that Debtor is 7 months delinquent, i.e., from April 2017 -  
October 2017. However, Debtor has provided evidence appearing to indicate  
that the payments are current. Discrepancy needs to be explained.

***Note: Unless the parties reach a resolution prior to the hearing,  
appearances at this hearing are required.***

-----

**February 22, 2018**

Deny motion.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

CONT... **Olive Kintu-Sebuliba** **Chapter 13**

Movant's payment ledger does not appear to take into account the reduced loan modification payment obligations in 2014. Movant, who has the burden of proof, has not timely filed a Reply.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Olive Kintu-Sebuliba

Represented By  
Samer A Nahas

**Movant(s):**

Ditech Financial LLC FKA Green

Represented By  
Kristi M Wells  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

8:16-10958 Eddie Portillo Henandez, Jr. and David Anthony Oguinn Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA, INC.  
VS.  
DEBTORS

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Eddie Portillo Henandez Jr.

Represented By  
Kevin J Kunde

**Joint Debtor(s):**

David Anthony Oguinn

Represented By  
Kevin J Kunde

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Eddie Portillo Henandez, Jr. and David Anthony Oguinn**

**Chapter 13**

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Jennifer H Wang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-13436 Avita Nova Academy, Inc**

**Chapter 7**

**#11.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA LEASE TRUST  
VS.  
DEBTOR

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Avita Nova Academy, Inc

Represented By  
William R Cumming

**Movant(s):**

Toyota Lease Trust

Represented By  
Robert S Lampl

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Avita Nova Academy, Inc**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#12.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

SURINDER MULTANI

VS.

DEBTORS

Docket 37

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Deny motion.

Basis for Denial of Tentative Ruling

1. Movant is an unsecured judgment creditor. The judgment was obtained in state court prepetition in 2011. An abstract of judgment was issued in 2016 but was not recorded prior to the filing of this bankruptcy case on September 13, 2017, apparently due to mistake of counsel.

2. Movant seeks relief from the automatic stay to record the abstract of judgment for the admitted purpose of becoming a secured creditor in this bankruptcy case. See Reply at p. 6 ("Multani asks[sic] this Court to allow him to record his abstract thus becoming a secured creditor"). Alternatively, Movant requests that this court "declare the debt nondischargeable." *Id.*

3. Movant has stated no legal basis or authority for the proposition that this court, in the face of the clear and plain statutory application of Sections 362

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

CONT... **Giuseppe Galietta and Heldia F. De Galietta** **Chapter 13**

(a) and 541(a), can use its Section 105(a) authority to permit an unsecured creditor to elevate its status from unsecured to secured.

4. Movant's citation to the Seventh Circuit's decision in *In re Caesars Entertainment Operating Company, Inc.*, 808 F.3d 1186 (7th Cir. 2014) is not persuasive, applicable or binding. *Caesars* involves the use of Section 105(s) with respect to granting injunctive relief enjoining actions against non-debtor guarantors in order to facilitate reorganization efforts. It has nothing to do with permitting an unsecured creditor to perfect a judgment lien postpetition for the purpose of elevating its position over other unsecured creditors in order to obtain more favorable treatment in a pending case.

5. To the extent this court has the authority to grant the relief requested (which does not believe it has), the court is not persuaded that the circumstances presented here, i.e., to correct a prepetition failure of Movant to record the abstract of judgment, warrant an exercise of its equitable powers under 105(a).

6. As to the alternative relief, that the court simply declare Movant's debt as nondischargeable, such request is legally impermissible as such relief can only be granted following full adjudication in an adversary proceeding.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

SURINDER MULTANI

Represented By  
Stephen J Mooney



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

8:17-14551 Italo Victor Ismodes

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BRIAN PARISCAN

VS.

DEBTOR

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue hearing to March 27, 2018 at 1:30 p.m., same date/time as continued confirmation hearing.\*

\* *Special Note:* If Movant accepts the tentative ruling, he will be deemed to have waived the right to a ruling within 30 days. If he does not accept the tentative ruling, the court might deny the motion without prejudice as the amended chapter 13 plan appears to provide for payment in full of his claim.

***Note: If both parties accept the tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Sanford C Parke  
Amid Bahadori

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Italo Victor Ismodes**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:00 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#13.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Debtor argues that the prior chapter 13 case was dismissed only because the court made a determination of ineligibility under Sec.109(e). The HOA counters that the prior case was dismissed because the court determined that the case had been filed in bad faith. Both parties are wrong.

The court has listened to an audio recording of the January 23, 2018 chapter 13 confirmation hearing. In listing the reasons for dismissing the case, the court found that Debtor was ineligible under 109(e) AND that the plan had not been presented in good faith because Debtor could not satisfy the best interest test and insisted on retaining a negative income rental property to the detriment of unsecured creditors.

To the extent Debtor's purpose in filing the current chapter 11 case is to proceed with another best-interest-test violating plan, the court could find that the current case was not filed in good faith and deny the Motion. Debtor will need to convince the court that her reorganization objectives are consistent with the requirements of 1129, including 1129(a)(7).

Finally, the HOA's alternative request that the case be dismissed is improper for the reasons stated in Debtor's Reply.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mary Elizabeth Schaffer**

**Chapter 11**

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#14.00** Hearing RE: Debtor's Motion to Compel Select Portfolio Servicing to Return Estate Property

Docket 121

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/29/18 AT 10:30 A.M.  
PER ORDER ENTERED 2/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Order on Stipulation To Continue Hearing Entered 2/12/18;  
Continued to 3/29/18 at 10:30 a.m. (XX) Liz (2/12/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#15.00 CON'TD Post Confirmation Status Conference RE: Second Amended Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. Held 8/19/14)

FR: 2-12-15; 8-20-15; 2-11-16; 8-4-16; 9-22-16; 11-3-16; 1-19-17; 2-16-17, 7-27-17, 1-17-18 (advanced from 1-18-18)

Docket 107

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 12, 2015**

Continue post-confirmation status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 20, 2015**

Continue post-confirmation status conference to February 11, 2016 at 10:30 a.m.; updated status report to be filed by January 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**February 11, 2016**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman Chapter 11

Continue post-confirmation status conference to August 4, 2016 at 10:30 a.m.; updated status report to be filed by July 21, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 4, 2016**

Updated status report not filed. Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

-----  
**September 22, 2016**

Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report or to file a motion to dismiss the case.

***Note: Appearance at this hearing is required.***

-----  
**January 19, 2017**

Updated postconfirmation status report has not been filed. Since August, 2016, Debtor has failed to timely file postconfirmation status reports. See tentative ruling comments for matter #31 on today's calendar.

Take matter off calendar if the case is dismissed.

-----  
**February 16, 2017**

Continue Post Confirmation Status Conference to July 27, 2017 at 10:30 a.m.; updated status report must be filed by July 13, 2017. (XX)



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**July 27, 2017**

Continue Post Confirmation Status Conference to January 18, 2018 at 10:30 a.m.; updated status report must be filed by January 4, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**January 17, 2018**

Debtor's counsel to appear and advise the court of the status of the 2nd distribution to class 6(b) shortfall of \$2823.14. Has this shortfall been paid? If not, when will it be paid?

-----

**February 22, 2018**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Alicia Elizabeth Blackman**

**Chapter 11**

**Debtor(s):**

Alicia Elizabeth Blackman

Represented By  
Bert Briones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:13-16130 Ronald T. Wilson

Chapter 13

#16.00 CON'TD Hearing RE: Debtor's Motion to Disallow Claim No. 4 Filed by PNC Bank N.A. (Filed in the Sum of \$77,066.49)

FR: 1-17-18

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 17, 2018**

Continue hearing to Feb 22, 2018 at 10:30 a.m. to allow Movant to correct defective service: PNC Bank was not served with the motion per FRBP 7004 (h) (XX)

Tentative ruling for 2/22/18 hearing (if unopposed): Grant.

***Note: If Movant accepts the tentative ruling, appearance at this hearing is not required***

-----

**February 22, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Ronald T. Wilson**

**Chapter 13**

**Debtor(s):**

Ronald T. Wilson

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:14-11905 James Preston Dean

Chapter 7

#17.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Preston Dean

Represented By  
Peter Rasla

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Michael R Adele

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:14-11905 James Preston Dean

Chapter 7

#18.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[LOBEL WEILAND GOLDEN FRIEDMAN LLP, COUNSEL FOR THE TRUSTEE]**

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Preston Dean

Represented By  
Peter Rasla

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Michael R Adele

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

**8:15-13569 Edwin Antigua Barnum and Laura Togonon Barnum**

**Chapter 7**

**#19.00** Hearing RE: Chapter 7 Trustee's Final Report and Applications for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edwin Antigua Barnum

Pro Se

**Joint Debtor(s):**

Laura Togonon Barnum

Represented By  
Edwin A Barnum

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

**8:15-13569 Edwin Antigua Barnum and Laura Togonon Barnum**

**Chapter 7**

**#20.00** Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[LOBEL WEILAND GOLDEN FRIDEMAN LLP, COUNSEL FOR THE TRUSTEE]**

Docket 68

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edwin Antigua Barnum

Pro Se

**Joint Debtor(s):**

Laura Togonon Barnum

Represented By  
Edwin A Barnum

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:16-10223 Kent Wycliffe Easter

Chapter 7

#21.00 Hearing RE: Chapter 7 Trustee's Amended Final Report and Applications for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 136

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kent Wycliffe Easter

Represented By  
Robert P Goe  
Charity J Miller

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:16-10223 Kent Wycliffe Easter

Chapter 7

#22.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[LOBEL WEILAND GOLDEN FRIEDMAN LLP, COUNSEL FOR THE TRUSTEE]**

Docket 130

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Kent Wycliffe Easter

Represented By  
Robert P Goe  
Charity J Miller

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:16-10223 Kent Wycliffe Easter

Chapter 7

#23.00 Hearing RE: First and Final Fee Application of Hahn Fife & Company for Allowance of Fees and Expenses From March 7, 2017 Through November 28, 2017

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 129

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Kent Wycliffe Easter

Represented By  
Robert P Goe  
Charity J Miller

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

**8:17-10528 Mark Gene Entner and Jill Ann Entner**

**Chapter 7**

**#24.00** Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 18-1  
Filed by Diana L. Frieling dba All About Animals

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant to disallow claim.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark Gene Entner

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Jill Ann Entner

Represented By  
Christopher J Langley

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11072 Anavelia Prado**

**Chapter 7**

**#25.00** CON'TD STATUS CONFERENCE Hearing RE: Chapter 7 Trustee, Richard A. Marshack's Motion for Order for Turnover of Estate Property (Real Property Located at 1404 W. 9th Street, Santa Ana, CA 92703) Pursuant to Section 521 (a)(4) and Section 542 (Per Order Entered 12/1/17)

FR: 11-9-17; 11-16-17; 12-21-17

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 9, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Grant motion, subject to any opposition filed by Nov. 9, 2017  
-----

**November 16, 2017**

Grant motion.

No timely opposition filed.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing is not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***  
-----

**December 21, 2017**

Trustee to advise the court re the status of this matter.  
-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Anavelia Prado

Chapter 7

**February 22, 2018**

See tentative ruling for #26 on today's calendar.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11072 Anavelia Prado**

**Chapter 7**

**#26.00** Hearing RE: Trustee's Motion for Order Authorizing Sale of Real Property: (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens; (C) Subject to Overbids and (D) For Determination of Good Faith Purchasers Under Section 363(m); (E) Approval of Stipulation Attached Regarding 363(h) Between Chapter 7 Trustee and Joint Owner of Real Property

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant motion subject to overbid.

Overrule Debtor's Objections based upon the following:

1. There is a final state court judgment entered on August 10, 2015 ("Judgment") establishing Mr. Yanez' right to one-half of the sale proceeds of the subject property based on a *stipulation* signed by Debtor. The doctrine of issue preclusion applies to Mr. Yanez' interest in the property (final order, same parties, issue of property rights necessarily decided).
2. Debtor recognized and abided by the terms of the Judgment by seeking extensions of the deadline for her to sell the property herself.
3. Debtor's effort to have the Judgment set aside on the basis of duress was rejected by the court in August 2017. Notably, Debtor apparently did not cite the alleged 2000 transmutation as a basis for setting aside the Judgment even though, according to Mr. Yanez' attorney, she had presented the document in earlier state court proceedings. The court's minute order only refers to "duress" and "post-traumatic stress."

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Anavelia Prado**

**Chapter 7**

4. Having exhausted her remedies in state court regarding the Judgment, Debtor now apparently seeks to have this court re-adjudicate property rights in summary fashion. There is no legal basis for the court to so.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:17-11944 Kevin Foy

Chapter 11

#27.00 CON'TD STATUS CONFERENCE RE: Status of Chapter 11 Case; and (2)  
Requiring Report on Status of Chapter 11 Case

FR: 7-27-17; 10-19-17; 11-2-17; 12-21-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 27, 2017**

Claims bar date:	Oct. 6, 2017
Deadline to serve bar date notice:	Aug. 4, 2017
Deadline to file plan/discl. stmt:	<b>Sept. 22, 2017*</b>
<b>Continued Status Conference:</b> <b>(XX)</b>	<b>October 19, 2017 at 10:30 a.m.</b>
<b>Deadline to filed status report:</b> <b>has</b> <b>the requirement will be waived</b>	<b>October 5, 2017 unless a plan/DS</b> <b>been timely filed, in which case</b>

***Note: If Debtor accepts the foregoing tentative ruling and is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

**\*This tentative ruling has modified to extend the deadline for filing the plan/disclosure statement since its original posting.**

-----  
**October 19, 2017**

Continue status conference to November 2, 2017 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Kevin Foy  
report not required. (XX)

**Chapter 11**

***Note: Appearances at this hearing not required.***

-----

**November 2, 2017**

No tentative ruling; disposition will depend upon outcome of disclosure statement hearing.

-----

**December 21, 2017**

Debtor's status report does not indicate when or if a new plan and disclosure statement will be filed. Debtor to advise why a new plan and disclosure statement cannot be filed by January 12, 2018.

-----

**February 22, 2018**

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as hearing on the U.S. Trustee's pending motion to dismiss/convert case.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin Foy

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13129 Robert W Hickman**

**Chapter 7**

**#28.00** Hearing RE: Debtor's Motion to Avoid Lien Under 11 U.S.C. section 522(f) (Real Property) [Creditor: Sedona Community Association]

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant motion.

Overrule Objection of Sedona Community Association ("Association") for the reasons set forth in Debtor's Reply, which this court adopts and incorporates by reference herein. In particular, the court is persuaded by decision in *Diamond Heights Village Association v. Financial Freedom Senior Funding*, 196 Cal App 4th 290 which holds that assessment liens merge into the judgment and no longer exists as separate independent liens as the Association seems to assert.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert W Hickman

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13293 Dona D Stiles**

**Chapter 7**

**#29.00** CON'TD Hearing RE: United States Trustee's Motion for an Order Imposing Fines and Directing Disgorgement of Fees Against Bankruptcy Petition Preparer Ronald J. O'Donnell Pursuant to 11 U.S.C. Section 110

FR: 12-21-17

Docket 57

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal by  
United States Trustee of Motion, filed 1/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal by United States Trustee of  
Motion, filed 1/18/2018 - td (1/22/2018)**

**Tentative Ruling:**

**December 21, 2017**

Respondent Ronald O'Donnell must explain what exactly is meant by "education tools, computer skills, and forensic evidence" and why the same is worth \$500.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dona D Stiles

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#30.00** Hearing RE: Debtors' Motion RE: Objection to the Proof of Claim No. 10-1 filed by CACH

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:17-13763 Gerardo Caravez and Rafaela Caravez

Chapter 13

#31.00 CON'TD Hearing RE: Debtors' Objection to Proof of Claim Filed by Everardo Muniz (Claim #1)

FR: 1-17-18

Docket 22

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation Settling Objection to Claim No. 1 [\$3,600.00] Entered 2/8/2018

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation Settling Objection to Claim No. 1 [\$3,600.00] Entered 2/8/2018 - td (2/8/2018)**

Tentative Ruling:

**January 17, 2018**

Continue hearing to Feb 22, 2018 at 10:30 a.m. to allow Debtor to correct defective service: Claimant was not served per FRBP 3007(a)(2). NEF service is insufficient. (XX)

Tentative ruling for 2/22/18 hearing (if unopposed): Sustain objection.

***Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required***

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
A Mina Tran

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
A Mina Tran

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, February 22, 2018

Hearing Room 5A

10:30 AM

8:17-14423 Rafael B Barrios

Chapter 7

#32.00 Hearing RE: Motion by United States Trustee to determine whether compensation paid to counsel was excessive under 11 U.S.C. section 329 and F.R.B.P. 2017

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. Section 329 Entered 2/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. Section 329 Entered 2/20/2018 - td (2/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rafael B Barrios

Represented By  
Adriana E Reza

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, February 22, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10003 Saeed Tafreshi**

**Chapter 7**

**#33.00** Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant motion in its entirety.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Saeed Tafreshi

Represented By  
Amid Bahadori

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14924 Jerry Duverne and Marina Crystal Duverne**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jerry Duverne

Represented By  
Brian J Soo-Hoo

**Joint Debtor(s):**

Marina Crystal Duverne

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14909 Victor Portillo**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 1/8/2018 -**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 1/8/2018 - td (1/10/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victor Portillo

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14854 Ruben Escobedo**

**Chapter 13**

**#3.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruben Escobedo

Represented By  
Lisa F Collins-Williams

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14848 Monica Banuelos**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monica Banuelos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14840 William Charles Jones, Jr**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 19

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 1/3/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 1/3/2018 - td (2/9/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

William Charles Jones Jr Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14817 Hildegard Katharina Brandt**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hildegard Katharina Brandt

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14816 Amos Herrera**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amos Herrera

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14785 Valerie E. LaHaye**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Amended Chapter 13 Plan**

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Valerie E. LaHaye

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14772 David Gonzalez**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal for  
Failure to Comply with Installment Payment Schedule Entered 2/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal for Failure to Comply with  
Installment Payment Schedule Entered 2/16/2018 - td (2/20/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Gonzalez Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14768 Edgar Guzman**

**Chapter 13**

**#10.00** Hearing RE:Confirmation of Amended Chapter 13 Plan

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14762 James Hilyer, IV and Fiona Hilyer**

**Chapter 13**

**#11.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Hilyer IV

Represented By  
Shawn Dickerson

**Joint Debtor(s):**

Fiona Hilyer

Represented By  
Shawn Dickerson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14708 Stephen LeRoy Garis**

**Chapter 13**

**#12.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen LeRoy Garis

Represented By  
L. Tegan Rodkey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14703 Tausha N. Mitcham**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tausha N. Mitcham

Represented By  
Allan Calomino

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14685 Lee Forest Tagaloa and Adele Marie Tagaloa**

**Chapter 13**

**#14.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lee Forest Tagaloa

Represented By  
Andrew Moher

**Joint Debtor(s):**

Adele Marie Tagaloa

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14676 Rowena Clar De Jesus Gapasin**

**Chapter 13**

**#15.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rowena Clar De Jesus Gapasin

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14674 Frances M. Metz**

**Chapter 13**

**#16.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Frances M. Metz

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14670 Antonio Vazquez**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Antonio Vazquez

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14383 Santiago Munoz and Maria Gloria Munoz**

**Chapter 13**

**#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 1-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Santiago Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Joint Debtor(s):**

Maria Gloria Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13798 Maria De Cruz Flores**

**Chapter 13**

**#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 12-22-17

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria De Cruz Flores

Represented By  
Jessica E Rico

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13763 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#20.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 12-22-17; 1-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
A Mina Tran

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
A Mina Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 1-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13182 Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**#22.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-24-17; 1-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10986 Mian K. Taufique**

**Chapter 13**

**#23.00 Hearing RE: Trustee's Motion to Dismiss Case**

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mian K. Taufique

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10893 Andre Taylor and Nida Taylor**

**Chapter 13**

**#24.00** Hearing RE: Trustee's Motion to Dismiss Case for Failure to Make Plan Payments

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Andre Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Joint Debtor(s):**

Nida Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10042 Arthur Gilbert Jimenez**

**Chapter 13**

**#25.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 11-21-17; 1-23-18

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur Gilbert Jimenez

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10015 Nathan T. Blea and Briana M. Blea**

**Chapter 13**

**#26.00** Hearing RE: Trustee's Motion for Order Dismissing Chapter 13 Proceeding

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nathan T. Blea

Represented By  
Joseph M Hoats

**Joint Debtor(s):**

Briana M. Blea

Represented By  
Joseph M Hoats

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14917 Thomas G. Peuser**

**Chapter 13**

**#27.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas G. Peuser

Represented By  
Bruce D White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14610 Alejandro Zamora and Maria Antonia Zamora**

**Chapter 13**

**#28.00** Hearing RE: Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alejandro Zamora

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Maria Antonia Zamora

Represented By  
Rebecca Tomilowitz

**Movant(s):**

Alejandro Zamora

Represented By  
Rebecca Tomilowitz  
Rebecca Tomilowitz

Maria Antonia Zamora

Represented By  
Rebecca Tomilowitz  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14610 Alejandro Zamora and Maria Antonia Zamora**

**Chapter 13**

**#29.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments**

FR: 1-23-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alejandro Zamora

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Maria Antonia Zamora

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-13537 Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**#30.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 9-26-17; 10-24-17; 12-22-17

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12455 Keith Levin**

**Chapter 13**

**#31.00** Hearing RE: M. Jones and Associates' First Application for Allowance of Professional Fees and Costs

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Keith Levin

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11431 Marie Annette Elfsten**

**Chapter 13**

**#32.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marie Annette Elfsten

Represented By  
Donald Segretti  
Angie M Marth

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-10465 Richard Allen Lenard**

**Chapter 13**

**#33.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Allen Lenard

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-10334 Martin Naranjo and Christina Naranjo**

**Chapter 13**

**#34.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 1-23-18

Docket 52

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 2/21/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 2/21/2018 - td (2/21/2018)**

**Party Information**

**Debtor(s):**

Martin Naranjo

Represented By  
Heather J Canning  
Barry E Borowitz

**Joint Debtor(s):**

Christina Naranjo

Represented By  
Heather J Canning  
Barry E Borowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, February 27, 2018

Hearing Room 5A

2:30 PM

**8:15-14408 Thomas Winslor Eddy and Colleen Marie Eddy**

**Chapter 13**

**#35.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 70

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 2/21/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 2/21/2018 - td (2/21/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Winslor Eddy

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Colleen Marie Eddy

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14202 Mary L. Pesce**

**Chapter 13**

**#36.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary L. Pesce

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#37.00** Hearing RE: Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Docket 78

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#38.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-10411 Renee Esther Teasta**

**Chapter 13**

**#39.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Renee Esther Teasta

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-15621 Marcella Suzanne McKenzie**

**Chapter 13**

**#40.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marcella Suzanne McKenzie

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-12624 Jimmy DeAnda**

**Chapter 13**

**#41.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 12-22-17; 1-23-18

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jimmy DeAnda

Represented By  
Michael E Hickey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-13764 William S. Quay and Mary P. Quay**

**Chapter 13**

**#42.00** CONT'D Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 9-26-17; 11-21-17; 12-22-17

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

William S. Quay

Represented By  
Tate C Casey

**Joint Debtor(s):**

Mary P. Quay

Represented By  
Tate C Casey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#43.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17

Docket 101

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-21458 Juan Nazario Celis and Katty Celis**

**Chapter 13**

**#44.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juan Nazario Celis

Represented By  
Claudia C Osuna

**Joint Debtor(s):**

Katty Celis

Represented By  
Claudia C Osuna

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:07-14426 Rod Holtman**

**Chapter 7**

Adv#: 8:08-01088 Melendez v. Holtman

**#1.00** Examination of Rod Holtman RE: Enforcement of Judgment Debtor  
(Order to Appear Entered 1/25/18)

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Examinee Rod Holtman to appear in court to be sworn in by the court clerk.  
The examination will thereafter take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rod Holtman Pro Se

**Defendant(s):**

Rod Holtman Pro Se

**Joint Debtor(s):**

Michelle Holtman Pro Se

**Plaintiff(s):**

Armando V Melendez  
Represented By  
R Gibson Pagter Jr.  
R Gibson Pagter Jr.  
Misty A Perry Isaacson

**Trustee(s):**

Weneta M Kosmala (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#2.00** STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED to 3/29/18 at 9:30 a.m., Per Order Entered 3/2/18**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 3/29/18 at 9:30 a.m., Per Order Entered 3/2/18 (XX) - td (3/2/2018)**

**FYI: Trial will begin on 4/23/18 at 9:30 a.m., Per Order Entered 9/8/17 - td**

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 4, 2014**

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

9:30 AM

CONT... Robert David Suer

Chapter 7

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.**

-----

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.**

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date: a.m.	Dec. 17, 2015 at 9:30 (XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15, 2017 at 9:30 a.m.

*Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)*

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer

Chapter 7

-----  
**July 27, 2017**

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)  
Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and in includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

b. B(1), (2), and (3): Why are these matters disputed? For example, if no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories and responses.

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

o. B(33) - (41): What are the disputed facts?

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

disputed facts -- not a mere recitation of deposition testimony.

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

**3. Issues of Law:**

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.

**4. Other Matters, JPS Section F:**

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the stipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

judgment realistically be filed and heard in advance of an April 2018 trial date?

c. When will all the other pretrial motions mentioned in Section F of the JPS be filed?

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

**#3.00** CON'TD STATUS CONFERENCE RE: Verified First Amended Complaint: 1) For Disallowance of Claims; 2) For Declaratory Relief; And 3) To Quiet Title to Real Property

FR: 12-21-17

Docket 109

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 21, 2017**

Continue status conference to Feb. 22, 2018 at 9:30 a.m. on the remaining issues. Joint status report to be filed by Feb. 8, 2018.  
-----

**March 8, 2018**

Continue status conference to April 12, 2018 at 9:30 a.m.; updated joint status report to be filed by April 5, 2018.

The parties are encouraged to continue trying to reach a mutual resolution of the adversary.

*Special Note: Regarding the Motion to Dismiss the First Amended Complaint, which was granted in part at the December 21, 2017 hearing, the court expects to post augmented finding/conclusions no later than March 9, 2018. During the course of the court's review of the pleadings which it adopted as the basis for its ruling, the court determined that certain matters required additional review and analysis by the court. The substantive ruling will not change.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

9:30 AM

CONT... Robert Boyajian

Chapter 11

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Shahrokh Shawn Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

Raham Honeya Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

**Plaintiff(s):**

Robert Boyajian

Represented By  
Steven Werth  
Michael G Spector  
Vicki L Schennum

Mayor Dune, Inc.

Represented By  
Alan G Tippie  
Robert Boyajian

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

9:30 AM

8:14-11492 The Tulving Company Inc  
Adv#: 8:16-01083 NEILSON v. Gugasian

Chapter 7

#4.00 CONT'D PRE-TRIAL CONFERENCE RE: Trustee's Complaint for Avoidance  
and Recovery of Fraudulent Transfers.

FR: 6-2-16; 9-22-16; 5-18-17; 11-16-17

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Order Dismissing  
Adversary Proceeding Entered 1/11/2018.

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Adversary Proceeding Entered  
1/11/18 - td (1/22/2018)

Tentative Ruling:

**June 2, 2016**

Deadline to attend mediation: Aug. 15, 2016  
Continued Status Conference: Sept. 22, 2016 at 9:30 am (XX)  
Updated Joint Status Report due: Sept. 8, 2016

**Note: If all parties accept the foregoing tentative ruling, appearances at  
this hearing are not required and Plaintiff shall lodge a scheduling order  
consistent with the same within 7 days.**

**September 22, 2016**

Discovery Cut-off Date: Apr. 3, 2017  
Pretrial Conference Date: May 18, 2017 at 9:30 a.m.  
(XX)  
Deadline to Lodge Joint Pretrial Stipulation: May 4, 2017

**Note: If all parties agree with the foregoing schedule, appearances at**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

CONT...      **The Tulving Company Inc**      **Chapter 7**  
*today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc      Pro Se

**Defendant(s):**

Armen Haig Gugasian      Represented By  
Roger F Friedman

**Plaintiff(s):**

R. TODD NEILSON      Represented By  
James KT Hunter

**Trustee(s):**

Weneta M Kosmala (TR)      Represented By  
Linda F Cantor ESQ



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-11492 The Tulving Company Inc**  
Adv#: 8:16-01084 Neilson v. Gugasian

**Chapter 7**

**#5.00** CON'TD PRE-TRIAL CONFERENCE RE: Trustee's (1) Complaint for Avoidance and Recovery of Fraudulent Transfers and (2) Objections to Proofs of Claim Nos. 308, 309 and 310

FR: 6-2-16; 9-22-16; 5-18-17; 11-16-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Order Dismissing Adversary Proceeding Entered 1/11/2018.**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Adversary Proceeding Entered 1/11/18 - td (1/22/2018)**

**Tentative Ruling:**

**June 2, 2016**

Deadline to attend mediation:	Aug. 15, 2016
Continued Status Conference:	Sept. 22, 2016 at 9:30 am (XX)
Updated Joint Status Report due:	Sept. 8, 2016

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same within 7 days.***

-----

**September 22, 2016**

Discovery Cut-off Date:	Apr. 3, 2017
Pretrial Conference Date: (XX)	May 18, 2017 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	May 4, 2017

***Note: If all parties agree with the foregoing schedule, appearances at***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

CONT...      **The Tulving Company Inc**      **Chapter 7**  
*today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc	Pro Se
-------------------------	--------

**Defendant(s):**

Levon Gugasian	Represented By Roger F Friedman
----------------	------------------------------------

**Plaintiff(s):**

R. Todd Neilson	Represented By James KT Hunter
-----------------	-----------------------------------

**Trustee(s):**

Weneta M Kosmala (TR)	Represented By Linda F Cantor ESQ
-----------------------	--------------------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#6.00**    CON'TD PRE-TRIAL CONFERENCE RE: Complaint: 1) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(2)(A); and 2) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(4)

FR: 2-2-17; 8-3-17; 11-9-17

Docket      1

**\*\*\* VACATED \*\*\*    REASON: CONTINUED TO 6/14/18 AT 9:30 A.M.,  
PER ORDER ENTERED 1/17/18.**

**Courtroom Deputy:**

**CONTINUED: Order Approving Stipulation to Continue Discovery Cutoff and Related Dates and Continue Pre-Trial Conference to 6/14/18 at 9:30 a.m. - adm (1/17/2018)**

**Tentative Ruling:**

**February 2, 2017**

Discovery Cut-off Date:	Jun. 30, 2017
Pretrial Conference Date:	Aug. 3, 2017 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Jul. 20, 2017

*Special Note: Although the court is not requiring the parties to attend mediation, the court encourages the parties to consider mediation as an opportunity to reach resolution of this matter.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Stephen J Haythorne**

**Chapter 7**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11716 Brett John Kacura**

**Chapter 7**

Adv#: 8:17-01107      BAI LIMITED v. Kacura et al

**#7.00**    PRE-TRIAL CONFERENCE RE: Bai Limited's Adversary Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2), §523(a)(4), and §523(a)(6)

FR: 9-7-17

Docket      1

**\*\*\* VACATED \*\*\*    REASON: CONTINUED TO 6/14/18 AT 9:30 A.M.,  
PER ORDER ENTERED 2/20/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 6/14/18 at 9:30 a.m., Per  
Order Entered 2/20/18 (XX) - td (2/20/2018)**

**Tentative Ruling:**

**September 7, 2017**

Discovery Cut-off Date:	Dec. 7, 2017
Deadline to Attend Mediation:	Jan. 25, 2018
Pretrial Conference Date:	Mar. 8, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Feb. 15, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Brett John Kacura**

**Chapter 7**

**Defendant(s):**

Brett John Kacura Pro Se

Denise Marie Kacura Pro Se

**Joint Debtor(s):**

Denise Marie Kacura Represented By  
Jeffrey G Jacobs

**Plaintiff(s):**

BAI LIMITED Represented By  
Steven P Chang

**Trustee(s):**

Karen S Naylor (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13591 Daniel William Russo**

**Chapter 7**

Adv#: 8:17-01249 O'Connell et al v. Russo et al

**#8.00** STATUS CONFERENCE RE: Complaint for false pretenses, false representation, actual fraud §523(a)(2); Dischargeability §523(a)(6), willful and malicious injury

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Continue the Status Conference to April 5, 2018 at 9:30 a.m. to allow the parties to file a Joint Status Report that complies with Local Bankruptcy Rule 7016-1(a). A Joint Status Report must be filed no later than March 22, 2018. If any party fails to cooperate in the preparation of a joint status report, each party must file a unilateral status report by March 29, 2018. The parties are ordered to read and familiarize themselves with Local Bankruptcy Rule 7016-1(a). In addition, Plaintiffs are ordered to file the signed Summons/Proof of Service showing service of the Summons and Complaint on Defendants no later than March 22, 2018.

The parties have not filed a joint status report (due fourteen days prior to today's hearing, i.e., February 22, 2018). Local Bankruptcy Rule 7016-1(a) requires that the parties confer and file a Joint Status Report using the court mandatory joint status report form [F 7016-1.STATUS.REPORT] which may be obtained from the court's website. Although Plaintiffs and Defendants are lay persons representing themselves, they are still required to comply with all adversary rules.

***Note: Appearances at this hearing are required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Daniel William Russo**

**Chapter 7**

**Debtor(s):**

Daniel William Russo

Represented By  
Kevin J Kunde

**Defendant(s):**

Daniel William Russo

Pro Se

Michelle Renee Russo

Pro Se

**Joint Debtor(s):**

Michelle Renee Russo

Represented By  
Kevin J Kunde

**Plaintiff(s):**

Breanna O'Connell

Pro Se

Sean O'Connell

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13808 Doo M Ko**

**Chapter 7**

Adv#: 8:17-01251 Ko v. Amerige Heights Community Association et al

**#9.00** STATUS CONFERENCE RE: 1. Breach of Governing Documents; 2. Violations of Davis Stirling Act; 3. Violations of Federal FD CPA; 4. Violations of Rosenthal Act; 5. Unfair Business Practices; 6. Negligence; 7. Professional Negligence; 8. Breach of Fiduciary Duty; 9. Negligent Infliction of Emotional Distress; 10. Aiding and Abetting

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a) Meeting of Creditors Entered in Main Case on 12/26/2017; The Case is Dismissed, the Automatic Stay is Vacated, and all Pending Motions and Adversary Proceedings are Moot and Dismissed**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a) Meeting of Creditors Entered in Main Case on 12/26/2017; The Case is Dismissed, the Automatic Stay is Vacated, and all Pending Motions and Adversary Proceedings are Moot and Dismissed - td (12/27/2017)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Doo M Ko	Pro Se
----------	--------

**Defendant(s):**

Amerige Heights Community	Pro Se
Feldscott & Lee, A Law Corporation	Pro Se
Action Property Management	Pro Se

**Plaintiff(s):**

Doo M Ko	Pro Se
----------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Doo M Ko**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14074 James Arthur Ciardullo**

**Chapter 7**

Adv#: 8:17-01242 Schmidt et al v. Ciardullo

**#10.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Deadline to meet/confer per LBR 7026-1	Mar. 22, 2018
Discovery Cut-off Date:	May 8, 2018
Deadline to Attend Mediation:	May 31, 2018
Pretrial Conference Date:	June 28, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	June 14, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Arthur Ciardullo

Represented By  
Tomaso Camejo Calienes

**Defendant(s):**

James Arthur Ciardullo

Pro Se

**Plaintiff(s):**

Philip Schmidt

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... James Arthur Ciardullo**  
Schmidt & Schmidt

Represented By  
Philip Schmidt

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14535 Prime Metals U.S.A., Inc.**

**Chapter 7**

Adv#: 8:17-01244 Hyundai Steel Co. v. Central Metal, Inc. et al

**#11.00** CON'TD STATUS CONFERENCE RE: Amended Notice of Removal of State Court Action BC658457 (SUP. CT. CA, LA) RE: First Amended Cross-Complaint of Central Metal, Inc., and Jong Uk Byun for: 1.Breach of Central and Byun Confirmed Plans Against all Cross-Defendants; 2. Declaratory Relief Against all Defendants; 3. Fraud Against Prime and Mr. Oh; 4. Breach Negligence Misrepresentation Against Prime and Mr. Oh; 5. Breach of Covenant of Good Faith and Fair Dealing Against all Defendants

FR: 2-1-18

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Defendants/Cross Complainants ("Defendants") to advise the court as to 1) why this matter was removed to this court, and 2) why this court should not abstain from hearing this matter (Defendants do not consent to this court entering final judgment) under 28 USC 1334(c)(1) as this case involves all state law issues, involves multiple non-debtor parties, involves issues that can be adjudicated in pending state court action, and will not materially affect the administration of this chapter 7 case.

***Note: Appearances at this hearing are required.***

-----

**March 8, 2018**

This court can and will abstain from hearing this matter under 28 USC 1334 (c)(1) and remand the entire matter *sua sponte* back to state court under 28

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Prime Metals U.S.A., Inc.**  
USC 1452(b).

**Chapter 7**

Equitable remand is governed by 28 U.S.C. § 1452(b), which allows the court to remand a removed action “on any equitable ground.” This statute provides “an unusually broad grant of authority” to remand on equitable grounds. *In re McCarthy*, 230 B.R. 414, 417 (9th Cir. BAP 1999). Although courts have stated the test for equitable remand in various ways, the court should generally consider the factors set out in *In re Cedar Funding, Inc.*, 419 B.R. 807, 820 (9th Cir. BAP 2009). The *Cedar* factors are:

(1) the effect or lack thereof on the efficient administration of the estate if the Court recommends [remand or] abstention; (2) the extent to which state law issues predominate over bankruptcy issues; (3) difficult or unsettled nature of applicable law; (4) presence of related proceeding commenced in state court or other nonbankruptcy proceeding; (5) jurisdictional basis, if any, other than § 1334; (6) degree of relatedness or remoteness of proceeding to main bankruptcy case; (7) the substance rather than the form of an asserted core proceeding; (8) the feasibility of severing state law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court; (9) the burden on the bankruptcy court's docket; (10) the likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties; (11) the existence of a right to a jury trial; (12) the presence in the proceeding of nondebtor parties; (13) comity; and (14) the possibility of prejudice to other parties in the action.

*Cedar Funding*, 419 B.R. at 820 n.18 (citing *In re Enron Corp.*, 296 B.R. 505, 508 n.2 (C.D. Cal. 2003)).

The court incorporates and adopts as the basis for its tentative ruling, the analysis relating to abstention and remand set forth in the "Response to Removing Parties' Brief Regarding Why the Court Should Not Abstain from the Removed Action" filed by Hyundai Steel Co. and Jin Oh. In sum, remand of this matter is appropriate because 1) the affect of the removed action, specifically the second amended cross-complaint on the administration of the chapter 7 estate is remote *at best*, 2) state law issues predominate over bankruptcy issues, 3) to the extent that the chapter 7 trustee (who has not

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

9:30 AM

CONT... Prime Metals U.S.A., Inc.

Chapter 7

formally appeared in this matter) may have avoidance claims against any party, such avoidance claims can and should be litigated separately (notably, the cross-complaint does not allege a cause action for avoidance), 4) there is no independent federal question over which this court has jurisdiction or the authority to enter a final judgment, 5) the substance of the underlying complaint and cross-complaint do not present core matters as to this bankruptcy case and, therefore, there are no core issues to be severed from state law issues, 6) there is a right to jury trial which this court cannot hear due to lack of consent, 7) retention of the action in this court would prejudice Hyundai and Oh who had already filed multiple demurrers in state court and who would have to litigate their complaint both in this court and in district court (due to this court's lack of authority to conduct a jury trial) and there is no discernable prejudice to the removing non-debtor parties, 8) the key parties in the action are non-debtors, and 9) the removing non-debtor parties appear to be engaging in forum shopping as there is no persuasive reason why this matter should be litigated in this court.

**Party Information**

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Defendant(s):**

Central Metal, Inc.

Represented By  
Steven G Polard

Jong Uk Byun

Represented By  
Steven G Polard

Bok Soon Byun

Represented By  
Steven G Polard

**Plaintiff(s):**

Hyundai Steel Co.

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:16-10509 Douglas Allen Dawson and Jennifer Ann Dawson

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTORS

Docket 111

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered 3/6/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 3/6/2018 - td (3/6/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Douglas Allen Dawson

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Jennifer Ann Dawson

Represented By  
Christine A Kingston

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Kristin A Zilberstein  
Daniel K Fujimoto  
Caren J Castle



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Douglas Allen Dawson and Jennifer Ann Dawson**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:16-12084 Tovias Martinez

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 53

\*\*\* VACATED \*\*\* REASON: SETTLED BY STIPULATION PER  
ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC  
STAY UNDER 11 U.S.C. SECTION 362 (REAL PROPERTY) ENTERED  
3/7/18

**Courtroom Deputy:**

**OFF CALENDAR; Stipulation Resolving Motion for Relief from the  
Automatic Stay (Docket Entry No. 53) filed 3/8/18; Order Granting  
Motion for Relief from the Automatic Stay Entered 3/7/18 - liz (3/8/18)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tovias Martinez

Represented By  
Luis G Torres

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil  
Angela M Fowler

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10015 Nathan T. Blea and Briana M. Blea**

**Chapter 13**

**#14.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTORS

FR: 2-15-18

Docket 45

**\*\*\* VACATED \*\*\* REASON: SETTLED BY STIPULATION; ORDER  
GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
UNDER 11 U.S.C. SECTION 362 (REAL PROPERTY) ENTERED 3/7/18**

**Courtroom Deputy:**

**OFF CALENDAR; Order Granting Motion for Relief from the Automatic  
Stay Settled Entered 3/7/18 - Liz (3/7/18)**

**Tentative Ruling:**

**February 15, 2018**

If Debtors are current, grant adequate protection order.

An adequate protection order, as opposed to denial, is appropriate because  
1) Debtors offer no explanation as to why they have not made August 2017  
payment as of February 1, 2018 (Declaration of Debtor Brianna Blea admits  
in paragraph 8 that Debtors remain behind re the August payment), and 2)  
Debtors admit they are delinquent re the January 2018 payment.

Debtors' argument that the Motion is untimely borders on frivolous. The proof  
of service indicates that service by mail was timely conducted on January 25,  
2018. Debtors complain that the mailing was not postmarked until one day

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nathan T. Blea and Briana M. Blea Chapter 13**

later on January 26, 2018. If, for example, the final postal pick-up is 5:00 pm and the pleading was delivered to the postal office at 5:05 pm on January 25, service would be timely -- even though the envelope would not be postmarked until the following day. Rule 9013-1(d) does not have a "postmark" requirement.

***Note: If the parties have reached the terms of an adequate protection order but require more time to memorialize and file it, the matter may be continued to March 8, 2018 at 10:00 am by making an oral request during the court clerk's roll call at the time of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nathan T. Blea

Represented By  
Joseph M Hoats

**Joint Debtor(s):**

Briana M. Blea

Represented By  
Joseph M Hoats

**Movant(s):**

U.S. BANK, NA AS LEGAL TITLE

Represented By  
Diane Weifenbach

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13182 Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**#15.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
CAPITAL ONE AUTO FINANCE  
VS.  
DEBTORS

Docket 52

**\*\*\* VACATED \*\*\* REASON: PER WITHDRAWAL OF MOTION  
FILED 3/7/18 DOCKET NO. 67**

**Courtroom Deputy:**

**OFF CALENDAR: Withdrawal of motion filed 3/7/18, document no. 67**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Movant(s):**

Capital One Auto Finance, a

Represented By  
Bret D. Allen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:17-13945 Stacey Lyn Rozell

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
CREDIT UNION OF DENVER  
VS.  
DEBTOR

Docket 36

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/5/18 AT 10:00 A.M.,  
PER ORDER ENTERED 3/5/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Continued to 4/5/18 at 10:00 a.m., Per Order Approving  
Stipulation Resolving Motion for Relief from Stay and Continuing Motion  
Entered 3/5/18 (XX) - td (3/5/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**Movant(s):**

Credit Union of Denver

Represented By  
Daniel B Burbott

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:17-14063 Slobodan Cuk

Chapter 11

#17.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA INC.  
VS.  
DEBTOR

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Slobodan Cuk

Represented By  
Chris T Nguyen

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Randall P Mroczynski

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:17-14324 Robert Alfred Powalski and Carolina Vera De Powalski

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

INTERCAP LENDING

VS.

DEBTORS

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Robert Alfred Powalski

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Carolina Vera De Powalski

Represented By  
Anthony B Vigil

**Movant(s):**

INTERCAP LENDING

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Robert Alfred Powalski and Carolina Vera De Powalski  
Gilbert R Yabes**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:18-10069 Frank G Jolly

Chapter 7

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
EAGLE COMMUNITY CREDIT UNION  
VS.  
DEBTOR

Docket 8

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Setled by Stipulation) Entered 2/20/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Setled by Stipulation) Entered 2/20/2018 - td (2/20/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Frank G Jolly

Pro Se

**Movant(s):**

Eagle Community Credit Union

Represented By  
Alana B Anaya

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:00 AM

8:18-10390 Vinh C. Phan

Chapter 13

#20.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

UNITED STATES REAL ESTATE CORPORATION

VS.

DEBTOR

Docket 6

Courtroom Deputy:

**SPECIAL NOTE: Debtor's Motion for Voluntary Dismissal of Chapter 13  
filed 3/5/2018 - td (3/5/2018)**

Tentative Ruling:

**March 8, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Vinh C. Phan

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10408 Deborah Ambrose**

**Chapter 13**

**#21.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Deborah Ambrose

Represented By  
Todd B Becker

**Movant(s):**

Deborah Ambrose

Represented By  
Todd B Becker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-20817 Rosario Perry**

**Chapter 11**

**#22.00** CON'TD Hearing RE: Debtor In Possession's Motion For Discharge, Lien Avoidance, Final Decree And Order Closing Case

FR: 2-8-18

Docket 171

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 8, 2018**

Grant motion in part as follows: 1) Grant request for immediate discharge and final decree, 2) Grant closing of case effective April 13, 2018, 3) deny request to strip liens without prejudice to filing a separate motion for such relief on notice to affected creditors per FRBP 7004(b)(3) or 7004(h), whichever is applicable.

*Special note: the court is requiring a separate lien strip motion because the motion was not served on the affected creditors per 7004.*

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**March 8, 2018**

Grant motion in its entirety.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Rosario Perry

Chapter 11

***late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Rosario Perry

Represented By  
Michael D Franco

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-12082 Joseph J. Munoz, MD, Inc.**

**Chapter 11**

**#23.00** Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay U.S. Trustee Quarterly Fees and Submit U.S. Trustee Post-Confirmation Reports

FR: 2-15-18

Docket 258

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Grant motion to dismiss; judgment in favor of UST for any unpaid quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**March 8, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-12082 Joseph J. Munoz, MD, Inc.**

**Chapter 11**

**#24.00** CON'TD PostConfirmation Status Conference RE: Debtor-in-Possession's Chapter 11 Plan Dated July 1, 2015

(Set at Ch 11 Plan hrg. held 7/28/16)  
FR: 3-2-17; 3-9-17; 9-7-17

Docket 177

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 9, 2017**

Continue postconfirmation status conference to September 7, 2017 at 10:30 a.m.; updated status report must be filed by August 24, 2017 unless the case has been closed by such date. (XX)

Debtor may seek entry of closing of case and/or final decree by independent motion (LBR 9013-1(o) is acceptable).

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**September 7, 2017**

Continue status conference to March 8, 2018 at 10:30 a.m.; updated status report must be filed by February 22, 2018 unless the case is closed by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Joseph J. Munoz, MD, Inc.**

**Chapter 11**

***US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 8, 2018**

Appearance at this hearing is required. The Status Report states in paragraph that a schedule payments as of July 2017 is attached. No schedule is attached to the Status Report and query as to why Debtor is only providing a schedule of payments as of eight months ago.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

**#25.00** Hearing RE: Debtor's Motion for Order Disallowing Claim #3 of Capital Recovery V, LLC

Docket 106

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew  
David A Tilem

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Misty A Perry Isaacson  
Donald W Sieveke  
Chad V Haes  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

**#26.00** Hearing RE: Debtor's Motion for Order Disallowing Claim #4 of Capital Recovery V, LLC

Docket 107

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew  
David A Tilem

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Misty A Perry Isaacson  
Donald W Sieveke  
Chad V Haes  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#27.00** CONT'D Hearing RE: Debtor's Objection to Claim Number 4 by Michelle Roe (\$32,500.00)

FR: 2-1-18

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Continue hearing to March 8, 2018 to allow Debtor to correct service (service not made pursuant to the proof of claim -- which does not provide for service by email).

Tentative ruling for 3/8/18 hearing (if unopposed):

Disallow claim as a secured claim and recharacterize it as an interest in the subject property in accordance with the state court judgment (i.e., \$25,000 from proceeds from sale of the property plus any additional amounts to be distributed in accordance with paragraph 1(d) of the Settlement Agreement attached to the judgment); allow unsecured claim in the amount of \$2500 for unpaid attorneys fees owing to Claimant.

***Note: This matter appears to be uncontested; if Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with same within 7 days of today's hearing.***

-----

**March 8, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Rosa M Harding**

**Chapter 13**

Disallow claim as a secured claim and recharacterize it as an interest in the subject property in accordance with the state court judgment (i.e., \$25,000 from proceeds from sale of the property plus any additional amounts to be distributed in accordance with paragraph 1(d) of the Settlement Agreement attached to the judgment); allow unsecured claim in the amount of \$2500 for unpaid attorneys fees owing to Claimant.

***Note: This matter appears to be uncontested; if Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with same within 7 days of today's hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12981 Misty Larijani**

**Chapter 7**

**#28.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE**

Docket 143

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Misty Larijani

Represented By  
Michael A Wallin

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Rika Kido  
Lynda T Bui

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12981 Misty Larijani**

**Chapter 7**

**#29.00** Hearing RE: First Application for Approval of Fees and Reimbursement of Expenses

**[SHULMAN HODGES & BASTIAN LLP, ATTORNEYS FOR THE CHAPTER 7 TRUSTEE]**

Docket 139

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

n

**Party Information**

**Debtor(s):**

Misty Larijani

Represented By  
Michael A Wallin

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Rika Kido  
Lynda T Bui

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12981 Misty Larijani**

**Chapter 7**

**#30.00** Hearing RE: First and Final Fee Application of Hahn Fife & Company for Allowance of Fees and Expenses From November 6, 2017 Through January 10, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 141

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Misty Larijani

Represented By  
Michael A Wallin

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Rika Kido  
Lynda T Bui



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

#31.00 CON'TD Hearing RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]

FR: 11-30-17, 2-1-18

Docket 62

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/29/28 AT 10:30 A.M.,  
PER ORDER ENTERED 2/28/18 (XX)

**Courtroom Deputy:**

**OFF CALENDAR: Hearing Continued to 3/29/18 at 10:30 a.m., Per Order Entered 2/28/18 (XX) - td (3/1/2018)**

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018. (XX)

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

**#32.00** Hearing RE: Debtor's Motion for Reconsideration of Order Overruling Objections of Debtor Thomas J . Smith, III to Proof of Claim #1 Filed by by Kimberly Amaral, Casey Swindell and Patrick Swindell

Docket 93

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

-----

**March 8, 2018**

Deny Motion.

Basis for Tentative Ruling:

By way of background, on September 17, 2016, Thomas J. Smith, III ("Debtor") filed a voluntary Chapter 7 petition. Jeffrey I. Golden was duly appointed the Chapter 7 trustee (the "Trustee"). Debtor received his discharge on January 9, 2017. The deadline for filing claims was April 14, 2017. Debtor's 341(a) meeting of creditors has been continued to March 21, 2018. The Trustee commenced an adversary proceeding against Kyle Patric Mount on December 22, 2016 (the "Golden Adversary"), Adv. No. 16-01263, which is ongoing.

On January 9, 2017, Kimberly Amaral, Casey Swindell, and Patrick Swindell (the "Creditors" or the "Claimants") filed a proof of claim ("POC # 1") asserting an unsecured claim in the amount of \$350,000.00, and listed the basis of said claim as "Debtor fraudulently took money while acting as trustee." See POC #1. Meanwhile, Claimants commenced an adversary

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

proceeding on December 30, 2016, Adv. No. 16-01269, for nondischargeability, turnover, and fraudulent transfer (the "Adversary Proceeding").

Debtor filed the objection to POC #1 on June 25, 2017 (the "Objection"). The court entered its order overruling the Objection without prejudice on August 3, 2017, on the basis that the pending Adversary Proceeding eclipsed the same substantive issue the Objection raised. The court did not address the merits of any of the substantive factual or legal issues raised. Subsequently, the court issued an Order to Show Cause (the "OSC") in the Adversary Proceeding, which was set for October 19, 2017 and ultimately resulted in dismissal of the Adversary Proceeding for failure to prosecute on December 5, 2017.

On September 22, 2017, Debtor filed his first motion for reconsideration. The hearing was set for October 19, 2017, and continued to November 30, 2017 to allow Debtor to serve the motion on Claimants directly due to their attorney's ineligibility to practice law as of September 1, 2017.

At the November 30, 2017 hearing the court noted on the record that POC #1 is an unliquidated claim, involving purely state law issues, and that the only way to liquidate the claim would be to decide these state law issues. Notably, Claimants have not sought relief from stay. Counsel for Debtor sought a continuance to try to reach a global settlement when he asked: "Can you give me an opportunity to speak with Mr. Casey and see if we can wrap everything up?" [per FTRgold recording at November 30, 2017, at 11:30:31AM]. This court explicitly informed Debtor's counsel that: "My tentative is going to be the same for the next hearing, just so you know" [per the FTRgold recording at November 30, 2017, 11:35:37AM]. In other words, the court intended to overrule the claim objection/deny the motion on the merits, and the tentative ruling for November 30 reflected the same. Accordingly, this matter was continued as a status conference to be heard at the same time as the status conference in the Golden Adversary, which was heard on January 17, 2018 at 9:30am.

Without the court's express authorization, Debtor filed a series of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

documents and pleadings. See Docket Nos. 68-87. In turn, the court issued the following tentative ruling for January 17, 2018:

**January 17, 2018**

Deny motion.

Same tentative as for 11/30/17. See above.

There is no substantive difference between an objection to claim and disallowance of a claim. The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018.

The following colloquy took place at the hearing on January 17, 2018:

Counsel: Many of my bases for having this claim allowed have arisen since August 3rd, and even since October 19th, they arose when these people...

The Court: Then it sounds like you need to file a new motion.

Counsel: That's right. That's exactly what I think I have to do.

The Court: Okay.

[...]

The Court: For the record, I am, because this is the original motion and that's the only thing that got continued, for the reasons stated on my November 30, 2017 tentative ruling, I am denying this motion for reconsideration. It is without prejudice, okay. So if you feel that there have been events that have come up, you now need to file a new something, then you can file that. Make sure that you properly serve it and I'll take it up in due course.

[per the FTRgold recording at January 17, 2018, 10:22 AM]

Ultimately, the court entered the order denying Debtor's motion for

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

reconsideration on January 29, 2018. See Docket No. 92. The court's November 30, 2017 tentative ruling, which was adopted therein, is attached as Exhibit M to Docket No. 93.

Admittedly, the court anticipated the filing of a new "something" by Debtor, given the purported developments alluded to by Debtor's counsel that took place since the filing of the original Objection. As a result, Debtor filed the instant motion for reconsideration (the "Motion") on January 29, 2018. Docket No. 93.

Notice

Claimants did not disclose an address to which notices should be served in Part 1 of their POC #1, and their counsel at the time of filing POC #1 has since been found ineligible to practice law. Debtor served Claimants directly at individual mailing addresses. See Docket No. 94, Proof of Service.

Applicable Legal Standard

11 U.S.C. § 502(j) provides that a claim that has been allowed or disallowed by the court may be reconsidered for cause "according to the equities of the case." FRBP 3008 provides that "[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate. The court after a hearing on notice shall enter an appropriate order." Additionally, there is no time limit for bringing a Rule 3008 motion. See *In re Levoy*, 182 B.R. 827, 831–32 (B.A.P. 9th Cir. 1995).

As a threshold matter, while federal courts generally do not recognize a "Motion for Reconsideration," the Ninth Circuit has long noted that "nomenclature is not controlling". See *Ranch Association v. California Costal Zone Conversation Comm 'ns* 537 F.2d 1058, 1061 (9th Cir. 1976). However, as the court observed in *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991), that "case illustrates the dangers of filing a self-styled 'motion to reconsider.'" *Id.* This court is faced with a similar situation here where Debtor filed a motion for reconsideration without explicitly stating whether he seeks relief under FRCP 59 or FRCP 60. Instead, Debtor refers

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III Chapter 7**

to 11 U.S.C. 502(j) and FRBP 3008, and cites to a treatise, which states the standard as follows:

"[C]ourts have generally held that regardless of title, a motion filed within ten days of the entry of judgment is treated as a motion to alter or amend under FED. R. CIV. P. 59(e), while one filed more than ten days after the entry of judgment is treated as a motion seeking relief from the judgment under FED. R. CIV. P. 60(b)." Mot., p. 3:17-21.

Other than the amendment to allow for 14 rather than 10 days, that standard is accurate.

Here, Debtor states that his first motion for reconsideration "was brought under Fed R Civ P 60(b)6) which allows reconsideration for any reason that justifies relief." Mot., p.6:1-2. This makes sense given that the order overruling Debtor's Objection was entered on August 14, 2017 [Docket No. 52], and Debtor's first motion for reconsideration was filed more than 14 (previously 10) days after on September 22, 2017 [Docket No. 55].

As noted above, the order denying Debtor's first motion for reconsideration was entered on January 29, 2018. In bringing this latest motion for reconsideration on the same date, the court has discretion to consider this Motion as one for reconsideration under FRBP 9023, since it was filed within 14 days of entry of the order. Accordingly, the court considers the merits of this Motion under FRCP 59(e).

Merits Under FRCP 59(e)

There are four basic grounds upon which a Rule 59(e) motion may be granted. First, (1) the judgment is based upon manifest errors of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) amendment is necessary to prevent manifest injustice; and (4) there is an intervening change in the controlling law. *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999)(citing 11 Charles Alan Wright et. al., Federal Practice and Procedure §2810.1 (2d ed. 1995).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

Since specific grounds for an FRCP 59(e) motion are not listed in the rule, the court has considerable discretion in granting or denying the motion. However, reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.2000).

As explained above, Debtor's counsel alluded to developments since the October 19, 2017 hearing and agreed with the court that he needed to file a new motion. It was unclear whether Debtor would be filing a new objection or a new motion for reconsideration. Nevertheless, the motion now before this court is another motion for reconsideration, which presumably seeks reconsideration of the overruling of the original Objection on the merits, as disposed of by the order entered on January 29, 2018 that adopted the court's tentative ruling of November 30, 2017. Therefore, the basis for reconsideration under FRCP 59(e) that appears most applicable is the second of the four noted above, namely that "there is newly discovered or previously unavailable evidence."

*A. Part II of Debtor's Motion, "Statement of the Case Subsequent to Initial Filing of Objection and Interim Order," Includes Substantive Arguments that are Unavailing*

1. Claimants' Attorney, Mr. Hutchens, Was Found Ineligible to Practice Law

First, as Debtor states, this court's ruling at the hearing on October 19, 2017 was to continue the hearing to allow Debtor to serve the motion directly on Claimants due to their attorney of record's ineligibility to practice law as of September 1, 2017. Mot., p.6:6-9; see Docket No. 60. Thus, this information would not qualify as newly discovered or previously unavailable evidence, as it was taken into account by the time issued its tentative ruling on November 30, 2017.

Second, as to Debtor's reason for highlighting Mr. Hutchens's ineligibility to practice law, Debtor states "The Relevance of Mr. Hutchens' Misconduct to This Motion for Reconsideration is With the Equities of the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Case and the Court's Duty to Manage Litigation According to 11 USC §502 (j) *supra* a reconsidered claim may be allowed or disallowed according to the equities of the case." Mot., p.6:10-14. Debtor goes on to cite the case of *In re Gilbreath*, 395 B.R. 356, 358–59 (Bankr. S.D. Tex. 2008), and points out that there had been "serial filings of creditor's proofs of claim on accounts" which only included the last four digits of the account number and attachments representing that the accounts had been assigned to the claimant. Mot., p.6:17-21. Already, Debtor's reliance on this non-binding case is misplaced. POC #1 in this instant case is not a "serial filing" of proofs of claim.

Moreover, *In re Gilbreath* dealt with issues brought about by creditors' purported assignee, ECast Settlement Corporation (eCast), and deficiencies with amended proofs of claim. Here, no amended claims are at issue. In addition, the claims at issue in *In re Gilbreath* were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular for claims based on a writing such as a credit card agreement, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. Debtor's attempt to pin down the insufficiency of POC #1 here has already been addressed by the court's tentative ruling from November 30, 2017. See Mot., Ex. M, ¶4. Specifically, this court stated:

Seventh, Debtor complains that failing to attach certain exhibits to the proof of claim renders it invalid. As a matter of law, this is incorrect. The failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). Rather, if the claim is based entirely on a writing and the writing is not attached the presumption of validity may not apply. Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**  
See Mot., Ex. M, ¶4.

**Chapter 7**

As a result, Debtor's attempt to analogize the case of *In re Gilbreath* to the instant case fails. Debtor overlooks that POC #1 is not entirely based on a writing, and even if it were, a failure to attach documentation does not result in outright disallowance of a claim.

Mr. Hutchens' ineligibility to practice law does little to affect the equities of the case. Debtor has not shown that this constitutes newly discovered or previously unavailable evidence, which would be cause for reconsideration of the merits of his Objection to POC #1. As reiterated by the court at multiple hearings, and explicitly in the November 30, 2017 tentative ruling, "POC #1 is an unliquidated claim that has not yet been adjudicated by any court and is based entirely on state law." (emphasis in original). Mot., Ex. M, ¶4.

2. Debtor Contends Claimants "Should Be Held  
Accountable For Perpetuating Inequities Greatly  
Disfavoring Debtor in This Case"

Debtor points out that despite direct service of all pleadings and notices in this case,

Claimants have continuously failed and refused to prosecute the Swindell Adversary case, repeatedly failed to oppose the Objection, failed to respond to the OSC, and they have not appeared at hearings in this action, whether In Pro Per or by counsel, since their attorney disappeared. This shirking of responsibility for significant litigation they initiated should not be permitted.

See Mot., p.7, ¶F.1.

Debtor offers no persuasive legal authorities or analysis in support of that position, let alone an explanation for how this court could find that to be a ground for reconsideration under FRCP 59.

Based on the foregoing, these initial arguments stated in Part II of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Debtor's Motion do not demonstrate bases for reconsideration of the court's earlier denial of motion for reconsideration, which in turn overruled Debtor's Objection to POC #1.

*A. Debtor Attempts to Respond to the Court's Ruling on Merits of the Objection*

Debtor acknowledges that this court encouraged Debtor's counsel to focus on the detailed tentative ruling from November 30, 2017 when he states: "Debtor's counsel has been advised to carefully review this Tentative." Mot., p.8:4-5. In turn, the bulk of Debtor's Motion proceeds to provide "Responses for reconsideration" to the court's tentative ruling from November 30, 2017, which was adopted by the court in the order overruling the Objection, entered on January 29, 2018 [Docket No. 92]. Specifically, Part III of Debtor's Motion begins with subsection "A" at page 8 and goes through "J" at page 25. The court analyzes each of Debtor's responses thereto as follows here in sub-subsections 1 through 10.

1. The Court Was Inclined to and Did Dismiss the Swindell Adversary for Lack of Prosecution

It is undisputed that the court dismissed the Adversary Proceeding brought by the Claimants against Debtor. The dismissal of that adversary proceeding allowed this court to consider the merits of Debtor's Objection to POC #1. Debtor's response is that "[i]t may have been the court's perception that dismissal of the adversary would permit Debtor to receive a discharge of POC #1. This is not the case." Mot., p.8:13-15. First, the order of discharge was entered on January 9, 2017. Docket No. 22. Even if it is the case that the debt underlying POC #1 is not discharged, the fact remains that Debtor has not succeeded in having Claimants' claim disallowed. Based on the Notification of Asset Case filed by the Trustee on January 9, 2017 [Docket No. 23], and the pending Golden Adversary filed by the Trustee for fraudulent conveyance there may very well be assets to administer in this case. These facts do not speak to the merits of disallowance of POC #1, let alone reconsideration of this court's overruling of Debtor's Objection. Similarly, when Debtor asserts "[i]t is not economically feasible for both [Debtor's attorney and the Trustee's attorney]

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

Chapter 7

to become engaged in litigation at a combined rate of \$1,110/hr that will be unnecessary once POC #1 is disallowed," Debtor seems to presume disallowance when that is in fact not a guarantee, and unlikely based on this Motion.

2. A Proof of Claim is Deemed Allowed Unless a Party in Interest Objects, and if Executed and Filed in Accordance With Rule 3001 Shall Constitute Prima Facie Evidence of the Validity and Amount of the Claim

Apart from agreeing that Debtor's Objection is the equivalent of a Motion for Disallowance of Claim, Debtor's addition response is: "In respect to execution and filing in accordance with Rule 3001, there are deficiencies that defeat the presumption of a prima facie valid claim. This shifts the burden of proof back to Creditors." Mot., p.9:21-23.

As already noted above with regard to the case of *In re Gilbreath*, the claims at issue there were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. This court can only reiterate what it already stated in the November 30, 2017 tentative ruling, which is that as a matter of law, the failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). More importantly, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto. See Mot., Ex. M, ¶ 4.

3. To overcome the presumption of validity created by a timely filed proof of claim, the objecting party must present sufficient counter evidence sufficient to rebut the presumption.

Debtor's maintains that he has provided "abundant evidence to rebut the presumption" and therefore the case is distinguishable from *In re Garner*. Mot., p.10:17-20. In *Garner*, the Ninth Circuit BAP noted that "[t]

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

he difficulty in this instance is that appellant proffered no evidence whatsoever, choosing instead to stand on a mere formal objection that the proofs of claim were not good enough." *In re Garner*, 246 B.R. 617, 623 (B.A.P. 9th Cir. 2000). Although Debtor is correct that here, he did not stand *only* on a mere formal objection that POC #1 is not good enough, his proffered declarations and exhibits along with the arguments in his Objection did not sufficiently rebut the presumption.

Now, Debtor requests this court to reconsider certain evidence "excerpted from the Objection." Mot., p.10:27-28. The evidence Debtor refers to is predominantly the substantive arguments that this court already considered in denying his earlier motion. Pages 11 through 20 of the Motion includes reproductions (in whole or in part) of the Objection at pages 5-10, 11, 13-18. See Mot. pp.11-20, *cf.* Obj. Docket No. 93-8, originally filed as Docket No. 43. These passages from the Objection contain headings such as "There is Confusion Between the Casey and Swindell Trusts" [Mot., p.12:15], "There is no Cause of Action for 'Illegal Billing'" [Mot., p.13:22], "There is no Cause of Action for 'Illegal Transfer'" [Mot., p.14:9], "There is no Cause of Action for 'Illegal Commingling'" [Mot., p.14:26], all of which appear to be substantive arguments on the merits of the pending probate action in Orange County Superior Court. This court's November 30, 2017 already addressed such arguments when it stated: "In this matter, Debtor's objections are presented in a "shot-gun" approach, i.e., several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. These substantive arguments involve state law issues that the probate court has apparently yet to adjudicate. Thus, Debtor has offered no viable basis for reconsideration of the merits of this court's denial of the first motion for reconsideration.

**4. The Debtor Conflates Dischargeability Issues Into His Arguments Countering The Merits of the Claim**

The November 30 tentative ruling noted Debtor's conflation of dischargeability issues, and now Debtor concedes that conflating the dischargeability issues "has proven counterproductive." Mot., p. 16:4-5. As noted above, the Claimants' Adversary Proceeding has already been

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

dismissed as of January 9, 2018. Even so, Debtor's Motion goes on to insist that "[w]hile it is unfortunate that §IV of the Objection entails arguments that Claimants' state claims are pre-empted by 11 USC, this section still speaks to the underlying claims of misconduct [...]" and that "[t]he material remains apposite to the Debtor's defense and should therefore be reconsidered." Mot., p.16:9-13. The court had already noted that these theories of defense are presented in a manner that undermines the goal of rebutting the presumption of POC #1's validity. Repeating them in the current motion does not change this court's finding.

Debtor's Motion at pages 16-20 refers to California Probate Codes §§ 850, 859, and 789.3 and includes headings such as "The State Law Claim for an Order to Account Should be Dismissed," "The State Law Claim Pursuant to Cal Civil Code §789.3 [...] Should Be Dismissed" which are arguments more appropriately made to the probate court that would decide the pending matter in Orange County Superior Court. In other words, these arguments go to the merits of the unliquidated claim.

Although Debtor's Motion has includes strikethroughs of most references to preemption and the Dischargeability Complaint (see Mot., pp.12:12, 16:24-25, 17:6, 17:21, 18:11), pages 19-20 continue retained arguments under preemption. This court already noted the following in the November 30 tentative ruling:

Sixth, while on the one hand arguing that state law is "preempted" by federal bankruptcy law, Debtor cites several California statutes in support of the objection. In this regard, Debtor maintains that Cal Prob Code 850, Cal Prob 859 and Cal Civil Code 789.3 are all preempted by bankruptcy without presenting any persuasive legal analysis in support of that position.

Mot., Ex., M, ¶4.

Debtor may have inadvertently retained these "preemption" arguments, but as was the case in the original motion, this court need not find that these arguments merit reconsideration.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Notably, Debtor inserts the following unsubstantiated statement: "All Claims for Misconduct and Penalties Were Decided Adversely to Creditors in Their Adversary Pursuant to the Order Dismissing." Mot., p.19:27-28. To the extent Debtor is claiming that the dismissal of Claimant's Adversary Proceeding was actually a decision on the merits in Debtor's favor, the court declines to make such a finding. The Adversary Proceeding was dismissed for failure to prosecute. See §E.4 below.

Thus, Debtor has not shown grounds upon which reconsideration may be granted under FRCP 59, for newly discovered or previously unavailable evidence, or otherwise.

5. Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid.

Debtor's response repeats his assertion that "the state court petition does not meet the initial burden for Claimants to enjoy the presumption of validity imposed by Fed R Bankr P 3001(f)." Mot., pp.2023-21:3. Debtor repeats the requirements under FRBP 3001(c) and adds a reference to the case of *In re DePugh*, 409 B.R. 84, 96–97 (Bankr. S.D. Tex. 2009), which purports to explain the reasoning for requiring that writings be attached to proofs of claim.

This again seems to miss the point the POC #1 is not like the claims in *In re DePugh*, or the claims in *In re Gilbreath* already discussed above under §A.1. In fact, the court in *DePugh* references *Gilbreath* because apparently the claimants in those cases were represented by the same counsel of record, who again filed proof of claims with no documents attached to them. *In re DePugh*, 409 B.R. at 90. Again, the claims in those issues centered around consumer credit card debt (claims based on a writing such as a credit card agreement) and the issue of assignments from creditors to assignees. This is distinct from POC #1 in this case. As the November 30 tentative ruling stated:

Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

codes as presented both in the proof of claim and Debtor's objection thereto.

See Mot., Ex. M, ¶4.

Thus, Debtor's emphasis on the requirements under FRBP 3001 is misplaced in light of the other bases for POC #1.

Similarly, to the extent Debtor attempts to draw a finding of bad faith here, his statement "The Element of Attorney Bad Faith Was Raised in Respect to the Practice of Filing Proofs of Claim Without Required Documents" is not persuasive. See Mot., pp.21:27-22:5. The Bankruptcy Court in *DePugh* was dealing with counsel of record that apparently did not get around to reading its ruling in *Gilbreath* before filing proof of claims with no documents attached to them in *DePugh*. Counsel apparently admitted to not making an attempt to comply with FRBP 3001, and in turn the court found that such "self-professed ignorance of applicable law and [that] Court's Notice and Order can only be described as 'willful ignorance,' which constitutes bad faith." *In re DePugh*, 409 B.R. at 104. Consequently, the court in *DePugh* did not permit creditor to amend its deficient claims. This case is factually and procedurally dissimilar from *DePugh* and as a result, this court cannot make the same findings as the court there.

**6. The Complaint That Failing to Attach Exhibits to the Proof of Claim Renders it Invalid Is Incorrect as a Matter of Law**

This appears to be a continuation of Debtor's argument in the immediately preceding subsection titled "Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid." See §B.5 above. Debtor's response here is that "Failure to Attach Exhibits Obviates the Prima Facie Validity of a Proof of Claim." Mot., p.22:9-10. He goes on to cite the case of *In re Sheedy*, 567 B.R. 597, 598 (Bankr. W.D. Wash. 2017), which also refers to *In re Richter*, 478 B.R. 30, 45-46 (Bankr. D. Colo. 2012). Ultimately, *In re Sheedy* adopts the Ninth Circuit BAP's holding in *In re Heath*, which this court has already referenced for the principle that a failure to attach sufficient documentation is not a basis for disallowance of a claim. Therefore, this response does not provide a basis



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

for disallowance, let alone a ground for reconsideration of this court's overruling Debtor's Objection to POC #1.

**7. The Court Finds That POC #1 is Not Based Entirely on a Writing But Also on California Probate and Civil Codes**

As in the above subsections, Debtor's response reiterates the applicability of *In re Heath*, but does not advance a tenable argument for why this court's overruling of the Objection should be disturbed. Specifically, Debtor contends that he "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection." Mot., p.23:3-4. This is in apparent reliance on the passage Debtor cites from *In re Heath*, which include the phrase, "If the debtor thinks that every one of the challenged claims is overstated [...] she may investigate fully her theories and raise every viable claim or defense that she has." See Mot., p.23:5-8. Debtor's narrow reading of this passage is misplaced.

First, Debtor fails to account for the kind of claim at issue there, again apparently based on consumer credit card debt. POC #1 here is not that kind of claim. Second, that quote is actually taken from the case of *In re Shank*, 315 B.R. 799, 815 (Bankr. N.D. Ga. 2004), where the court there was deciding whether to require claimants to amend their proofs of claim for credit card and other consumer account debt, and in the context of a debtor whose sworn statement in her schedules showed that what was actually at issue was the amount owed where claimants filed for amounts less than the debtor showed in her schedules. Moreover, the BAP in *In re Heath* discusses a creditor's "obligation to respond to formal or informal requests for information" [*In re Heath*, 331 B.R. at 437] and "the failure to provide supporting documentation in terms of, for example, "the past twelve months' credit card statements" [331 B.R. at 436]. Here, Claimants may not be able to provide that kind of documentation where the claim is based on an unliquidated state court claim, for which a judgment would presumably only come after the probate court has decided the merits of the matter pending before it.

In addition, the remainder of the passage from *In re Heath* states that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

If the debtor requires documentation to make a good faith inquiry into the existence or amount of any liability and a claimant refuses a legitimate request to produce it, an objection that asserts her good faith challenge and requests disallowance of the claim due to inadequate documentation would be appropriate and could well result in entry of an order disallowing the claim or requiring its amendment.

See Mot., p.23:8-14 (citing *In re Heath*, 331 B.R. at 437).

Again, taken in context, the BAP was only dealing with supporting documentation for a claim based on a writing, whereas this court has already found that: "Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Therefore, to the extent Debtor relies on the notion that inadequate documentation "could well result in entry of an order disallowing the claim or requiring its amendment," the would be applicable in the kind of claims dispute contemplated by the BAP in *In re Heath*. Consequently, Debtor's having "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection" [Mot., p.23:3-4] is inapposite. Such an exposition should be presented to the probate court.

**8. There is No Legal Basis For Procedural Irregularities  
Invalidating the Proof of Claim**

According to Debtor, "[t]here was no request to invalidate POC #1 by reason of Hutchens' persistent incompetence and violation of court rules described in the initial Objection." Mot., p.23:26-27. Instead, according to Debtor, "[i]t was appropriate to document the early signs of what can now be seen as an established pattern of misconduct" because "[t]here was legitimate cause for concern." Mot., p.24:1-2. Specifically, Debtor again incorrectly focuses on Claimant's counsel's "failure to attach exhibits to pleadings and/or file them with the court and the failure to attach documents on which the proof of claim is based" and classifies them as "not honest mistakes." *Id.* at Ins. 2-4. This is problematic because "documenting early signs" of misconduct is not a basis for disallowance of a proof of claim, and neither is Debtor's purported "cause for concern."

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Debtor concludes his response to this part of the November 30th ruling, stating: "Debtor's Objection incorporating this conduct is one clear path to total disallowance of POC #1. [see, eg citations to *Sheedy* and *Heath*, supra]," and that "Hutchens' misconduct in earlier stages of this litigation remains relevant to other arguments for relief as well." Mot., p.24:4-7. This court has already addressed Debtor's apparent misapplication of *Sheedy* and *Heath* above. An attempt to document conduct of Claimant's counsel who is no longer eligible to practice is not a "clear path to total disallowance of POC #1." Thus, Debtor's response here also does not show a basis for reconsideration, such a newly discovered evidence. Moreover, §A.1. above addresses Debtor's arguments regarding Mr. Hutchens having been found ineligible to practice law.

9. There is No Legal Basis for Disallowing POC #1  
Arising From the Ch 7 Trustee's Unrelated Fraudulent  
Conveyance Adversary Against a Third Party

First, the court notes that what the ruling actually states is: "Fifth, Debtor refers the court to an unrelated adversary proceeding for fraudulent conveyance commenced by the chapter 7 trustee against Debtor and a third party as a basis for disallowing POC #1, again without any legal support." (emphasis added). Mot., Ex. M, ¶4.

In response, Debtor points out that he is not a named defendant in the Golden Adversary, "but his 50% equitable interest [in the residence] is at stake." Mot., p.24:13. Setting aside the inclusion of Debtor in that part of the ruling does not overcome the absence of legal support in the Objection for claim disallowance. Debtor's response also sidesteps the issue of legal support when he again refers to "[t]he impact of Hutchens' procedural irregularities and dishonesty" and his opinion that this has "spread to the fraudulent conveyance adversary, which is in fact very closely related to Debtor's interests in the bankruptcy case." Mot., p.24:13-15. These are more factual assertions by Debtor rather than basis for reconsideration of merits of the overruled Objection.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Debtor then references §V(B)(1) of the Objection [Obj., p.20], without explaining how looking at that part of the Objection and essentially reconsidering what this court has already reviewed is warranted. Nevertheless, the court reviews that section of the Objection and finds Debtor's already rejected allegations of procedural confusion. If in fact there has been a combination of petitions under one case number, then that would appear to be an issue for the probate court to resolve.

Finally, Debtor explains that the Golden Adversary involves his home, and contends that the only parties who stand to benefit from the sale of Debtor's home are the Claimants, the Chapter 7 Trustee and the Trustee's attorney. He also states that he has been told that there have been fees and costs incurred by the Trustee's attorney amounting to approximately \$48,000.00. See Mot., pp.24:20-25:8. These statements remain detached from a substantive basis for reconsideration, let alone disallowance of POC #1.

10. The Bankruptcy Guarantee of a "Fresh Start" is Not  
a Basis for Disallowance of POC #1

Debtor's response relies on the case of *In re Neiheisel*, 32 B.R. 146, 157 (Bankr. D. Utah 1983). However, that case discussed the "fresh start doctrine" and the three fundamental tenets quoted by Debtor, in the context of objections to *claimed exemptions*. This is an entirely separate issue (addressing a debtor's claim of exempt property under 11 U.S.C. § 522(d)) from the issue of objections to claim or motions to disallow claim under 11 U.S.C. § 502. Debtor's reliance on this case is misplaced, and therefore this court's ruling on that issue should stand. In other words, Debtor has not shown that a "fresh start" is a basis for disallowance of a claim. Moreover, citing to inapplicable case law is not a basis for reconsideration.

Finally, Debtor concludes with a subsection intended to address the part of the November 30th ruling that state: "assuming the adversary proceeding is dismissed, Debtor will receive a discharge regardless of the allowance of POC #1." Mot., Ex. M, ¶4. In response, Debtor states: "This is incorrect. Given the special circumstances explained herein, a discharge

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

does not alleviate the effect of allowance of POC #1." Mot., p.26:4-5. Debtor has misconstrued the court's point. Even if a "fresh start" was a basis for disallowance as proposed by Debtor, which this court has already stated it is not under 11 U.S.C. § 502, Debtor would receive a discharge. Here, Debtor did in fact receive his discharge on January 9, 2017. This is distinct from having a claim disallowed. Debtor has not shown that a "fresh start" necessarily means disallowance of claims like POC #1. Again, Debtor fails to show a basis for reconsideration.

Debtor follows up the abovementioned "responses" to the court's November 30th tentative ruling, with a section titled "Conclusion For Case Summary and Debtor's Response to Tentative." Mot., p.26:6-23. There, he contends that he has articulated sufficient counter evidence in his Objection to rebut the claim. Reiterating what he believes he has done rings hollow. First, Debtor has not shown a sufficient basis for reconsideration under FRCP 59. Second, his attempt to respond to the November 30th tentative ruling that this court adopted in overruling his Objection lacks merit.

*C. Debtor's "Supplemental Points and Authorities Incorporating Recent Events" Does Not Meet the Standards for Newly Discovered or Previously Unavailable Evidence*

According to Debtor, §V. of this Motion is meant to "provide more complete details of Debtor's rebuttal evidence and coverage of events that occurred after the initial Objection was filed." Mot., p.26. The original Objection was filed on June 25, 2017 [Docket No. 43]. This court was well-aware of Mr. Hutchen's ineligibility to practice law when it issued its October 19, 2017 ruling to continue the hearing to November 30 to allow Debtor to serve the Claimants directly due to their attorney of record's ineligibility to practice law as of September 1, 2017 (per the website of California State Bar). Debtor's main argument in this section of the Motion is that "Hutchens' Conduct Has Saddled Debtor With Inequity." Mot., p.27:1. An argument for inequity seems to diverge from what should be the basis for reconsideration under FRCP 59(e) that there is newly discovered or previously unavailable evidence. Nevertheless, the court considers Debtor's six sub-arguments.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

1. Debtor Contends that Hutchens' Disrepute as an Attorney Serves to Disqualify Him From Execution and Filing of POC #1

Other than highlighting the fact that the State Bar website showed that Mr. Hutchens appeared to have defaulted in his disciplinary case as of September 25, 2017, and a petition for disbarment was filed on January 5, 2018, Debtor does not explain how this would constitute newly discovered or previously unavailable evidence that warrant reconsideration of the merits of this court's overruling the Objection.

Debtor also "respectfully request[s] that each of the Creditors be required to sign POC #1 in Hutchens' stead if they wish to proceed." Mot., p.27:9-10. Debtor offers neither legal authority for this request, nor an explanation for whether such a request is properly brought before this court within a motion for reconsideration.

Finally, Debtor contends that he "has pleaded Hutchens' myriad instances of failure to perform with competence in this litigation, and there is good cause to doubt his honesty." Mot., p.27:20-21. First, focusing on Mr. Hutchens's actions, or lack thereof, misses the point that this court is faced with an unliquidated claim that has not been resolved by the probate court. Whether Claimants proceed on their own in probate court or retain other counsel is not this court's concern. Second, Debtor's opinion that "there is good cause to doubt [Mr. Hutchens's] honesty" is of no help. Other than Mr. Hutchens's disciplinary issues, Debtor has not identified events since the original Objection was filed, let alone events that are germane to the merits of reconsideration.

1. Debtor's Argument Regarding Bad Faith is Unavailing

Next, Debtor proffers that "There Was Bad Faith in Attorney Hutchens' Presentation of Proof of Claim #1." Mot., p.27:27. Debtor's citations to an unpublished opinion from the Fifth Circuit, *Burnsed Oil Co. v. Grynber*, 320 F. App'x 222, 230 (5th Cir.), supplemented, 323 F. App'x 344 (5th Cir. 2009), and the Supreme Court of Texas, *Citizens Bridge Co. v. Guerra*, 152 Tex. 361, 365, 258 S.W.2d 64, 66-67 (1953)) describe "bad

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

faith" as construed in those jurisdictions. It is unclear how these cases are supposed to support Debtor's request for reconsideration.

Debtor goes on to explain how Claimant's "based their claim on a state court petition." Mot., p.28:10. The fact that the petition was missing certain exhibits referred to therein is, again, of no consequence to the matter pending before this court. Debtor already brought up these missing exhibits in the original Objection. The argument was unavailing then, and it is no more persuasive now. Moreover, this is not newly discovered or previously unavailable evidence.

2. Mr. Hutchens's Purported Failure to Provide  
Documentation to Support the Amount of the Claim

First, this court has already addressed the issue of documentation in support of a proof of claim. See *e.g.* §§B.5, 6, 7 above. Second, the arguments in this part of the Motion are supposed to highlight developments that have taken place since the filing of the original Objection. Instead, Debtor spends two paragraphs discussing an email exchange from January 30, 2017. None of this speaks to a basis for reconsideration of the court's overruling the Objection.

In addition, the court notes that Debtor is inappropriately taking liberties with his interpretation of the communications between Debtor's counsel and Mr. Hutchens. Specifically, Debtor states that "Hutchens admitted that \$350,000 is an arbitrary figure. [Worthington Decl ¶18, 8:20-25]." Mot., p.29:1. The declaration at issue is found at the end of the original Objection [Docket No. 43, and re-filed as part of Docket No.93-8], signed June 24, 2017. Paragraph 18 of that declaration is on page 8, and after reviewing that paragraph, including lines 20-25, as well as the paragraph that follows, it appears Debtor's counsel is merely repeating his belief that "Hutchens admitted that \$350,000 is an arbitrary figure." Even when this court reviews the emails at Exhibit E of the Objection, it finds *no such admission* from Mr. Hutchens. Instead, at Exhibit E-3, Debtor's counsel is the one that states "the \$350,000 proof of claim is a random amount." At Exhibit E-4, Mr. Hutchens's email states that based on Debtor's counsel's responses "[Debtor and his counsel] would like to go forward with the motion

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

for relief from stay so that [the parties] get an order to make [Debtor] account then go forward." Obj., Ex. E-4. This appears to be the crux of the issue. It would be more helpful to have the probate matter resolved, including but not limited to the sorting out of the accounting, which would inform the parties of the correct claim amount that forms the basis of POC #1. Only then would this court be able to rule on the merits of an Objection. Until then, Debtor's fixation on Mr. Hutchens is futile.

3. Hutchens Curtailed Document Disclosure and instead Conditioned Voluntary Dispute Resolution on First Obtaining an Order for Debtor to Account

Most of the analysis above in §C.3 applies here. Again, Debtor unnecessarily focuses on Mr. Hutchens's purported failures. Debtor has not shown how this is newly discovered or previously unavailable evidence. No other basis for reconsideration has been shown.

5. Debtor Argues that He is Entitled to Have the Creditors' Documentary Evidence Excluded From Evidence or to Monetary Sanctions

Here, Debtor refers solely to FRBP 3001(c)(2)(D). Again, Debtor has veered from the requirements for a motion for reconsideration. Moreover, FRBP 3001(c)(2)(D) applies when "the holder of a claim fails to provide any information required by this subdivision (c)." Subdivision (c) addresses claims based on writing, and claims based on an open-end or revolving consumer credit agreement, for example. This court already found that "[h]ere, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Even if POC #1 was based on some writing, this pending motion is one for reconsideration. Debtor has not shown how notice and a hearing have been afforded to Claimants on the issue of precluding omitted information. Rather, both parties are waiting for a judgment in probate court, which would presumably impact the claims allowance process here. In other words, even if Claimants provided documentary evidence that Debtor requested, such documentation would not definitively determine the appropriate claim amount. Again, the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

probate court would adjudicate that issue.

6. Debtor States that Claimants Are Also Responsible for Their Attorney's Delay

Finally, Debtor concludes this section that is supposed to be about developments since the original Objection with a discussion of delay. In an overly broad statement, Debtor states that "[a]ccording to the Supreme Court's decision in *Link v. Wabash R.R. Co.*,[...] the Claimants are responsible for delays caused by Hutchens." Mot., p.30: 2-3. A review of that case shows that the Court was dealing with a district court's dismissal of an action for failure to prosecute, which was affirmed by the appellate court. In affirming, the Supreme Court announced that where the district court considered the absence of the attorney at the pretrial conference, in addition to the history of that litigation and "all the circumstances surrounding counsel's action in the case," then "[t]his obviously amounts to no broader a holding than that the failure to appear at a pretrial conference may, in the context of other evidence of delay, be considered by a District Court as justifying a dismissal with prejudice." *Link v. Wabash R. Co.*, 370 U.S. 626, 635 (1962). Therefore, to the extent Debtor attempts to impute Mr. Hutchens's failings on Claimants, the argument is misplaced in the context of this motion for reconsideration. Debtor is not directing this court to newly discovered or previously unavailable evidence that shows cause for reconsideration of the Objection.

Similarly, Debtor's citation to the unpublished case of *Antabian v. Wells Fargo Bank, N.A.* is inapposite. The issue in that case was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. *In re Antabian*, No. AP 2:15-AP-01339-ER, 2016 WL 7404667, at \*6 (B.A.P. 9th Cir. Dec. 21, 2016). This court has already noted previously that the Adversary Proceeding between Debtor and Claimants has been dismissed. Debtor's references to dismissal for lack of prosecution demonstrate a possible misunderstanding of where this case is procedurally. Dismissal of Debtor's objection and motions for reconsideration does not mean automatic disallowance of the underlying claim. As repeated above, POC #1 is an unliquidated claim that has not

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

yet been adjudicated and based entirely on state law. See Mot., Ex. M, ¶4. To the extent that what is delaying that adjudication is the automatic stay, Debtor may wish seek relief from stay to proceed in that non-bankruptcy forum. In the meantime, qualms Debtor may have about Mr. Hutchens or Claimants' ability to prosecute the probate matter are unlikely to be resolved in this court, let alone in a motion for reconsideration that was supposed to be based on developments since the filing of the original Objection.

*D. Debtor's Remaining Argument Is More Appropriately Brought Before the Probate Court*

Debtor concludes the final section of his Motion stating, "[i]n addition to the above, Debtor has rebutted the allegations of POC #1 as follows." What follows are a series of substantive legal arguments that appear to be geared towards arguing the merits of the matter that is pending in probate court. See Mot., pp.30:14-35:9. For example, Debtor begins §B on page 33 of the Motion stating, "[w]ith respect to Hutchens' allegation in the State Court Petition..." which is clearly not about a basis for reconsideration of the Objection that was before this court. Ultimately, Debtor took the time to review the November 30th tentative ruling that this court adopted. However, Debtor failed to show cause for reconsideration under FRCP 59.

*E. Debtor Filed a Reply Despite the Absence of an Opposition*

Claimants did not file a timely opposition, so there was no pleading to which Debtor needed to reply. To the extent Debtor is supplementing the Motion filed on January 29, 2018 with any new arguments, this court need not consider them since Claimants are not afforded the opportunity to respond.

This is reminiscent of Debtor's "Supplemental Memorandum of Points and Authorities" filed on January 5, 2018 [Docket No. 82], in advance of the status conference set on January 17, 2018 at 9:30am. The court's tentative ruling stated: "The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018." Here, the reply is timely, but any new arguments therein are not. The court considers each of the arguments set forth in the reply, but ultimately the outcome remains the same, namely, the motion should be denied.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

1. Debtor's Status Update

Debtor begins his reply with a "Status Update" highlighting the fact that Claimants have not filed an opposition to the instant motion. "Debtor has been left alone to litigate the subject Objection to Proof of Claim ("Objection") with non-appearing, not prosecuting and non-opposing parties." Reply, p.1:23-25. The lack of opposition in the context of the original Objection did not prevent this court from overruling Debtor's Objection. The court adopted its November 30th tentative ruling, which overruled the Objection on the merits, and said among other things: "Debtor's objections are presented in a "shot-gun" approach, i.e, several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. Debtor may wish to shift his focus to obtaining a judgment in the probate court matter, since POC #1 is an unliquidated claim that needs to be adjudicated and is based entirely on state law.

2. Mr. Hutchens's Eligibility to Practice Law

This court has already addressed, in §A.1, §C.1 and §C.3 above, how Mr. Hutchens's ineligibility to practice law is not a basis for reconsideration of this court's overruling Debtor's Objection.

At the outset, Debtor's heading "The Disbarment of Claimants' Attorney Invalidates Proof of Claim #1" is inaccurate in more than one respect. See Reply, p. 2. First, Mr. Hutchens has not been disbarred yet. A review of the California State Bar website shows that as of March 6, 2018 he is not eligible to practice law in California, and that this designation was effective as of September 1, 2017. See CA State Bar Website (printout). Second, the POC #1 has not been invalidated as a result of Mr. Hutchens's unavailability, the fact that he signed the proof of claim when it was originally filed or for any of the other reasons Debtor proposes. In any event, these arguments do not show cause for reconsideration under FRCP 59.

Debtor refers to FRBP 3001(b), and asserts that "[t]he signature is a requirement for a valid proof of claim." Reply, p. 2:8-9. However, FRBP 3001

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

(b) simply addresses who may execute a proof of claim, and it says: "A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005." At the time POC #1 was executed on January 8, 2017, Mr. Hutchens signed the proof of claim and checked the box for "creditor's attorney or authorized agent." Obj., Ex. A. This meets the minimal requirement of FRBP 3001(b), regardless of Mr. Hutchens's eligibility to practice law in California as 8 months later.

Next, Debtor cites to *Smyth v. City of Oakland (In re Brooks-Hamilton)*, 329 B.R. 270, 283 (B.A.P. 9th Cir. 2005), but the Panel's discussion of sanctions under FRBP 9011 is not relevant to the matter pending before this court. There are procedural requirements that a movant has to satisfy before bringing a sanctions motion, not least of which is giving adequate notice of an attorney's alleged misconduct. In diverging from the motion at hand, Debtor is not showing cause for reconsideration of the merits of the Objection. Therefore, Debtor's further musings that "Hutchens is clearly unavailable and not accountable for his non-compliance with Fed R Bankr 9011(b)," are likewise misplaced, as is his contention that "[i]t is incumbent on Claimants to sign the POC in place of Hutchens." Reply, p.2:17-19.

Similarly, Debtor's quotation from *In re Ganas*, 513 B.R. 394, 412 (Bankr. E.D. Cal. 2014) does not fit squarely within the issues in this motion for reconsideration. One of the bankruptcy court's holdings there was that debtors' claims for negligence, fraud, misrepresentation, breach of contract, and conversion, all of which were based on secured creditor's preparation, filing, and/or prosecution of its proof of claim, were preempted by the Bankruptcy Code and its remedial schemes. Those kinds of claims are not what are pending before the probate court in the Superior Court of Orange County. The court in *In re Ganas* was, first of all, dealing with an adversary complaint in which Chapter 13 debtors were objecting to the proof of claim filed by secured creditor Wells Fargo Bank. Based on the parties' representations in this case, the claim here is purportedly not a secured claim. Moreover, as this court has found, POC #1 is an unliquidated claim that has not yet been adjudicated. Thus, Debtor's reliance on *In re Ganas* is inapt. Furthermore, his concluding sentence that "[g]iven the Claimants' failure get another attorney, to appear, prosecute their claims or oppose this

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

contested matter since Hutchens was ineligible to practice (circa 09/01/17), the court may disallow the POC for lack of authorized signature," does not follow from any of the above. Debtor's argument is conclusory and unsupported by the case law he cites because the procedural posture and facts in this case are dissimilar.

3. Debtor Alleges that "There is Evidence of Creditor Fraud in the Claim Under Cal Civ Code 789.3"

At this point in his reply, Debtor narrates a series of supposed inconsistencies and certain communications between Debtor and one of the Claimants, all of which are connected to the state court issues that this court has already noted have not yet been adjudicated. In §D above, this court explained that Debtor's arguments directed at the merits of the Claimants' state court petition in probate court are not for this court to decide in the context of a motion for reconsideration of the court's overruling Debtor's Objection. Again, Debtor fails to show cause for reconsideration under FRCP 59 because these assertions are not newly discovered or previously unavailable evidence.

4. Whether The Claimants May Be Treated As Defaulting Parties

It is unclear why Debtor brings up arguments pertaining to the already dismissed adversary proceeding between Claimants and Debtor. Debtor contends that as a consequence of his obtaining a dismissal of that adversary for lack of prosecution "Claimants have lost their claim for non-dischargeability on the merits." Reply, p.4:16-17. At an earlier hearing, this court emphasized that dismissal was not on the merits.

Debtor improperly relies on a footnote from *In re Walker* (Bankr.D.Nev. 2005) 332 B.R. 820, 825, fn. 2. The court there was dealing with a motion for relief from stay and the court specifically entered an order denying "with prejudice for failure to prosecute." This is not what happened in the Adversary Proceeding here; it was a straight dismissal. Moreover, Debtor's reliance on FRCP 41(b) needs to be viewed in the context of FRBP 7041, which provides that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Rule 41 F.R.Civ.P. applies in adversary proceedings, except that a complaint objecting to the debtor's discharge shall not be dismissed at the plaintiff's instance without notice to the trustee, the United States trustee, and such other persons as the court may direct, and only on order of the court containing terms and conditions which the court deems proper. (emphasis added).

Again, the order dismissing the Adversary Proceeding is a straight dismissal, with no other terms or conditions, or indication that it was a dismissal on the merits See Adv. Docket No. 26. Finally, as this court noted above in §C.6, the issue in *In re Antabian* was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. A closer look at that case shows that the bankruptcy court made explicit findings and conclusions and provided a detailed explanation of how it weighed the five factors for such a dismissal. *In re Antabian* involved a much longer litigation involving the sale of real property, and an adversary proceeding instituted *by debtor* essentially to try to avoid or delay such a sale. In addition, the bankruptcy court did not impose an immediate dismissal of the adversary proceeding in its order. Instead, the bankruptcy court afforded Debtor an additional month to negotiate with Wells Fargo before its order dismissing the adversary proceeding would become final. *In re Antabian*, at \*11. In any event, this court need not go deeper into a discussion of the already dismissed Adversary Proceeding because it bears little connection to the pending motion for reconsideration.

Debtor again offers only a conclusory argument that "[f]or the foregoing reasons, all of Claimants' state statute, breach of fiduciary duty and misconduct claims in the POC should be disallowed." Reply, p.5:3-4. Debtor appears to be reaching the merits of the petition in probate court. To the extent those are claims asserted in probate court, they are not for this court to adjudicate. Debtor cannot circumvent the fact that POC #1 remains unliquidated because the parties have yet to resolve that probate court matter. Thus, Debtor again fails to show how reconsideration under FRCP 59 is warranted.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

5. Finally, Debtor Asserts that Claimants Have No Documentary Evidence and No Testimony to Prevail on the Merits of their Claim

At the outset, based on this court's review of the Objection and reconsideration, the merits of the claim turn on the adjudication of the probate court matter. Only then will Debtor *and* Claimants have evidence for the appropriate amount of the claim, if in fact it can be reduced to a certain amount. Debtor's arguments based on Claimants' alleged non-participation in the claims objection proceedings or the reconsideration motions thereafter, are not enough to overcome the fact that the state law issues remain to be determined in probate court.

With regard to Debtor's concluding argument that Claimants have failed to carry their burden of proof, this fails to take into account that even with only the petition as part of POC #1, this court was nevertheless able to overrule Debtor's Objection on the merits. Debtor has not come forward with newly discovered or previously unavailable evidence that shows cause for reconsideration. Moreover, Debtor's submission that POC #1 should be disallowed in its entirety "or that specific findings and conclusions be provided to support an estimated amount for allowance despite Debtor's evidence" further highlights Debtor's misplaced focus. This court cannot estimate the amount of allowance for an unliquidated claim that the probate court has yet to determine.

Conclusion

In adopting its November 30, 2017 tentative ruling, this court overruled the Objection on the merits. Among other reasons, the court noted that Debtor's "shot-gun" approach of several theories of defenses were presented in a matter that undermines the goal of rebutting the presumption of validity created by a timely filed proof of claim. Debtor's counsel represented that there had been developments since the filing of the original Objection. Presumably, Debtor's subsequent motion would therefore focus on such newly discovered or previously unavailable evidence. Instead, Debtor spends much of this pending motion attempting to address the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

November 30th ruling. Ultimately, Debtor has not shown cause for reconsideration under FRCP 59. Debtor's focus on Mr. Hutchens and his ineligibility to practice law may have distracted Debtor from the basis of this court's overruling the Objection. To wit, POC #1 remains an unliquidated claim that has not yet been adjudicated by the probate court. To the extent relief from stay is necessary to proceed in that non-bankruptcy forum, Debtor may wish to proceed down that path rather than focusing on Claimants' or their counsel's inaction.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#33.00 CON'TD Hearing RE: Debtor's Chapter 11 Disclosure Statement**

FR: 10-12-17; 11-30-17; 1-17-18

Docket 90

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO MAY 3, 2018 AT 10:30  
A.M. PER ORDER APPROVING STIPULATION TO CONTINUE  
HEARING ON APPROVAL OF DISCLOSURE STATEMENT ENTERED  
3/7/18**

**Courtroom Deputy:**

**CONTINUED: Order Approving Stipulation to Continue Hearing on  
Approval of Disclosure Statement entered 3/7/2018; Continued to  
5/3/2018 at 10:30 a.m. (Liz 3/7/18) (XX)**

**Tentative Ruling:**

**November 30, 2017**

No amended disclosure statement/plan filed to address issues raised by the  
UST or possible loan modification. Debtor to advise the court re the status of  
the same.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#34.00** CONT'D STATUS CONFERENCE hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-18-17; 9-21-17; 10-12-17; 11-30-17, 1-17-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 18, 2017**

Claims Bar Date:	July 25, 2017 (notice by 5/25/17)
Deadline to file plan/DS:	Aug. 31, 2017
Continued Status Conf:	Sept. 21, 2017 at 10:30 a.m. (XX)
Deadline to file Updated Status Report: have	Sept. 7, 2017 (unless the Plan/DS been timely filed, in which case the requirement of an updated report
will be	waived and the Status Conf will be continued to the same date/time as
hrg	on approval of the DS

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

-----  
**September 21, 2017**

Continue status conference to October 12, 2017 at 10:30 a.m., same date/time set for hearing on approval of disclosure statement. Updated status report not required.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----  
**October 12, 2017**

No tentative ruling; disposition will depend upon the outcome of the hearing on approval of the disclosure statement.

-----  
**November 30, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Continue status conference to trail hearing on approval of disclosure statement on January 17, 2018 at 10:30 a.m. (XX)

-----  
**January 17, 2018**

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as continued hearing on disclosure statement. Updated status report not required. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

**March 8, 2018**

Continue status conference to May 3, 2018 at 10:30 a.m.; updated status report not required if amended disclosure statement is timely filed.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10066 Trong Vo**

**Chapter 7**

**#35.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Trong Vo

Represented By  
Vanmai H Nguyen

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

8:17-10066 Trong Vo

Chapter 7

#36.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses [March 28, 2017 Through January 4, 2018]

**[BURD & NAYLOR, GENERAL COUNSEL FOR TRUSTEE]**

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Trong Vo

Represented By  
Vanmai H Nguyen

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10066 Trong Vo**

**Chapter 7**

**#37.00** Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from August 17, 2017 Through December 26, 2017

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Trong Vo

Represented By  
Vanmai H Nguyen

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11944 Kevin Foy**

**Chapter 11**

**#38.00** Hearing RE: Motion by United States Trustee to Dismiss Case or Convert Case to One Under Chapter 7 Pursuant to 11 U.S.C. Section 1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing

Docket 93

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion; judgment in favor of US Trustee for any outstanding quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin Foy

Represented By  
Julie J Villalobos



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11944 Kevin Foy**

**Chapter 11**

**#38.10 CON'TD STATUS CONFERENCE RE: Status of Chapter 11 Case; and (2)  
Requiring Report on Status of Chapter 11 Case**

FR: 7-27-17; 10-19-17; 11-2-17; 12-21-17; 2-22-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 27, 2017**

Claims bar date:	Oct. 6, 2017
Deadline to serve bar date notice:	Aug. 4, 2017
Deadline to file plan/discl. stmt:	<b>Sept. 22, 2017*</b>
<b>Continued Status Conference:</b> <b>(XX)</b>	<b>October 19, 2017 at 10:30 a.m.</b>
<b>Deadline to filed status report:</b> <b>has</b> <b>the requirement will be waived</b>	<b>October 5, 2017 unless a plan/DS</b> <b>been timely filed, in which case</b>

***Note: If Debtor accepts the foregoing tentative ruling and is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

**\*This tentative ruling has modified to extend the deadline for filing the plan/disclosure statement since its original posting.**

-----  
**October 19, 2017**

Continue status conference to November 2, 2017 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Kevin Foy  
report not required. (XX)

**Chapter 11**

***Note: Appearances at this hearing not required.***

-----  
**November 2, 2017**

No tentative ruling; disposition will depend upon outcome of disclosure statement hearing.

-----  
**December 21, 2017**

Debtor's status report does not indicate when or if a new plan and disclosure statement will be filed. Debtor to advise why a new plan and disclosure statement cannot be filed by January 12, 2018.

-----  
**February 22, 2018**

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as hearing on the U.S. Trustee's pending motion to dismiss/convert case. (XX)

***Note: Appearances at this hearing are not required.***

-----  
**March 8, 2018**

Take matter off calendar in light of granting of motion to dismiss case.

**Party Information**

**Debtor(s):**

Kevin Foy

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12177 Christopher Quentin Chappell**

**Chapter 13**

**#39.00** Hearing RE: Motion by the United States of America to Vacate the Court's Order Granting the Debtor's Motion to Avoid the IRS Lien

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Quentin Chappell

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 08, 2018

Hearing Room 5A

10:30 AM

8:17-12177 Christopher Quentin Chappell

Chapter 13

#40.00 CONT'D Hearing RE: Debtor's Objection to Claim of Internal Revenue Service, Claim 1 (\$166,644.85)

FR: 2-1-18

Docket 31

\*\*\* VACATED \*\*\* REASON: OR CALENDAR: Withdrawal of Objection to Claim of Internal Revenue Service, Claim 1 filed 2/28/2018

Courtroom Deputy:

**OR CALENDAR: Withdrawal of Objection to Claim of Internal Revenue Service, Claim 1 filed 2/28/2018 - td (3/1/2018)**

Tentative Ruling:

**February 1, 2018**

Continue hearing to March 8, 2018 at 10:30 a.m. allow Debtor to correct service issue: IRS was not properly served at the addresses set forth in the Court Manual, Appendix D, 2.1, 2.4 (no service was made to the Civil Process Clerk of the US Attorneys Office or to the US Attorney General). (XX)

Tentative ruling for 3/8/18 hearing (if unopposed): Sustain objection.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

Party Information

**Debtor(s):**

Christopher Quentin Chappell

Represented By  
Michael Jones  
Sara Tidd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Christopher Quentin Chappell**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14331 Lindsay Goldsmith**

**Chapter 7**

**#41.00** Hearing RE: Debtor's Motion for Redemption of 2010 Toyota Prius Through Clackamas Federal Credit Union Under 11 U.S.C. Section 722

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion with a value of \$10,000.00 if Debtor can satisfactorily explain to the court why she seeks to redeem a vehicle that she will be required to turn over to her former spouse.

Basis for Tentative Ruling

The Debtor seeks to redeem a 2010 Toyota Prius (the "Vehicle") under 11 U.S.C. § 722, which provides that an individual debtor may redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of the redemption. Here, it is undisputed that the Vehicle is tangible personal property intended primarily for personal, family, or household use.

Pursuant to § 722 of the United States Code, it appears that the Debtor may redeem the Vehicle because the Debtor clearly claimed the Vehicle as an exemption in Schedule C of her Chapter 7 bankruptcy petition. See Mot., Ex. A. In Schedule C of her petition, the Debtor noted that the current value of the Vehicle was \$7,254.00, and that the current

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lindsay Goldsmith**

**Chapter 7**

value of the portion that she owned was \$7,254.00. See Mot., Ex. A. Because Schedule C clearly indicates that the Vehicle was exempted, the Debtor seeks to redeem a 2010 Toyota Prius (the "Vehicle") under 11 U.S.C. § 722, which provides that an individual debtor may redeem tangible personal property intended primarily for personal, family, or household use, from a lien securing a dischargeable consumer debt, if such property is exempted under section 522 of this title or has been abandoned under section 554 of this title, by paying the holder of such lien the amount of the allowed secured claim of such holder that is secured by such lien in full at the time of the redemption. Here, it is undisputed that the Vehicle is tangible personal property intended primarily for personal, family, or household use.

Pursuant to § 722 of the United States Code, it appears that the Debtor may redeem the Vehicle because the Debtor clearly claimed the Vehicle as an exemption in Schedule C of her Chapter 7 bankruptcy petition. See Mot., Ex. A. In Schedule C of her petition, the Debtor noted that the current value of the Vehicle was \$7,254.00, and that the current value of the portion that she owned was \$7,254.00. See Mot., Ex. A. Because Schedule C clearly indicates that the Vehicle was exempted, the requirements under § 722 have been satisfied, thus the Motion should be granted.

However, in the Opposition filed by Clackamas Federal Credit Union (the "Creditor"), the Creditor argues that the Debtor's Motion should be denied because the Debtor does not have a legal ownership interest in the Vehicle, and because the Debtor's valuation of the Vehicle is inaccurate. See Opp., p. 2:7-3:7. Of these arguments, the latter has some merit.

In the Reply to the Creditor's Opposition, the Debtor argues that the Debtor's Opposition should be denied. See Reply, p. 3:2-3. The Debtor addresses the legal ownership of the Vehicle by explaining that it was a requirement of the Debtor's divorce decree that the third party, Donald Lee, be a registered owner of the Vehicle, since the Vehicle will eventually belong to the Debtor's former spouse. See Reply, p. 2:17-22. The Debtor states that she has advised the Creditor that she is willing to work with the Creditor to develop an agreeable Order that addresses the third party registered owner's role and liability in this matter, since there is an issue of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lindsay Goldsmith**

**Chapter 7**

liability regarding the Vehicle. See Reply, p. 2:19-22. Furthermore, the Debtor claims that the Creditor's valuation of the Vehicle is not valid. See Reply, p. 2:23-25.

*The Debtor has an Ownership Interest in the Vehicle*

An examination of the supporting documentation in the Debtor's Motion and the Creditor's Opposition shows that despite some inconsistency, the Debtor has an ownership interest in the Vehicle. A comparison of Schedule C, attached to the Motion filed by the Debtor, and the Certificate of Title, attached to the Opposition filed by the Creditor, reveals a discrepancy regarding ownership of the Vehicle. See Mot., Ex. A; Opp., Ex. B. The Debtor stated in Schedule C of her petition that, at the time she purchased the Vehicle, her ex father-in-law, Donald Lee, co-signed for the purchase of the Vehicle. See Mot., Ex. A. In addition, the Debtor indicated in Schedule C that she operates and maintains the Vehicle, but will be obligated to return the Vehicle to her ex-husband when he gets current with support payments, per their Martial Settlement Agreement. See Mot., Ex. A. This information conflicts with the information stated on the Certificate of Title, because the Certificate of Title only lists Donald Lee as the owner of the Vehicle. See Opp., Ex. B.

However, this discrepancy is resolved by the information stated in the Loan Agreement for the Vehicle attached to the Creditor's Opposition. See Opp., Ex. A. The Loan Agreement expresses that both the Debtor and Donald Lee are financially obligated to the Creditor. See Opp., Ex. A. The Loan Agreement classifies Donald Lee as the "buyer" and the Debtor as the "co-buyer" of the Vehicle. See Opp., Ex. A. This information confirms the Debtor's ownership of the Vehicle, as both the Debtor and Donald Lee bought the Vehicle, which is consistent with what the Debtor stated in Schedule C of her petition. See Mot., Ex. A. Furthermore, this discrepancy is clarified in the Debtor's Reply to the Opposition, as the Debtor explains that Donald Lee's ownership of the Vehicle was a requirement of the Debtor's divorce decree, since the Vehicle will eventually belong to the Debtor's former spouse. See Reply, p. 2:17-22. The Debtor states that she is willing to work with the Creditor to develop an agreeable Order that addresses the third party registered owner's role and liability in this matter. See Reply, p. 2:19-22. Even though the supporting documentation in the Creditor's Opposition



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lindsay Goldsmith**

**Chapter 7**

confirms that the Debtor has legal ownership of the Vehicle, an Order that addresses the issue of liability would provide clarification and help to prevent future disputes regarding legal ownership of the Vehicle. However, this proposed Order is not required to establish the Debtor's ownership of the Vehicle, since the Debtor's ownership is already established in the Loan Agreement for the Vehicle. See Opp., Ex. A.

*Debtor's Valuation of the Vehicle is Inaccurate*

The Debtor's valuation of the Vehicle is inaccurate. Pursuant to 11 U.S.C. §506(a)(1), an allowed claim secured by a lien on property is a secured claim to the extent of the value of such creditor's interest. 11 U.S.C. §506(a)(2) provides that such value shall be determined based upon the replacement value of the property as of the date of filing without deduction for costs of sale or marketing. This section defines replacement value as the price a retail merchant would charge for property of that kind considering the age and condition of the property.

Value should be calculated as of the petition date. 11 U.S.C. § 522(a) (2). Generally, Kelly Blue Book value should be used as a starting point to determine the retail value of a vehicle, and should be adjusted according the vehicle's specific circumstances. *In re Morales*, 387 B.R. 36, 45 (Bankr. C.D. Cal. 2008). Often the showing necessary to justify a downward adjustment from the guide retail value will be minimal because few vehicles have been maintained in the high-quality condition contemplated by the guide retail values. *Id.* at 46. Evidence in support of an adjustment of the guide retail value may include declarations, testimony, vehicle advertisements, and expert or appraisal reports, and even private party values, as appropriate. *Id.*

Here, the Debtor asserts that the value of the Vehicle is \$7,254.00, as evidenced in the Debtor's Kelley Blue Book Private Party Value report attached to the Motion. See Mot., Ex. B. The Private Party Value is the starting point for negotiation of a used car between a private buyer and private seller. See "Buying from a Private Party," N.A.D.A. Guidelines. This Private Party Value report describes the Vehicle as being a "II Hatchback 4D." See Mot., Ex. B.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT...**

**Lindsay Goldsmith**

**Chapter 7**

However, in the Opposition, the Creditor offers as an attachment evidence of the value of the Vehicle from the Kelley Blue Book Used Car Guide. See Opp., Ex. C. This Used Car Guide values the Vehicle at \$11,088.00. See Opp., Ex. C. This report describes the Vehicle as being a "IV Hatchback 4D." See Opp., Ex. C.

The Kelley Blue Book valuations attached in the Motion and the Opposition are different types of valuations, and describe different styles of the Vehicle. Although a Private Party Value report may be appropriate to use as evidence of retail value, this type of report depicts the starting sale price of a used vehicle between private buyers and sellers, whereas the Used Car Guide depicts the retail value of used vehicles in the open market, which more accurately represents "replacement value" under §506 of the United States Code. Furthermore, the Private Party Value report offered in the Motion is for a 2010 Toyota Prius with a style described as "II Hatchback 4D," while the Used Car Guide offered in the Opposition is for a 2010 Toyota Prius with a style described as "IV Hatchback 4D." See Mot., Ex. B.; Opp., Ex. C. Notably, the Vehicle is described as "IV Hatchback 4D" in the Loan Agreement. See Opp., Ex. A. In consideration of this, it appears that the Debtor's Private Party Value report provides a valuation for the wrong style of vehicle. When the correct style is used for Private Party Value, the value increases to \$9,594.00.

Furthermore, in the Debtor's Reply, the Debtor argues that the Creditor's valuation is inaccurate because it does not take into account adjustments for "wear and tear," damages, and age. See Reply, p. 2:23-25. However, based on the valuation of the Vehicle in the Used Car Guide that is attached to the Creditor's Opposition, this valuation includes the year of the Vehicle, which accounts for its age, and the "Good" condition of the Vehicle, which accounts for reasonable "wear and tear." See Opp., Ex. C. In addition, the Creditor's valuation in the Used Car Guide classifies the style of the Vehicle accurately, as explained above. See Opp., Ex. C. Thus, the Creditor's valuation of the Vehicle is not inaccurate.

Based on the foregoing, it appears that the Debtor's valuation is inaccurate because it refers to the wrong style of vehicle. Therefore, in accordance with the Creditor's valuation, the Court should determine the replacement value of the Vehicle based on the retail starting poing of \$11,088.00 for purposes of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lindsay Goldsmith**

**Chapter 7**

valuation under §506. According to Kelley Blue Book, the retail value is the *starting point* for *negotiation* between the dealer and the purchaser. So, using the Creditor's value, the starting point would be \$11,088 but that, presumably, would not be the actual sale or replacement price. Accordingly, \$10,000 seems to be a reasonable negotiated price.

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lindsay Goldsmith

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14863 Steven Samuel Dorf**

**Chapter 7**

**#42.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. Rule 2017

Docket 8

**Courtroom Deputy:**

**SPECIAL NOTE: Nancy Goldenberg of UST Office to make appearance and request continuance of hearing to 3/29/18 at 10:30 a.m. - td (2/27/2018)**

**Tentative Ruling:**

**March 8, 2018**

Grant motion on the terms set forth in response filed by Debtor's attorney filed 2/13/18.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Samuel Dorf

Represented By  
Russell Shields

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#43.00** FINAL Hearing RE: Emergency Motion for Interim and Final Order Authorizing Debtor and Debtor in Possession to Use Cash Collateral Under 11 U.S.C. Section 363(e) **(OST Entered 1/19/18)**

FR: 1-25-18

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

The U.S. Trustee to advise the court re his position in light of supplemental memorandum and late-filed monthly operating report (filed 3/5/18).

**Party Information**

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#44.00 STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Chapter 11 Status Report not filed as required by this court's Order entered 1/10/18 [docket #4]. Debtor's counsel to advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

Deadline to file plan/disclosure statement:	May 22, 2018
Claims bar date:	May 15, 2018 (notice by 3/15/18)
Continued Status Conference:	Jun 14, 2018 at 10:30 a.m.
Deadline to file updated Status Report:	May 31, 2018 (waived if plan &
	disclosure statement are filed)

***Note: Appearance at this hearing is required.***

**Party Information**

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10204 James Ramsdale**

**Chapter 7**

**#45.00** Hearing RE: Debtor's Motion for Contempt and Violation of the Automatic Stay

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Comments re the Motion and Opposition:

1. Section 362(b)(22): the automatic stay does not apply to "the continuation of an eviction action, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property in which the debtor resides as a tenant under a lease or rental agreement and with respect to which the lessor has obtained before the date of the filing of the bankruptcy petition, a judgment for possession of such property against the debtor.
  
2. This court is bound by the decisions of the Ninth Circuit Court of Appeals and must follow its rulings. In *In re Perl*, 811 F.3d 1120 (9th Cir. 2016), the Ninth Circuit held that where an unlawful detainer judgment and writ of possession was entered pursuant to CCP 415.46 prepetition, the debtor "had been completely divested of all legal and equitable possessory rights that would otherwise be protected by the automatic stay." *Id* at 1130. The court further ruled that "the Sheriff's lockout did not violate the automatic stay because no legal or equitable interests in the property remained to become property of the bankruptcy estate."

Here, the landlord, Winton Ashton asserts that he obtained a judgment for possession on December 12, 2017, prior to the filing of this bankruptcy case. If that is true, based upon the foregoing authorities, there would be no violation of the stay if Winton Ashton continued to enforce such judgment postpetition. However, Winton Ashton has not provided the court with a copy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... James Ramsdale Chapter 7**

of such judgment of possession. Without reviewing the judgment, the court cannot determine whether the action taken postpetition violated the stay or not.

3. The court will likely continue this hearing in order to permit Winton Ashton to file a copy of judgment or writ of possession against Debtor.

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Ramsdale	Pro Se
----------------	--------

**Movant(s):**

James Ramsdale	Pro Se
----------------	--------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 08, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10255 Herbert Giovanni Guevara**

**Chapter 7**

**#46.00** Hearing RE: Order to Show Cause For Failure to Comply with 11 U.S.C. Section 109(h) (BNC) (Course taken too early) **[OSC Issued 2/5/18]**

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Certificate of Credit Counseling taken 2/9/18, filed 2/20/18**

**Courtroom Deputy:**

**OFF CALENDAR: Certificate of Credit Counseling taken 2/9/18, filed 2/20/18 - td (2/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Herbert Giovanni Guevara Pro Se

**Trustee(s):**

Richard A Marshack (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:13-13765 Jeffrey B Shuy and Karen S Shuy**

**Chapter 13**

**#1.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

US BANK NA, successor trustee to Bank of America, NA

VS.

DEBTORS

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**Match 13, 2018**

Grant motion with 4001(a)(3) waiver unless the parties reach a resolution prior to the hearing. If the parties require more time to negotiate an adequate protection order, the parties may advise the courtroom clerk at the hearing during the roll call and the matter will be continued to April 12, 2018 at 10:00 a.m.

Debtor's objection is overruled as no evidence in support of the same has been presented.

**Party Information**

**Debtor(s):**

Jeffrey B Shuy

Represented By  
Tate C Casey

**Joint Debtor(s):**

Karen S Shuy

Represented By  
Tate C Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jeffrey B Shuy and Karen S Shuy**

**Chapter 13**

**Movant(s):**

U.S. Bank NA, successor trustee to

Represented By  
Kristin A Zilberstein  
Kelly M Raftery  
Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, March 13, 2018

Hearing Room 5A

10:00 AM

8:16-12477 Nathan M. Donahue

Chapter 13

#2.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Nathan M. Donahue

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nathan M. Donahue**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10630 Theodore Eugene Slowiaczek**

**Chapter 13**

**#3.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
U.S. BANK NA, SUCCESSOR TRUSTEE TO BANK OF AMERICA, NA  
VS.  
DEBTOR

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Grant with 4001(a)(3) waiver and co-debtor stay relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Theodore Eugene Slowiaczek

Represented By  
Amid Bahadori

**Movant(s):**

U.S. Bank NA, successor trustee to

Represented By  
Kristin A Zilberstein  
Kelly M Raftery  
Nancy L Lee  
Jennifer C Wong

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Theodore Eugene Slowiaczek**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10079 Glen M Passaretti**

**Chapter 7**

**#4.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
GATEWAY ONE LENDING & FINANCE  
VS.  
DEBTOR

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Grant motion without 4001(a)(3) waiver of the the 14-day period.

Creditor seeks relief from the automatic stay under both 362(d)(1) and 362(d)(2). Under 362(d)(1), relief from stay may be granted for "cause," such as inadequate equity cushion and/or the property is declining in value and payments have not been made to sufficiently protect Creditor's interest against such decline. Under 362(d)(2), relief from stay is appropriate where there is no equity in the vehicle and the vehicle is not needed for reorganization. As there is no "reorganization" in a chapter 7 case, the moving party need only show lack of equity.

Even using Debtor's value of \$21,896, the amount owed is \$27,191.83 leaving no equity and no equity cushion to protect the Creditor's interest. In addition, Debtor is in default on payments. Accordingly, the granting of relief from stay is appropriate under either 362(d)(1) or 362(d)(2) and the court grants the motion on both grounds.

Waiver of the 14-day stay period following entry of the order granting relief



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Glen M Passaretti Chapter 7**

from stay set forth in Bankruptcy Rule 4001(a)(3) is within the discretion of the court. The court, in this case, declines to grant the waiver. Thus, the order will become effective upon the 14th day following entry of the order.

*Special Note to Debtor:* The granting of the motion allows the Creditor the option to seek recovery of the vehicle under California state law if it so chooses. The Creditor always has the option of working with the debtor outside the bankruptcy on an alternative arrangement.

Re service: The motion was served on February 12, 2018 -- however, Debtor did not file a notice of change of address until February 20, 2018. Accordingly, service was proper when made as Debtor's prior address remained the address of record at the time the Motion was filed.

***Note: If both parties accept the above tentative ruling, appearances at this hearing will not be required and the Creditor may lodge an order consistent with the tentative ruling.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Glen M Passaretti	Pro Se
-------------------	--------

**Movant(s):**

Gateway One Lending & Finance	Represented By Austin P Nagel
-------------------------------	----------------------------------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10625 Hazel Jeanette Kidd**

**Chapter 13**

**#4.10** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Deny motion.

Basis for Tentative Ruling:

1. Debtor in her declaration misrepresents the reason her prior ch. 13 case, # 14-17117 was voluntarily dismissed. She states in paragraph 5 of the declaration that she dismissed the case in order to pursue a loan modification. However, in her prior case she stated in her motion to dismiss that she had "fallen behind financially and is no longer capable of making payments pursuant to the plan." There was no mention of any intent to seek a loan modification.
2. It is unlikely that Debtor would have been eligible for a loan modification in light of the fact that she had failed to make twenty-two postpetition mortgage payments (\$60,000 in total postpetition arrearages) at the time Wells Fargo filed its motion for relief from stay on April 28, 2017. According to the relief from stay motion, Debtor did not make a single mortgage payment in all of 2016. See Case #14-17117, docket #64, p. 9.
3. In the prior case, Debtor's only income was monthly social security benefits of approximately \$1,068.00 and monthly family contributions of \$2850. Her son promised to contribute his social security benefits of \$800 per month. \$1800 would not have been sufficient to make the mortgage

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Hazel Jeanette Kidd**

**Chapter 13**

payment, let alone ordinary living expenses. The plan was only made feasible by the monthly contribution of Debtor's daughter-in-law in the amount of \$2,050. The court can only surmise that Debtor's daughter-in-law was ultimately unwilling or unable to make the contributions, causing Debtor default on twenty-two postpetition payments.

4. In her declaration in support of the Motion, Debtor states that she has "every intention of staying in a Chapter 13 repayment plan to pay my arrears." What she doesn't say is the arrearages are now in excess of \$117,000 or explain how circumstances have changed such that she will be able to make current mortgage payments plus pay more than \$117,000 in prepetition arrears.

5. On March 9, 2018, Debtor filed schedules indicating that she has monthly income from Social Security benefits of \$1,160. She further indicates monthly family contributions of \$4900 -- a 42% increase over the previous contribution amount of \$2850. The declaration in support of the Motion is completely silent as to how such family contributions are feasible when contributions at a much smaller amount were not achievable for more than two years.

6. In light of the foregoing and based on the evidence presented, this case appears to have been filed in bad faith. It is clear that Debtor does not have the ability to confirm and consummate a feasible plan.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hazel Jeanette Kidd

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13300 Marc David Finnie**

**Chapter 13**

**#5.00** Hearing RE: Debtor's Motion and Objection to Claim No. 12 of HD Supply Facilities Maintenance (\$5,702.26)

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Deny motion without prejudice due to Debtor's failure to comply with Local Bankruptcy Rule 3007-1(c)(4).

Debtor has objected to proof of claim #12 but has not provided any evidence showing that the creditor was served with notice of the claims bar date as required by LBR 3007-1(c)(4). This is important because HD Supply Facilities Maintenance does not appear on Debtor's Mailing Matrix.

**Special Note:** *This court will not grant a continuance of the hearing to correct the deficiency because there is no excuse for not complying with Rule 3007-1(c)(4). Debtor will need to file a new motion/objection.*

**Special Note:** *The invoice dated 8/17/17 attached to the proof of claim shows items being billed to "Cram Properties, LLC" located at 1861 W. La Habra Blvd., #303, La Habra CA. The invoice further indicates that the items shipped to Cram Properties LLC were ordered by Debtor. Though Debtor lists his occupation as "self-employed," he lists no interest in any business entities, including Cram Properties LLC. In any subsequent motion, Debtor will need to explain his connection to Cram Properties LLC, including whether he guaranteed the debt of such entity.*

**Note:** *If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Marc David Finnie**

**Chapter 13**

**Party Information**

**Debtor(s):**

Marc David Finnie

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13300 Marc David Finnie**

**Chapter 13**

**#6.00** Hearing RE: Debtor's Motion and Objection to Claim No. 1-2 of the Franchise Tax Board of the State of California

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 13, 2018**

Deny motion without prejudice due to Debtor's failure to adequately rebut the presumed validity proof of claim #1-2.

Basis for the Tentative Ruling

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. *In re Lundell*, 223 F.3d. 1035, 1039 (9th Cir. 2000). A party objecting to the claim must present affirmative evidence to overcome the presumed validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proof of claims." *Id.* In this case, Debtor has failed to rebut the presumption of the validity of the claim by failing to present sufficient evidence that his liability to the FTB for tax years 2008-2014 is zero. The deficiencies in Debtor's evidence is noted below.

1. Debtor objects to the \$176,618 claim of the FTB on the grounds that he has now filed all missing California tax returns from 2008 - 2014 and that the liability is "actually closer zero [sic]" (Motion at p. 1) or "zero" (Declaration of Marc Finnie, Mot. at p. 2). However, rather than provide an analysis for each year, Debtor has attached a hodgepodge of documents that purport, without explanation, to show either no liability or liability in a lesser, unstated amount.

2. 2008: No tax returns submitted by Debtor.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Marc David Finnie**

**Chapter 13**

2009: A copy of Debtor's Federal tax return is attached to the Supplemental Declaration of Debtor but no State return is attached and no evidence that the 2009 state tax return was filed with the FTB.

2010: Same comments as for 2009 above.

2011: Same comments as for 2009 above.

2012: The top sheet of the state return is filed with codes and figures that this court does not know how to interpret. No explanation as to what this document is supposed to show. See Supplemental Declaration at p. 3.

2013: An unsigned excerpt from what appears to be the 2013 state tax return is provided which does not show taxes owed or not owed. Supplemental declaration at p. 4.

2014: Same comments as for 2013 above. In addition the Supplemental Declaration includes several certified mail receipts all to the IRS, not to the FTB.

*Special Note: This court will not grant a continuance of the hearing to correct the deficiencies noted above. Debtor will need to file a new motion/objection that addresses the issues so noted.*

**Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marc David Finnie

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Marc David Finnie**

Raymond Perez

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#1.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
(OST signed 3/7/18)

FORD MOTOR CREDIT COMPANY LLC

VS.

DEBTOR

Docket 37

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 20, 2018**

Grant motion with 4001(a)(3) waiver to permit liquidation of Movant's claim and Debtor's cross-complaint in the pending state court action. Movant may proceed under applicable nonbankruptcy law to enforce its remedies to proceed to final judgment in the nonbankruptcy forum, including any request for attorneys fees and costs, provided that the stay remains in effect with respect to enforcement of any judgment against the Debtor or property of the Debtor's bankruptcy estate. Debtor may litigate to judgment and recovery her claims under her cross-complaint. Any recovery must be reported to the chapter 13 trustee within 7 days of any entry of order or judgment re the same. The court makes no findings of bad faith due to insufficient evidence of the same.

*Special note: In her response, Debtor expresses concern about Movant obtaining a judgment lien. However, Movant only requested relief from stay*

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, March 20, 2018

Hearing Room 5A

10:00 AM

CONT... Lenore LuAnn Albert-Sheridan Chapter 13

*to obtain a judgment -- not a lien. Obtaining a judgment lien falls under enforcement of the judgment which is specifically not being granted at this time.*

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing date.**

Party Information

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10231 Bessie Quismundo Valerio and Alfred Posadas Valerio**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 31

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 2/12/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 2/12/2018 - td (2/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bessie Quismundo Valerio

Represented By  
Paul Scalo

**Joint Debtor(s):**

Alfred Posadas Valerio

Represented By  
Paul Scalo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10185 Dinesh Valjeebhai Shah**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dinesh Valjeebhai Shah	Pro Se
------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10171 Douglas Robert Redding and Dana Marie Redding**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Douglas Robert Redding

Represented By  
Sunita N Sood

**Joint Debtor(s):**

Dana Marie Redding

Represented By  
Sunita N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10168 Hai Thi Hong Tran**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hai Thi Hong Tran

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10150 Carol S. Berry**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Amended Chapter 13 Plan**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Carol S. Berry

Represented By  
Timothy S Huyck

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10143 Johnny Phan**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Johnny Phan

Represented By  
Brad Weil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10135 Harry K. James**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Harry K. James

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10134 Robert Gleeson**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Gleeson

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10131 Dave Lawrence Cravotta**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Amended Chapter 13 Plan**

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dave Lawrence Cravotta

Represented By  
Bahram Madaen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10127 Sergio Piana**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 2/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 2/5/2018 - td (2/5/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sergio Piana

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

**#12.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10063 Steven Nguyen**

**Chapter 13**

**#13.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 1/29/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 1/29/2018 - td (1/29/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Nguyen

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10061 Monir Rahmani**

**Chapter 13**

**#14.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements and/or Plan Entered 1/29/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 1/29/2018 - td (1/29/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monir Rahmani

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10033 Syed Irfan Ahmed**

**Chapter 13**

**#15.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 2/22/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 2/22/2018 - td (2/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Syed Irfan Ahmed

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14990 Victoria Ann Perris**

**Chapter 13**

**#16.00** Hearing RE: Conbfirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victoria Ann Perris

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14978 Tiffany Katherine Nicosia**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tiffany Katherine Nicosia

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14854 Ruben Escobedo**

**Chapter 13**

**#18.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 2-27-18

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruben Escobedo

Represented By  
Lisa F Collins-Williams

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14848 Monica Banuelos**

**Chapter 13**

**#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 2-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Monica Banuelos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14785 Valerie E. LaHaye**

**Chapter 13**

**#20.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 2-27-18

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Valerie E. LaHaye

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14768 Edgar Guzman**

**Chapter 13**

**#21.00 CON'TD Hearing RE:Confirmation of Amended Chapter 13 Plan**

FR: 2-27-18

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#22.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-23-18

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, March 27, 2018

Hearing Room 5A

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#23.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BRIAN PARISCAN

VS.

DEBTOR

FR: 2-22-18

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue hearing to March 27, 2018 at 1:30 p.m., same date/time as continued confirmation hearing.\* (XX)

\* *Special Note:* If Movant accepts the tentative ruling, he will be deemed to have waived the right to a ruling within 30 days. If he does not accept the tentative ruling, the court might deny the motion without prejudice as the amended chapter 13 plan appears to provide for payment in full of his claim.

***Note: If both parties accept the tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**CONT... Italo Victor Ismodes**

**Chapter 13**

**Movant(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13300 Marc David Finnie**

**Chapter 13**

**#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 1-23-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Marc David Finnie

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, March 27, 2018

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#25.00 Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 50

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion filed 3/6/2018

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion filed 3/6/2018 - td (3/6/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

**Debtor(s):**

Troy Bernard Jemerson

Represented By  
Nicholas M Wajda

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#26.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12953 Kevin S. Yoneda**

**Chapter 13**

**#27.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin S. Yoneda

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10986 Mian K. Taufique**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case**

FR: 2-27-18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mian K. Taufique

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10893 Andre Taylor and Nida Taylor**

**Chapter 13**

**#29.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for Failure to Make Plan Payments**

FR: 2-27-18

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Andre Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Joint Debtor(s):**

Nida Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10339 Vishundyal R. Mohabir**

**Chapter 13**

**#30.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vishundyal R. Mohabir

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10019 Mac Thi Nguyen**

**Chapter 13**

**#31.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mac Thi Nguyen

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-15227 Christopher Michael Brooksbank and Suzanne Michelle**

**Chapter 13**

**#32.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christopher Michael Brooksbank

Represented By  
Karine Karadjian

**Joint Debtor(s):**

Suzanne Michelle Brooksbank

Represented By  
Karine Karadjian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14610 Alejandro Zamora and Maria Antonia Zamora**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments**

FR: 1-23-18; 2-27-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alejandro Zamora

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Maria Antonia Zamora

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-13537 Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**#34.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 9-26-17; 10-24-17; 12-22-17; 2-27-18

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14202 Mary L. Pesce**

**Chapter 13**

**#35.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18; 2-27-18

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary L. Pesce

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14089 Gale Lee Oliver, Jr. and Bernadette Ann Oliver**

**Chapter 13**

**#36.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 90

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gale Lee Oliver Jr.

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Bernadette Ann Oliver

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-17037 Rajwant Sekhon**

**Chapter 13**

**#37.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rajwant Sekhon

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-16093 Richard Thomas Collins and Noreen Lynn Collins**

**Chapter 13**

**#38.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 142

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Thomas Collins

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Noreen Lynn Collins

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-12624 Jimmy DeAnda**

**Chapter 13**

**#39.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 12-22-17; 1-23-18; 2-27-18

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jimmy DeAnda

Represented By  
Michael E Hickey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#40.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-10676 William Preciado**

**Chapter 13**

**#41.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 179

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

William Preciado

Represented By  
Todd J Roberts

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-10395 Jay-Ar Pascual Langcay**

**Chapter 13**

**#42.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 66

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of  
Withdrawal of Trustee's Motion, filed 3/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion,  
filed 3/14/2018 - td (3/14/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay-Ar Pascual Langcay

Represented By  
Nima S Vokshori

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-23337 Mark D. Vargas**

**Chapter 13**

**#43.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case Due to Material Default**

FR: 10-24-17; 12-22-17; 1-23-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mark D. Vargas

Represented By  
Bruce D White

**Movant(s):**

Amrane (SA) Cohen (TR)

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 5A**

9:00 AM

**8:16-12957 Carla Lee Johnston-Mueller**

**Chapter 7**

Adv#: 8:16-01228 Noe v. Johnston-Mueller

- #1.00** TRIAL RE: (1) To Except Debts from Discharge for Transferring Property Within One Year of Filing Bankruptcy Pursuant to 11 U.S.C. Section 727(a)(2)(A); (2) To Except Debts from Discharge for Attempting to Gain an Advantage by Forbearing Certain Debts Pursuant to 11 U.S.C. Section 727(a)(4)(C); (3) To Except Debts from Discharge for Making False Oaths in Connection with 11 U.S.C Section 727(a)(4)(A) (4) To Except Debt from Discharge for False Pretenses, False Representation, and/or Actual Fraud Pursuant to 11 U.S.C. Section 523(a)(2);

(Set at PTC held 11-2-17)

Docket 1

**Tentative Ruling:**

**March 28, 2018**

**EVIDENTIARY RULINGS**

**I. Plaintiff's Evidentiary Objections to Declaration of Carla Johnston**

Presumably, the reference to "Section" means "Paragraph."

<u>Objection #</u>	<u>Ruling</u>
1 (para 2)	Sustained
2 (para 3)	Sustained
3 (para 4)	Overruled
4 (para 6)	Overruled
5 (para 11)	Overruled
6 (para 12)	Overruled
7 (para 15)	Overruled
8 (para 22)	Sustained

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, March 28, 2018

Hearing Room 5A

9:00 AM

CONT... Carla Lee Johnston-Mueller

Chapter 7

II. Plaintiff's Evidentiary Objections to Declaration of Ramin Rahminpour

Objection # 1

Ruling

Entire Declaration

Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

III. Plaintiff's Evidentiary Objections to the Declaration of Tami Ralston

Objection #

Ruling

Entire Declaration

Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

<b>Party Information</b>
--------------------------

**Debtor(s):**

Carla Lee Johnston-Mueller

Represented By  
Joseph M Tosti

**Defendant(s):**

Carla Lee Johnston-Mueller

Pro Se

**Plaintiff(s):**

Cynthia A Noe

Represented By  
Michael B Kushner

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate (set at s/c held 5-18-17)

FR: 11-3-16; 12-15-16; 2-16-17; 5-4-17; 5-18-17; 11-16-17; 1-17-18; 3-22-18 (advanced from 1-18-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TOP 9/6/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/5/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 9/6/18 at 9:30 a.m., Per  
Order Entered 3/5/18 (XX) - td (3/5/2018)**

**Tentative Ruling:**

**May 4, 2017**

Continue status conference to May 18, 2017 at 2:00 p.m.; updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

SD Medical Clinic, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**  
Pacific Western Bank

Pro Se

**Chapter 7**

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#2.00** CON'TD STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17; 3-8-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/17/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/22/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 4/17/18 at 9:30 a.m., Per  
Order Entered 3/22/18 (XX) - td (3/22/2018)**

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 4, 2014**

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

---

9:30 AM

CONT... Robert David Suer

Chapter 7

***this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15, 2017 at 9:30 a.m.

***Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)***

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer

Chapter 7

**July 27, 2017**

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)

Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and in includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

b. B(1), (2), and (3): Why are these matters disputed? For example, if no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories and responses.

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

o. B(33) - (41): What are the disputed facts?

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the disputed facts -- not a mere recitation of deposition testimony.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

3. Issues of Law:

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.

4. Other Matters, JPS Section F:

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the estipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary judgment realistically be filed and heard in advance of an April 2018 trial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer  
date?

**Chapter 7**

c. When will all the other pretrial motions mentioned in Section F of the JPS be filed?

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-12218 Jay Brett Freedman**

**Chapter 7**

Adv#: 8:15-01328 Askew et al v. Freedman

**#3.00 Judgment Debtor Examination of Jay Brett Freedman**

Docket 77

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

The examinee, Jay Freedman, shall appear in court to be sworn in by the courtroom clerk. The examination shall take place outside the courtroom.

**Party Information**

**Debtor(s):**

Jay Brett Freedman

Represented By  
Pamela Jan Zylstra

**Defendant(s):**

Jay Brett Freedman

Pro Se

**Joint Debtor(s):**

Tamara Sue Freedman

Represented By  
Pamela Jan Zylstra

**Plaintiff(s):**

David Askew

Represented By  
Benjamin N Flint III  
Benjamin N Flint III

Julianne Askew

Represented By  
Benjamin N Flint III

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Jay Brett Freedman**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#4.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge [Demand for Jury]

FR: 11-3-16; 4-13-17; 5-11-17; 6-15-17; 10-19-17; 12-14-17; 3-22-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 3, 2016**

Discovery Cut-off Date:	2/15/17
Pretrial Conference Date:	4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	3/30/17

Deadline for Plaintiff to file Brief With Legal Authority/Analysis re Asserted Right to a Jury Trial	3/30/17
--	---------

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of "Section 828(a)(2) . . . of Title 11 of the United States Code." There is no Section 828 in the Bankruptcy Code.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**April 13, 2017**

Impose sanctions in the amount of \$100 as to Plaintiff's and Defendant's

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

counsel for failure to timely file a joint pretrial stipulation. The court further notes that Plaintiff did not file a brief in support of his alleged right to a jury trial and the court assumes Plaintiff is no longer demanding a jury trial.

Plaintiff's counsel filed a late unilateral pretrial statement on April 11, 2017 but does not include a declaration stating why a joint pretrial stipulation was not filed -- Defendant's counsel did not sign off on the statement filed on April 11, 2017. Instead the declaration appears to be an improper "motion" to re-open discovery. Such a request can only be made by a properly noticed motion pursuant to LBR 9013-1.

***Note: Appearances at this hearing are required.***

-----

**May 11, 2017**

Continue pretrial conference to June 15, 2017 at 10:30 a.m., same date/time as hearing on pending motion to re-open discovery. (XX)

Comments re the Joint Pretrial Stipulation:

1. Though Section III (Issues of Law) refers to 523(a)(2)(A), Section II (Disputed Facts) of the JPS does not reference 523(a)(2)(A) or any disputed facts relevant to the elements of fraud.
2. Though Section refers to disputed facts relevant to 523(a)(6), Section III does not refer to issues of law re 523(a)(6).
3. The court does not understand the issue of law implicated by Section III(2) of the JPS.
4. Paragraph 9 of the Complaint refers to 523(a)(2)(B) but there is no reference to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability been abandoned by Plaintiff?
5. Disputed facts relevant to the elements of slander *per se* are not set forth in the JPS.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required. Though an amended JPS is not required for the 6/15/17 hearing, the parties are advised to heed the court's comments re the JPS for purposes of any amended JPS filed in the future.***

-----

**June 15, 2017**

Continue pretrial conference to October 19, 2017 at 9:30 a.m.; amended joint pretrial stipulation must be filed by October 5, 2017. (XX)

In preparing the joint pretrial stipulation, the parties should take in to consideration the court's comments above re the May 11, 2017 hearing.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**October 19, 2017**

No tentative ruling as disposition will depend upon the outcome of the Motion to Compel set on today's 10:30 a.m. calendar. This matter will be trailed to the 10:30 a.m. calendar.

-----

**December 14, 2017**

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of pretrial stipulation must be filed by March 8, 2018. Deadline for filing pre-trial motions is January 18, 2018. February 22, 2018 at 2:00 p.m. shall be reserved for such motions. Pretrial motions not filed by January 18, 2018 will be deemed waived. (XX)

Comments re the Amended JPS filed 12/1/17:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

1. Section II(2) should be modified to add "in a writing" after the phrase "misrepresented his financial condition."
2. All references to "Section 523(a)(b) shall be revised to correctly identify the statutes as 523(a)(2)(A) and 523(a)(2)(B).
3. Typos in Section II(16), line 11 ("filing") and Section III(2) ("Plaintiff") should be corrected.
4. The 12/1/17 version of the JPS does not include the list of witnesses and exhibits as represented therein.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

The separately filed pretrial stipulations are both deficient and do not address issues previously identified by the court. The parties will be allowed one final opportunity to file a proper joint pretrial statement and severe monetary sanctions of not less than \$1000 will be imposed on the party who has not participated in the preparation of the final pretrial statement in good faith and in a timely manner.

If the parties cannot agree that a particular fact is undisputed, then it automatically goes into the disputed section of the statement -- one side cannot unilaterally decide that a disputed matter is undisputed.

The parties will be required to meet in person to work on the joint pretrial statement and should be thinking about a time/place to do so prior to today's hearing.

Comments re the Unilateral Pretrial Statements:

1. The sender and receiver of the wired funds of \$232,557.66 should not be a disputed matter. For example, if wire documents indicate that Defendant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

was the sender, then Defendant should not be disputing that fact. If on the other hand, the sender of the wire was Gadzinski V in N Out Fund ("Gadzinski Fund"), then Plaintiff should include that fact as undisputed. Same the the identity of the recipient -- Plaintiff or Stellar Capital, Inc. ("Stellar")

2. The relationship between Defendant and Gadzinski Fund, if any, should be set forth as either a undisputed or disputed fact. Same re the relationship, if any, between Stellar and/or Plaintiff or Defendant.

3. The fact that a check in the amount of \$5,000 was paid on November 17, 2014 appears to be undisputed. Is there a dispute that the check was drawn on the account of Salt Creek Realty, Inc? What is the relationship, if any, between Salt Creek and Defendant?

4. Re Plaintiff's Sections I(I) and (J), what is the relevance of the rental to the 523 and 727 claims? If it has no bearing on such claims, it should be deleted.

5. Re Plaintiff's Sections I(L) - (V) -- why are these facts relevant to the 523 and 727 claims? If they have no bearing on such claims, they should be deleted.

6. The parties to the alleged agreement and the terms thereof appear to be in dispute and should be listed in the joint pretrial statement as a facts in dispute.

7. Re whether Defendant misrepresented his financial condition, both parties have failed to include the necessary requirement under 523(a)(2)(B) that such misrepresentation be **in writing**. The court has previously pointed out this deficiency. If there is no writing, then the 523(a)(2)(B) claim must be dismissed as a matter of law.

8. The reference in both pretrial statements to "523(a)(2)(A)(B)" is facially defective as no such statute exists. It is either 523(a)(2)(A) or 523(a)(2)(B).

9. No facts relating to 523(a)(2)(A) are set forth in either pretrial statement. If there are no such facts, this claim should be dismissed as a matter of law.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

10. Certain elements of fraud are missing from the issues of fact/law, e.g., intent to deceive, damages as a result of reliance on misrepresentations.

11. What is the relevance of Plaintiff contacting Defendant's parents for repayment to either the 523 or 727 claims? If not relevant, it should be deleted.

12. Re Plaintiff's Section II(15) -- a time frame needs to be added that is consistent with the applicable 727 subsection. Same re Section II(16). Plaintiff appears have lumped several allegations together without any time frames that fall within the applicable 727 subsection.

13. Plaintiff's Exhibits: re "Wells Fargo Documents:" need to better identify the documents. Are they bank statements or something else? Re "letters" and "emails" -- need to identify sender/recipient re each, such as Defendant has done in his exhibit list.

14. Re Plaintiff's Witness List: Re witness #s 9, 10, 11, 12, 13 -- there is no indication of the time period. for example, David Williams will be testifying about a commission paid to Defendant when? "When" makes a difference of purposes of whether the transaction should have been listed on Defendant's schedules or statement of financial affairs.

*Special Note: Over the course of this adversary, this court has spend hours correcting issues on what should have been a straightforward joint pretrial statement. The court is concerned that the parties are not being thoughtful in the preparation of the pretrial statement. For example the court cannot even determine whether there are any facts to be litigated under 523(a)(2)(A) or 523(a)(2)(B) based on what currently appears in Plaintiff's pretrial statement.*

**Note: Appearances at this pretrial conference are MANDATORY.**

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Richard A Jones

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#5.00** CONT'D STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 12-14-17; 3-22-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by June 7, 2018.

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Todd Leroy Hinker

Represented By  
Diane L Mancinelli

**Defendant(s):**

Todd Leroy Hinker

Pro Se

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Todd Leroy Hinker**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

**#6.00** CONT'D Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 2/5/2018)

FR: 3-22-18

Docket 8

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Amended Complaint filed 3/5/18; Another Summons Issued 3/6/18. New Status Conference Set for 5/31/18 at 9:30 a.m. (XX)**

**Courtroom Deputy:**

**OFF CALENDAR: Amended Complaint filed 3/5/18; Another Summons Issued 3/6/18. New Status Conference Set for 5/31/18 at 9:30 a.m. (XX) (3/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel Pro Se

**Defendant(s):**

Educational Credit Management Represented By  
Scott A Schiff

**Plaintiff(s):**

Aileen Schlissel Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

**#7.00 CON'TD STATUS CONFERENCE RE: Complaint to Discharge Student Loan**

FR: 1-17-18; 3-22-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Amended Complaint  
filed 3/5/18; Another Summons Issued 3/6/18. New Status Conference Set for  
5/31/18 at 9:30 a.m. (XX)**

**Courtroom Deputy:**

**OFF CALENDAR: Amended Complaint filed 3/5/18; Another Summons  
Issued 3/6/18. New Status Conference Set for 5/31/18 at 9:30 a.m. (XX) -  
td (3/6/2018)**

**Tentative Ruling:**

**January 17, 2018**

Debtor must file an amended complaint and obtain Another Summons within 15 days of today's hearing or the court will issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed.

Basis for Tentative Ruling:

There are several issues with the complaint that need to be corrected by Plaintiff before this adversary proceeding can proceed:

1. The complaint appears to lump four separate entities into a single entity -- ACS, EFS, NNI and CGO (sic) are four different companies and each needs to be separately identified as a defendant and separately served.
2. "CGO" appears to be a typo -- probably should be "GCO."
3. Each entity must be separately served in accordance with Federal Rules

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Aileen Merrill Schlissel Chapter 7**

of Bankruptcy Procedure 7004(b)(3), i.e., to the attention of an officer, director or agent for service of process.

4. As for ACS specifically, Plaintiff mailed the summons and complaint to a general address (commercial business park or plaza) with no suite, room or unit number.

5. In light of the foregoing, Plaintiff needs to file an amended complaint to separately name each company that she believes should be a defendant and separately serve each one.

6. In connection with the amended complaint, Plaintiff needs to obtain the issuance of Another Summons.

***Note: If Plaintiff understands and accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel	Pro Se
--------------------------	--------

**Defendant(s):**

Educational Credit Management	Represented By Scott A Schiff
-------------------------------	----------------------------------

**Plaintiff(s):**

Aileen Schlissel	Pro Se
------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-14997 Olive Kintu-Sebuliba**

**Chapter 13**

**#8.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTOR

FR: 12-21-17; 2-21-18

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 21, 2017**

Movant indicates that Debtor is 7 months delinquent, i.e., from April 2017 - October 2017. However, Debtor has provided evidence appearing to indicate that the payments are current. Discrepancy needs to be explained.

***Note: Unless the parties reach a resolution prior to the hearing, appearances at this hearing are required.***

-----

**February 22, 2018**

Deny motion.

Movant's payment ledger does not appear to take into account the reduced loan modification payment obligations in 2014. Movant, who has the burden of proof, has not timely filed a Reply.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Olive Kintu-Sebuliba

Chapter 13

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Olive Kintu-Sebuliba

Represented By  
Samer A Nahas

**Movant(s):**

Ditech Financial LLC FKA Green

Represented By  
Kristi M Wells  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-10219 Yolanda Ibarra**

**Chapter 13**

**#9.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTOR

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yolanda Ibarra

Represented By  
Donald Blake Serafano  
Bryn C Deb

**Movant(s):**

Deutsche Bank National Trust

Represented By  
April Harriott

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Yolanda Ibarra**

Sean C Ferry

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:16-10480 Cynthia L. Clack

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

PENNYMAC LOAN SERVICES, LLC

VS.

DEBTOR

Docket 39

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
3/23/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 3/23/2018 - td (3/23/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

**Debtor(s):**

Cynthia L. Clack

Represented By  
Steven B Lever

**Movant(s):**

PennyMac Loan Services, LLC

Represented By  
Robert P Zahradka

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:16-11882 Stephen J Haythorne

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
BANK OF HAWAII  
VS.  
DEBTOR

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Deny motion. Movant has not met its burden of proof under 362(d)(1).

Movant's evidence shows over \$13,000 in equity and a 53% equity cushion.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-14243 Daryl John Parks**

**Chapter 13**

**#12.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant motion without 4001(a)(3) unless Debtor become postpetition current by or before the hearing, in which case an adequate protection order will be granted.

If the parties require more time to work out an APO, this hearing may be continued to either April 12, 2018 or May 4, 2018 at 10:00 a.m. by requesting a continuance at the time of the hearing roll call by the courtroom clerk.

**Party Information**

**Debtor(s):**

Daryl John Parks

Represented By  
Thomas E Brownfield

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Kristin A Zilberstein  
Jennifer C Wong

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Daryl John Parks**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:17-12176 Denia Elizarraras

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS

DEBTOR

Docket 68

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Denia Elizarraras

Represented By  
Seema N Sood  
Sunita N Sood

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Gilbert R Yabes



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Denia Elizarraras**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:17-12272 Raul Alba

Chapter 13

#14.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

FR: 2-15-18

Docket 38

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Sitpulation) Entered 3/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Sitpulation) Entered 3/5/2018 - td (3/5/2018)**

**Tentative Ruling:**

**February 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Raul Alba

Represented By  
R Grace Rodriguez

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Raul Alba**

**Chapter 13**

**Movant(s):**

U.S. Bank National Association

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12915 Douglas Benson and Luz Angelina Benson**

**Chapter 13**

**#15.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
CITIMORTGAGE, INC.  
VS.  
DEBTORS

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Douglas Benson

Represented By  
Anerio V Altman

**Joint Debtor(s):**

Luz Angelina Benson

Represented By  
Anerio V Altman

**Movant(s):**

CitiMortgage, Inc., its assignees

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Douglas Benson and Luz Angelina Benson**

**Chapter 13**

Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:17-12972 Brian E. Bruce

Chapter 13

#16.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
THE BANK OF NEW YORK MELLON AS TRUSTEE FOR CWABS, INC.  
VS.  
DEBTOR

Docket 38

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to Continue Hearing on Motion to 5/31/18 at 10:00 a.m. filed 3/28/18; Order on Stipulation to Continue Hearing on Motion for Relief from Automatic Stay Lodged in LOU on 3/28/18, Order #5331874 - td (3/28/2018)**

**Tentative Ruling:**

**March 29, 2018**

Deny motion without prejudice in light of pending trial loan modification agreement.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Alternatively, Movant may withdraw the Motion.***

**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13818 Hans Nearhoff**

**Chapter 13**

**#17.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

HSBC BANK USA, N.A.

VS.

DEBTOR

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hans Nearhoff

Represented By  
Ronald A Norman

**Movant(s):**

HSBC Bank USA, National

Represented By  
Dane W Exnowski

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Hans Nearhoff**

**Chapter 13**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:17-13907 Mark Anthony Baez

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK, NA.A, SUCCESSOR TRUSTEE TO LASALLE BANK, NATIONAL ASSOC.

VS.

DEBTOR

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Mark Anthony Baez

Represented By  
Michael D Franco

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14915 Andrea Alicia Acosta**

**Chapter 7**

**#19.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andrea Alicia Acosta

Represented By  
David V Luu

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Andrea Alicia Acosta**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10204 James Ramsdale**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

LEA TEDROWE, TRUSTEE OF THE 1995 LEA L. TEDROWE REVOCABLE TRUST

VS.

DEBTOR

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue hearing to May 4, 2018 at 10:00 a.m. to allow Movant to correct service issue (proof of service to Debtor does not include a zip code).

If service did, in fact, include a zip code, Movant will need to file an amended proof of service prior to today's hearing.

Tentative ruling for 5/4/18 hearing: Grant with 4001(a)(3) waiver.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Ramsdale

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... James Ramsdale**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:18-10236 Felipe Villanueva Gonzalez

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief requested

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Felipe Villanueva Gonzalez

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:18-10288 Kevin Mark Axner

Chapter 13

#22.00 Hearing RE: Amended Motion for relief from the automatic stay  
[REAL PROPERTY]

BOBBY FORD AND MARY FORD

VS.

DEBTOR

Docket 25

**Courtroom Deputy:**

**SPECIAL NOTE: Order of Dismissal Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with Restrictions [11 U.S.C. §§109(g) (2) and 1307(b)] Entered 3/13/18. The Court Retains Jurisdiction to Hear and Decide this Motion for Relief from Stay. This Motion to Remain on Calendar - td (3/13/2018)**

**Tentative Ruling:**

**March 29, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Kevin Mark Axner

Represented By  
Sanford C Parke

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Kevin Mark Axner**

**Chapter 13**

**Movant(s):**

Bobby Ford

Represented By  
Gregory L Bosse

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#23.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

FORD MOTOR CREDIT COMPANY LLC

VS.

DEBTOR

Docket 37

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: HEARING HELD ON  
MARCH 29, 2018 AT 10:0 A.M. PER ORDER SHORTENING TIME  
ENTERED MARCH 7, 2018**

**Courtroom Deputy:**

**OFF CALENDAR: Hearing was held on 3/29/2018 per Order Shortening  
Time entered on 3/7/2018 (liz) - (3/7/18)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Ford Motor Credit Company LLC Represented By  
Bernard J Kornberg

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10744 Jose Luis Murillo and Maria M Murillo**

**Chapter 13**

**#23.10** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

The court is inclined to deny this motion based on the following factors, which could reflect on the good faith of Debtors:

1. No evidence re feasibility of the plan, which requires contribution from family member(s) of \$1,000. However, there is no declaration from any person indicating a willingness and ability to contribute \$60,000 to Debtor's plan over 60 months.
2. The plan does not provide for any arrearages to Wells Fargo. Are Debtors current re Wells Fargo? In the prior case, Wells Fargo filed a proof of claim showing \$1200 in arrearage. Are Debtors current with all other secured creditors?
3. Debtor lists priority claims of IRS and FTB, but both in "unknown" amounts. Why are these claims unknown. Such priority claims could render the plan infeasible on its face.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Murillo

Represented By  
Luis G Torres

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jose Luis Murillo and Maria M Murillo**

**Chapter 13**

**Joint Debtor(s):**

Maria M Murillo

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:00 AM

8:18-10754 Karin Marcum

Chapter 13

#23.20 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant on condition that Debtor submits proof of employment by March 30, 2018 (Exhibit A referenced in the Motion was not attached to the same).

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Karin Marcum

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:07-11443 Transact Inc

Chapter 7

#24.00 CON'TD Hearing RE: Application for Payment of Final Fees and/or Expenses

**[SHULMAN HODGES & BASTIAN LLP, ATTORNEYS FOR JOHN M. WOLFE,  
CHAPTER 7 TRUSTEE]**

FR: 3-22-18

Docket 189

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Transact Inc

Represented By

Alexander W Tucker - SUSPENDED -  
Craig J Beauchamp

**Trustee(s):**

John M Wolfe (TR)

Represented By

John M Wolfe  
Leonard M Shulman  
Robert E Huttenhoff

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Transact Inc**

Ryan D ODea

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:07-11443 Transact Inc**

**Chapter 7**

**#25.00** CON'TD Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation

**[JOHN M. WOLFE, CHAPTER 7 TRUSTEE]**

FR: 3-22-18

Docket 193

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Transact Inc

Represented By

Alexander W Tucker - SUSPENDED -  
Craig J Beauchamp

**Trustee(s):**

John M Wolfe (TR)

Represented By

John M Wolfe  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Transact Inc**

Robert E Huttenhoff  
Ryan D ODea

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-17370 Alma Theresa Reyes**

**Chapter 11**

**#26.00** CON'TD Post Confirmation Status Conference RE: Individual Fourth Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 5/22/14)

FR: 11-20-14; 3-5-15; 9-10-15; 3-10-16; 9-8-16; 3-16-17; 9-21-17; 3-22-18

Docket 209

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 20, 2014**

Continue status conference to March 5, 2015 at 10:30 a.m.; updated status report to be filed by Feb 19, 2015. (XX)

*Special note:* The court would ordinarily continue the hearing 180 days. However, because of Debtor's failure to timely commence plan payments as to certain classes, the continued hearing will be heard sooner this time.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtors' responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 5, 2015**

Continue status conference to September 10, 2015 at 10:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Reyes

Chapter 11

***UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 10, 2015**

Continue postconfirmation status conference to March 10, 2016 at 10:30 a.m.; updated status report to be filed by February 25, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**March 10, 2016**

Continue Postconfirmation Status Conference to September 8, 2016 at 10:30 a.m.; updated Status Report to be filed by August 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 8, 2016**

Continue postconfirmation status conference to March 16, 2017 at 10:30 a.m.; updated status report must be filed by March 2, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Reyes

Chapter 11

**March 16, 2017 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to September 21, 2017 at 10:30 a.m.; updated Status Report to be filed by August 31, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading (Sixth Post-Confirmation Status Report)*

-----

**September 21, 2017**

Comments:

1. The report re Class 6 appears to be a cut and paste from the Sixth Postconfirmation Status Report -- has Debtor made quarterly distributions in 2017?
  2. Does Debtor intend to seek a final decree prior to 2024, notwithstanding that plan payments will continue until 2024?
- 

**March 29, 2018 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to October 11, 2018 at 10:30 a.m.; updated Status Report to be filed by September 27, 2018

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...** **Alma Theresa Reyes**  
*prepared pleading (Sixth Post-Confirmation Status Report)*

**Chapter 11**

**Party Information**

**Debtor(s):**

Alma Theresa Reyes

Represented By  
Ivan M Lopez Ventura  
Jeffrey V Hernandez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#27.00** Hearing RE: Debtor's Motion to Compel Select Portfolio Servicing to Return Estate Property

FR: 2-22-18

Docket 121

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Movant to advise the court re the status of this matter and whether any amount has been refunded to the chapter 13 trustee.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#28.00** Hearing RE: Debtor's Objection to Claim 21 of the Employment Development Department,

Docket 94

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Overrule Objection as moot in light of amended proof of claim filed by the EDD subsequent to the filing of the Objection.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#29.00** Hearing RE: Debtor's Motion Pursuant to 11 U.S.C. Section 506 for Valuation of Security Interest in Real Property and to Determine Extent of Lien of Employment Development Department to be \$0.00

Docket 96

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Deny motion due to insufficiency of evidence.

Though an owner may opine as to the value of her property, the court is entitled to give it little or no weight. In this case, Debtor's conclusory declaration is self-serving and not persuasive. That said, the targeted creditor has filed an amended proof of claim indicating its claim as unsecured.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:15-15015 iMEDICAL, INC.

Chapter 7

#30.00 CON'TD Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]**

FR: 12-14-17; 3-22-18

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Approve fees and expenses as requested.

*Special Note: The court notes that a late-filed "Opposition to Claim of Sean Tran" was filed on March 26, 2018 by Michael E. Slavich. The pleading is untimely and will not be considered by the court. The court further notes that no proper, timely claim objection to the claim of Sean Tran filed more than two years ago has been filed by any party in interest pursuant to 11 U.S.C. 502 or in accordance with Fed.R.Bankr.P. 3007 or Local Bankruptcy Rule 3007-1. Accordingly, the court will not entertain any argument concerning the proof of claim filed by Sean Tran at this hearing.*

**Party Information**

**Debtor(s):**

iMEDICAL, INC.

Represented By  
Lei Lei Wang Ekvall



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... iMEDICAL, INC.**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:16-13114 Stein Life Child Neurology Medical Specialists, In

Chapter 7

#31.00 Hearing RE: First Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP AS GENERAL COUNSEL TO THE CHAPTER 7  
TRUSTEE]**

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Approve interim fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stein Life Child Neurology Medical

Represented By  
Jeffrey B Smith

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11072 Anavelia Prado**

**Chapter 7**

**#33.00** CON'TD STATUS CONFERENCE Hearing RE: Chapter 7 Trustee, Richard A. Marshack's Motion for Order for Turnover of Estate Property (Real Property Located at 1404 W. 9th Street, Santa Ana, CA 92703) Pursuant to Section 521 (a)(4) and Section 542 (Per Order Entered 12/1/17)

FR: 11-9-17; 11-16-17; 12-21-17; 2-22-18

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 9, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Grant motion, subject to any opposition filed by Nov. 9, 2017  
-----

**November 16, 2017**

Grant motion.

No timely opposition filed.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing is not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***  
-----

**December 21, 2017**

Trustee to advise the court re the status of this matter.  
-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Anavelia Prado**

**Chapter 7**

**February 22, 2018**

See tentative ruling for #26 on today's calendar.  
-----

**March 29, 2018**

Trustee to advise the court re status of turnover. The court has reviewed the Writ re Possession issued on March 23, 2018.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-13537 Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**#32.00** CON'TD Hearing RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]

FR: 11-30-17, 2-1-18; 3-8-18

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018. (XX)

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

Set evidentiary hearing on the value of the subject property. Declarants must be present for cross examination.

Available hearing dates: April 26, 2018 at 9:00 a.m. or May 24, 2018 at 9:00 a.m.

***Note: If the parties agree on an evidentiary hearing date prior to the hearing, the parties may so notify the courtroom clerk during the calendar roll call.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13129 Robert W Hickman**

**Chapter 7**

**#34.00** CON'TD Hearing RE: Debtor's Motion to Avoid Lien Under 11 U.S.C. Section 522(f) (Real Property) [Creditor: Sedona Community Association]

FR: 2-22-18

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Grant motion.

Overrule Objection of Sedona Community Association ("Association") for the reasons set forth in Debtor's Reply, which this court adopts and incorporates by reference herein. In particular, the court is persuaded by decision in *Diamond Heights Village Association v. Financial Freedom Senior Funding*, 196 Cal App 4th 290 which holds that assessment liens merge into the judgment and no longer exists as separate independent liens as the Association seems to assert.

-----

**March 29, 2018**

Grant motion to avoid the abstract of judgment.

Comments:

Upon review of all pleadings, including supplemental briefs, and applicable case law, the ruling shall be limited to the relief specifically requested in the Motion itself, i.e., the avoidance of the lien created by the abstract of judgment pursuant to 11 U.S.C. 522(f). The court assumes that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

CONT...

**Robert W Hickman**

**Chapter 7**

the original and current lien amounts set forth on page 3 of the Motion reflects the amount owed as of February 8, 2012 per the abstract of judgment issued April 27, 2012, plus interest at the California judgment rate. The court notes further that the second notice of delinquent assessment and claim of lien recorded on August 24, 2016 in the amount of \$10,350.88 covers dates after the issuance of the abstract of judgment.

This court makes no finding or ruling regarding the continued viability of the underlying assessment lien as such would be beyond the scope of the Motion.

The court finds the sound analysis and procedural approach in *In re Coy*, 552 B.R. 199 (Bankr.C.D.Cal.2016) to be both instructive and persuasive. In *Coy*, as in this case, the court was asked to clarify whether the avoidance of the abstract of judgment would affect the homeowner association's underlying assessment lien in light of *Diamond Heights Vill. Ass'n. Inc v. Fin. Freedom Senior Funding Corp*, 196 Cal App. 4th 290 (2011). The court declined to "comment or decide the issue of whether the underlying homeowners' assessment liens were merged into the subsequent judicial liens" as the issue had not been raised in the original motion. The court further observed that Section 522(f) is "silent as to the effect of lien avoidance on *other liens* not sought to be avoided" and that a determination as to the continued viability of the underlying assessment lien would require the commencement of an adversary proceeding. 552 B.R. at 206 (emphasis in original). This court agrees.

**Party Information**

**Debtor(s):**

Robert W Hickman

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13328 Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**#35.00 STATUS CONFERENCE Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017**

FR: 1-11-18; 2-8-18

Docket 19

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion filed 3/1/2018; Order Vacating Status Conference Entered 3/6/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion filed 3/1/2018; Order Vacating Status Conference Entered 3/6/2018 - td (3/6/2018)**

**Tentative Ruling:**

**January 11, 2018**

This matter will need to be set for an evidentiary hearing.

Proposed schedule:

Discovery cut-off date: March 16, 2018

Evidentiary Hearing: April 25, 2018 at 9:00 a.m.  
-----

**February 8, 2018**

Movant to advise the court re the status of this matter. Has discovery been taken? Does the discovery/evidentiary schedule set forth for the January 11, 2018 hearing (see above) work?

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jesus Villicana Nieto and Dalia R Nieto**

**Chapter 7**

**Debtor(s):**

Jesus Villicana Nieto

Represented By  
Stephen L Burton

**Joint Debtor(s):**

Dalia R Nieto

Represented By  
Stephen L Burton

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#36.00** Hearing RE: Debtors' Objection to Late-Filed Proof of Claim No. 12-1 of Surindel Muitani

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Overrule objection without prejudice.

Basis for Tentative Ruling

1. Failure to comply with LBR 3011-1(c)(2): A copy of the complete proof of claim was not filed or served with the Objection as required by this local rule. The only document attached to Exhibit 2 is what appears to be an attachment to the proof of claim.\

2. Failure to comply with LBR 3011(c)(4)(C): Exhibit 1 to the Objection includes only the notice of the bar date but, importantly, does not include the proof of service showing the affected creditor on the service list as required by this local rule.

Given the extensive and inexcusable deficiencies of the Objection, a continuance will not be granted. The Objection will need to be re-filed

***Note: If Debtors accept the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#37.00** Hearing RE: Debtors' Objection to Late-File Proof of Claim No. 13-1 of Surindel Muitani

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Overrule objection without prejudice.

Basis for Tentative Ruling

Failure to comply with LBR 3011(c)(4)(C): Exhibit 1 to the Objection includes only the notice of the bar date but, importantly, does not include the proof of service showing the affected creditor on the service list as required by this local rule.

***Note: If Debtors accept the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:17-14063 Slobodan Cuk

Chapter 11

#38.00 Hearing RE: Motion by United States Trustee to Convert Case to Chapter 7 or Dismiss Pursuant to 11 U.S.C. Section 1112(b); and Request for Any Quarterly Fees Due and Payable to the U.S. Trustee at the time of the Hearing

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant motion to dismiss case with judgment in favor of the U.S. Trustee for any unpaid quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Slobodan Cuk

Represented By  
Chris T Nguyen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:17-14383 Santiago Munoz and Maria Gloria Munoz

Chapter 13

#39.00 Hearing RE: Debtors' Motion to Disallow Claim Filed by U.S. Bank National Association, Amended Claim No. 3-2 Pursuant to 11 U.S.C. Section 502(b)(1)

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant in part; deny in part. Grant as to the characterization of U.S. Bank's claim as secured. Deny request to disallow claim in its entirety. The claim shall be allowed in the amount asserted as an unsecured claim.

Basis for Tentative Ruling:

1. Debtors are correct that U.S. Bank does not have a security interest in any of Debtors' listed assets. By its terms, the security interest provided under the guaranty is limited. The guaranty provides for a security interest only in any bank accounts or property which *U.S. Bank controls*. Debtors do not list any US Bank accounts and US Bank, in its response, does not provide evidence of any such accounts or property over which it has control.

2. Debtors' argument that because the U.S. Bank claim is not secured, the claim should be "disallowed in its entirety" is untenable. See Motion at p. 4, line 14. Debtors remain guarantors of the Munoz Supplies debt, albeit, on an unsecured basis.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Debtors shall lodge an order consistent with the same within 7 days of this hearing.***

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Santiago Munoz and Maria Gloria Munoz**

**Chapter 13**

**Debtor(s):**

Santiago Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Joint Debtor(s):**

Maria Gloria Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:17-14421 Michael Joseph Ruffner

Chapter 7

#40.00 Hearing RE: Motion filed by Creditor Trojan Capital Investments, LLC for Extension of Time to File Objections to Discharge

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Represented By  
Brian C Andrews

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes

Chapter 13

#41.00 Hearing RE:Chapter 13 Trustee's Objection to Claim of Homestead Exemption

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Deny motion as moot in light of Debtor's Amended Schedule C filed 3/27/18 which no longer asserts a homestead exemption. [docket no. 51]

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required. Alternatively, Movant may withdraw the Motion.***

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, March 29, 2018

Hearing Room 5A

10:30 AM

8:17-14863 Steven Samuel Dorf

Chapter 7

#42.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11  
U.S.C. Section 727(a)(8)

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Steven Samuel Dorf

Represented By  
Russell Shields

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14863 Steven Samuel Dorf**

**Chapter 7**

**#42.10** CON'TD Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. Rule 2017

FR: 3-8-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Grant motion on the terms set forth in response filed by Debtor's attorney filed 2/13/18.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

Same tentative ruling as for March 8, 2018 hearing (see above). Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Samuel Dorf

Represented By  
Russell Shields

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Steven Samuel Dorf**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10021 Zeena Sheriff Jackson**

**Chapter 7**

**#43.00** Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Debtor's counsel ordered to do the following no later than April 19, 2018: 1) file a 2016(b) statement for this case and serve the same upon the U.S. Trustee; and 2) submit to the U.S. Trustee any state court or bankruptcy retainer agreements and any attorney client ledger. This hearing will continued to May 17, 2018 at 10:30 a.m. Any supplemental pleadings by Movant shall be filed by April 26, 2018, any response by May 3, 2018, and any reply by May 10, 2018.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall lodge an order consistent with the same within 7 days.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Zeena Sheriff Jackson

Represented By  
Amid Bahadori

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, March 29, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10143 Johnny Phan**

**Chapter 13**

**#44.00** Hearing RE: Order to Show Cause Why Case Should Not Be dismissed  
(OSC Issued 2/8/2018)

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Dismiss case.

If Debtor made all plan payments and cured all arrearages in Case No. 15-10460, there should be no need for the current case. In any event, Debtor has not obtained a discharge in the 2015 case and continues to prosecute this case. It appears Debtor wants to have his cake and eat it too. The court will not allow two cases to proceed simultaneously. Either this case or the 2015 case must be dismissed immediately.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Johnny Phan

Represented By  
Brad Weil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**8:10-15368 Jimmy Tran Dang**

**Chapter 13**

Adv#: 8:13-01240 Galvez v. Dang et al

**#1.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

FR: 10-10-13; 4-10-14; 10-2-14; 3-12-15; 9-10-15; 11-19-15; 6-23-16; 6-30-16; 12-15-16; 3-9-17; 7-13-17; 11-16-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 10, 2013**

Continue status conference to April 10, 2014 at 9:30 a.m.; updated status report to be filed by March 27, 2013 (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----  
**April 10, 2014**

In light of related pending state court action, continue status conference to Oct. 2, 2014 at 9:30 a.m.; updated status report to be filed by September 18, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----  
**Oct. 2, 2014**

In light of related pending state court action, continue status conference to

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

---

9:30 AM

CONT... Jimmy Tran Dang

Chapter 13

March 12, 2015 at 9:30 a.m.; updated status report to be filed by February 26, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----

**March 12, 2015**

In light of related pending state court action, continue status conference to September 10, 2015 at 9:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

*Special Note: By September 10, 2015, this matter will have been pending for more than 2 years. If trial has not taken place in state court by the next status conference date, the court will likely proceed to pretrial conference and trial in this court.*

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----

**September 10, 2015**

The parties must appear and advise the court as to why the state court matter has not gone to trial after more than 2 years. The parties should be prepared to discuss the state court litigation and the reason(s) for the delay in detail.

***Note: Appearances at this status conference are required.***

-----

**November 19, 2015**

Continue status conference to June 23, 2016 at 9:30 a.m.; updated status report must be filed by June 2, 2016. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jimmy Tran Dang**

**Chapter 13**

***continued hearing date/time.***

-----  
**June 30, 2016**

The parties are to appear and advise the court re the outcome of the May 18, 2016 state court trial.

-----  
**December 15, 2016**

Continue status conference to March 9, 2017 at 9:30 a.m.; updated status report must be filed by April 23, 2017 and must include detailed information re the status of the state court appeal (e.g., briefing schedule, oral argument date if any, etc.). (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----  
**March 9, 2017**

Continue status conference one final time to July 13, 2017 at 9:30 a.m.; updated status report must be filed June 29, 2017. (XX)

-----  
**July 13, 2017**

In light of pending appeal, continue status conference to November 16, 2017 at 9:30 a.m.; updated status report must be filed by November 2, 2017. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----  
**April 5, 2018**

Plaintiff to appear and advise the court re the remaining claims, if any, that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jimmy Tran Dang**

**Chapter 13**

remain against Defendants and that are on appeal. If Plaintiff fails to appear, the court will issue an Order to Show Cause why the adversary should not be dismissed for failure to prosecute.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jimmy Tran Dang

Represented By  
Charles W Daff

**Defendant(s):**

Jimmy Tran Dang

Pro Se

Kelly Thuy-Trang Doan

Pro Se

**Joint Debtor(s):**

Kelly Thuy-Trang Doan

Represented By  
Charles W Daff

**Plaintiff(s):**

Octavio Buelna Galvez

Represented By  
David B Lally

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

Amrane (SA) Cohen (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#2.00 STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged  
Administrative Claimant Out of Escrow**

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Joint status report not timely filed. Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13591 Daniel William Russo**

**Chapter 7**

Adv#: 8:17-01249 O'Connell et al v. Russo et al

**#3.00** Hearing RE: Order To Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution and Rescheduling Status Conference. (Set per order order to show cause entered 3-8-18)

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Dismiss adversary proceeding for failure to prosecute. Timely response not filed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daniel William Russo

Represented By  
Kevin J Kunde

**Defendant(s):**

Daniel William Russo

Pro Se

Michelle Renee Russo

Pro Se

**Joint Debtor(s):**

Michelle Renee Russo

Represented By  
Kevin J Kunde

**Plaintiff(s):**

Breanna O'Connell

Pro Se

Sean O'Connell

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Daniel William Russo**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13591 Daniel William Russo**

**Chapter 7**

Adv#: 8:17-01249 O'Connell et al v. Russo et al

**#4.00** CONT'D STATUS CONFERENCE RE: Complaint for false pretenses, false representation, actual fraud §523(a)(2); Dischargeability §523(a)(6), willful and malicious injury

FR: 3-8-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Continue the Status Conference to April 5, 2018 at 9:30 a.m. to allow the parties to file a Joint Status Report that complies with Local Bankruptcy Rule 7016-1(a). A Joint Status Report must be filed no later than March 22, 2018. If any party fails to cooperate in the preparation of a joint status report, each party must file a unilateral status report by March 29, 2018. The parties are ordered to read and familiarize themselves with Local Bankruptcy Rule 7016-1(a). In addition, Plaintiffs are ordered to file the signed Summons/Proof of Service showing service of the Summons and Complaint on Defendants no later than March 22, 2018. (XX)

The parties have not filed a joint status report (due fourteen days prior to today's hearing, i.e., February 22, 2018). Local Bankruptcy Rule 7016-1(a) requires that the parties confer and file a Joint Status Report using the court mandatory joint status report form [F 7016-1.STATUS.REPORT] which may be obtained from the court's website. Although Plaintiffs and Defendants are lay persons representing themselves, they are still required to comply with all adversary rules.

***Note: Appearances at this hearing are required.***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Daniel William Russo**

**Chapter 7**

-----  
**April 5, 2018**

Take matter off calendar if adversary is dismissed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daniel William Russo

Represented By  
Kevin J Kunde

**Defendant(s):**

Daniel William Russo

Pro Se

Michelle Renee Russo

Pro Se

**Joint Debtor(s):**

Michelle Renee Russo

Represented By  
Kevin J Kunde

**Plaintiff(s):**

Breanna O'Connell

Pro Se

Sean O'Connell

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13907 Mark Anthony Baez**

**Chapter 7**

Adv#: 8:18-01005      Rodriguez v. Baez

**#5.00 STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debts**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Stipulation and Dismissing Adversary Proceeding Entered 3/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Stipulation and Dismissing Adversary Proceeding Entered 3/27/2018 - td (3/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark Anthony Baez

Represented By  
Brian J Soo-Hoo

**Defendant(s):**

Mark Anthony Baez

Pro Se

**Plaintiff(s):**

Mizraim Rodriguez

Represented By  
Julian K Bach  
Gregory S Page

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#6.00** CON'TD Examination of Third Person Nastaran Maboudi RE: Enforcement of Judgment

FR: 7-11-17; 8-31-17; 10-19-17; 12-21-17

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 11, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 31, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 19, 2017**

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**December 21, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

-----  
**April 5, 2018**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#7.00** CON'TD Examination of Judgment Debtor Mir Mohammad Motamed, aka  
Shawn Auto RE: Enforcement of Judgment

FR: 7-27-17; 8-31-17; 10-19-17; 12-21-17

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 27, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**August 31, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**October 19, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**December 21, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

-----  
**April 5, 2018**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13945 Stacey Lyn Rozell**

**Chapter 7**

**#8.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

CREDIT UNION OF DENVER

VS.

DEBTOR

FR: 3-8-18

Docket 36

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal  
of Motion for Relief from Stay filed 3/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Motion for Relief from Stay  
filed 3/19/2018 - td (3/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stacey Lyn Rozell

Represented By  
Lionel E Giron

**Movant(s):**

Credit Union of Denver

Represented By  
Daniel B Burbott

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#9.00** Hearing RE: Second Interim Application for Fees and Reimbursement of Expenses

**[PAGTER AND PERRY ISAACSON, APLC, COUNSEL FOR THE CHAPTER 7 TRUSTEE]**

Docket 232

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Approve interim fees and expenses as requested, subject to further review at the time of the final hearing.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Commercial Services Building Inc**

**Chapter 7**

Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#10.00** Hearing RE: Second and Final Application for Allowance and Payment of Professional Fees and Reimbursement of Expenses

**[BUCHALTER, A PROFESSIONAL CORPORATION, SPECIAL APPELLATE  
COUNSEL FOR CHAPTER 7 TRUSTEE KARL ANDERSON]**

Docket 234

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Approve final fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Commercial Services Building Inc**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#11.00** Hearing RE: Fourth Application for Fees and Reimbursement of Expenses

**[POLIS & ASSOCIATES, APLC, SPECIAL LITIGATION COUNSEL FOR THE  
CHAPTER 7 TRUSTEE]**

Docket 236

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Approve interim fees and expenses as requested, subject to further review at the time of the final hearing.

Overrule Debtor's objections to the extent that he seeks denial of the fees even on an interim basis. See Applicant's Reply.

**Party Information**

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#12.00** Hearing RE: Application by Accountant for Chapter 7 Trustee for Third Interim Compensation for the Period August 10, 2017 through March 9, 2018

**[KARL T. ANDERSON CPA, INC., ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]**

Docket 240

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Approve interim fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Commercial Services Building Inc**

Jason E Goldstein

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

8:12-11721 Moisey Fridman and Rosa Fridman

Chapter 7

#13.00 Hearing RE: Creditor Karl Avetoom's Motion for an Order Dissolving or Modifying the Chapter 7 Trustee and Defendant Val Fridman and Alex Fridman's Protective Order for Creditor's use in State Based Litigation

Docket 573

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Movant's Notice of  
Withdrawal of Motion filed 3/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Movant's Notice of Withdrawal of Motion filed  
3/27/2018 - td (3/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Moisey Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Andrew Edward Smyth

Sherilyn L ODell

**Joint Debtor(s):**

Rosa Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Sherilyn L ODell

**Trustee(s):**

Karl T Anderson (TR)

Represented By

Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Moisey Fridman and Rosa Fridman**

**Chapter 7**

Juliet Y Oh  
Todd A Frealy  
Carmela Pagay  
Lindsey L Smith



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-11721 Moisey Fridman**

**Chapter 7**

Adv#: 8:12-01258 Avetoom et al v. Fridman et al

**#14.00** Hearing RE: Plaintiff Karl Avetoom and Breach Crest Villas Homeowners Association Joint Motion for an Order to Remove Adversary Proceeding from Abeyance Status and for an Order Dismissing the Adversary Proceeding

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Grant motion

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Moisey Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Andrew Edward Smyth

Sherilyn L ODell

**Defendant(s):**

Moisey Fridman

Pro Se

Rosa Fridman

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Moisey Fridman**

**Chapter 7**

**Joint Debtor(s):**

Rosa Fridman

Represented By  
Michael Jones  
Laily Boutaleb  
Michael Galang David  
Sherilyn L ODeLL

**Plaintiff(s):**

Karl Avetoom

Pro Se

Beach Crest Villas Homeowner's

Represented By  
Karl R Gonter Jr

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Thomas J Polis  
Juliet Y Oh  
Todd A Frealy  
Carmela Pagay  
Lindsey L Smith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-19694 Jeffrey Alan James and Patricia Lynn James**

**Chapter 11**

**#15.00 CON'TD Post Confirmation Status Conference RE: Chapter 11 Plan**

(Set at Conf. Hrg. Held 11-18-14)

FR: 5-21-15; 8-20-15; 11-12-15; 12-17-15; 2-11-16; 6-30-16; 8-18-16; 10-20-16;  
11-22-16; 2-2-17; 2-16-17; 3-16-17; 9-21-17; 3-22-18

Docket 137

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Final Decree and Order Closing Case Entered 1/31/2018; Notice of  
Taking Hearing Off Calendar filed 2/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Final Decree and Order  
Closing Case Entered 1/31/2018; Notice of Taking Hearing Off Calendar  
filed 2/23/2018 - td (2/23/2018)**

**Tentative Ruling:**

**May 21, 2015**

Continue status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015 and must be current as of July 31, 2015.  
(XX)

***Note: If Debtors are in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required -- it is Debtors' responsibility to confirm compliance status with the US Trustee's Office.***

-----  
**August 20, 2015**

Updated status report not filed. If no appearance is made by or on behalf of Debtors at the hearing, the court will issue an Order to Show Cause why the Case Should Not be Dismissed or Converted to Chapter 7.

***Note: Appearances at this hearing are required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jeffrey Alan James and Patricia Lynn James**

**Chapter 11**

-----  
**November 12, 2015**

Continue postconfirmation status conference to December 17, 2015 at 10:30 a.m.; Court to issue Order to Show Cause why this case should not be dismissed or converted due to failure of Debtors to 1) file postconfirmation status reports and 2) appear at postconfirmation status conferences. OSC hearing to be held on December 17, 2015 at 10:30 a.m.

-----

**December 17, 2015**

US Trustee to advise the court re the status of this matter. The court assumes that as the US Trustee did not file a report confirming Debtors are current with plan payments and quarterly fees, Debtors are not in compliance.

***Note: Appearances at this hearing are required.***

-----

**February 11, 2016**

Continue status conference to June 23, 2016 at 10:30 a.m.; updated status report to be filed by June 9, 2016.

*Special Note:* Debtors are instructed to file status reports under their own name and to not use Attorney Matthew Faler's letterhead at the upper right corner of the pleading as Mr. Faler is not filing the document.

***Note: If Debtors are in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required -- it is Debtors' responsibility to confirm compliance status with the US Trustee's Office.***

-----

**June 30, 2016**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jeffrey Alan James and Patricia Lynn James**

**Chapter 11**

The court cannot discern from the postconfirmation report what amount is being paid to Class 5 unsecured creditors and whether such amount is consistent with the amount required to be paid in the confirmed plan.

***Note: Appearance by at least one Debtor is required.***

-----

**August 18, 2016**

Updated Post Confirmation Status Report was not timely filed per this court's Order entered July 1, 2016 requiring that the Report be filed by August 4, 2016. Court to issue Order to Show Cause why this case should not be dismissed or converted to chapter 7. Debtors appear unable to file timely and complete post confirmation reports.

***Note: Appearance at this hearing is required.***

-----

**October 20, 2016**

Take matter off calendar in light of dismissal of the case.

-----

**November 22, 2016**

Debtors must file any motion to modify by or before December 15, 2016.

*Further disposition of this matter will depend on the outcome of the US Trustee's Motion to Dismiss or Convert the case (Calendar #1).*

-----

**February 2, 2017**

Debtors will need to address the issues raised by the United States in its reply to the status report.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

CONT... Jeffrey Alan James and Patricia Lynn James Chapter 11

This hearing will likely be continued to February 16, 2017 at 10:30 a.m.; same date/time set for hearing on Debtors' motion to modify plan.

The court has preliminarily reviewed the motion to modify and notes that the motion does not address the issue of substantial consummation. See 11 USC 1127(b) which requires, *inter alia*, that modification occur before the plan has been substantially consummated and 11 USC 1101(2)(C) which defines "substantial consummation" to include "*commencement of distribution* under the plan."

-----  
**February 16, 2017**

Continue status conference to March 16, 2017 at 10:30 a.m.; updated report not required. (XX)

-----  
**March 16, 2017**

No tentative ruling. Disposition will depend on outcome of #23 on today's calendar.

-----  
**September 21, 2017**

Continue postconfirmation status conference to March 22, 2018 at 10:30 a.m.; updated status report must be filed by March 8, 2018. (XX)

***Note: If Debtors are in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required -- it is Debtors' responsibility to confirm compliance status with the US Trustee's Office.***

**Party Information**

**Debtor(s):**

Jeffrey Alan James

Represented By  
Matthew E Faler

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jeffrey Alan James and Patricia Lynn James**

**Chapter 11**

**Joint Debtor(s):**

Patricia Lynn James

Represented By  
Matthew E Faler

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

**#16.00** CON'TD Post-Confirmation Status Conference Re: Confirmation of Debtor's  
Second Amended Chapter 11 Plan [November 29, 2016]

(Set at Ch 11 Plan Hrg. Held 3-30-17)  
FR: 10-5-17

Docket 399

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 5, 2017**

Continue postconfirmation status conference to April 5, 2018 at 10:30 a.m.;  
updated status report must be filed by March 22, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at this hearing is not required. It is Debtor's  
responsibility to confirm compliance with the US Trustee in advance of  
the hearing.***

-----

**April 5, 2018**

Continue postconfirmation status conference to October 18, 2018 at 10:30  
a.m.; updated status report must be filed by October 4, 2018.

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at this hearing is not required. It is Debtor's  
responsibility to confirm compliance with the US Trustee in advance of  
the hearing.***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Tamar Terzian  
Alan G Tippie

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10652 JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**#17.00** CONT'D Hearing RE: Motion for Allowance of Unreduced Jixing Claim by Subrogation Under 11 U.S.C. Section 509

FR: 12-14-17; 12-21-17; 2-1-18

Docket 606

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/3/18 AT 10:30 A.M.,  
PER ORDER ENTERED 4/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 5/3/18 at 10:30 a.m., Per Order  
Entered 4/2/18 (XX) - td (4/2/2018)**

**Tentative Ruling:**

**December 14, 2017**

Continue hearing to December 21, 2017 at 10:30 a.m., same date/time as hearing on Debtor's motion for entry of final decree. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**December 21, 2017**

The court strongly suggests that the parties meet and confer prior to the hearing to determine once and for all if a resolution can be reached, taking the following views/concerns of the court into account:

1. For reasons this court has already stated in prior hearings, it will not require Debtor to pay Jixing directly the full amount of its claim in light of the \$661k paydown by the Huas. The Huas assert this court's prior rulings on this issue were "erroneous" but ultimately declined to have the District Court resolve the matters on appeal and now come back to this court with essentially the same unsuccessful arguments.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

2. On the other hand, the court is not persuaded by Debtor's argument that it will not enjoy a windfall but not having to pay Jixing or the Huas the \$661k. It alludes to vague "defenses" to the Hua's possible 509 claim but does not clearly articulate what such defenses would be. It is undisputed that the Huas paid approximately \$661k of the debt owed by Debtor to Jixing and, consequently, should be entitled to recovery from Debtor, whether via subrogation, reimbursement or contribution.

**EVIDENTIARY RULINGS**

**A. Evidentiary Objections to Declaration of John Hua [docket #606]**

**Para. Objected to    Ruling**

4                      Overruled. The invoices are filed in RFJN Exh 1;  
The court can take judicial notice of the judgment  
and its content.

5                      Sustained. Improper legal conclusion

7                      Overruled

8                      Overruled

**B. Evidentiary Objections to Declaration of Chris Hua [docket #606]**

**Para. Objected to    Ruling**

4                      Overruled. The invoices are filed in RFJN Exh 1;  
The court can take judicial notice of the judgment  
and its content.

5                      Sustained. Improper legal conclusion

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

6 Sustained. Agreement speaks for itself

7 Overruled

8 Overruled

**April 5, 2018**

The parties are to advise the court re the status of this matter. As no new pleadings have been filed since the last hearing, the court assumes this matter will not proceed on a substantive basis at this hearing. If additional time is needed to complete settlement, this hearing can be continued to May 31, 2018 at 10:30 a.m. on condition that a status report is filed by May 10, 2018.

***Note: If the parties agree to continue the hearing to May 31, 2018 at 10:30 a.m., a request for the same may be communicated to the courtroom clerk during the calendar roll call.***

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By

Steven R Fox

Randall Spencer

Amelia Puertas-Samara

Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10652 JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**#18.00 CON'TD Hearing RE:Reorganized Debtor's Motion for Entry of Final Decree Pursuant to Federal Rule of Bankruptcy Procedure 3022**

FR: 12-21-17; 2-1-18

Docket 604

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/3/18 AT 10:30 A.M.,  
PER ORDER ENTERED 4/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 5/3/18 at 10:30 a.m., Per Order  
Entered 4/2/18 (XX) - td (4/2/2018)**

**Tentative Ruling:**

**December 21, 2017**

Deny motion so long as the Hua/Jixing controversy persists.  
-----

**April 5, 2018**

The parties are to advise the court re the status of this matter. As no new pleadings have been filed since the last hearing, the court assumes this matter will not proceed on a substantive basis at this hearing. If additional time is needed to complete settlement, this hearing can be continued to May 31, 2018 at 10:30 a.m. on condition that a status report is filed by May 10, 2018.

***Note: If the parties agree to continue the hearing to May 31, 2018 at 10:30 a.m., a request for the same may be communicated to the courtroom clerk during the calendar roll call.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#19.00 CON'TD Post-Confirmation Status Conference RE: Debtor and Official Committee of Unsecured Creditors' Joint Plan of Reorganization

(Set at Plan Conf. Hrg. held 6-15-16)  
FR: 12-15-16; 7-13-17; 2-1-18

Docket 378

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/3/18 AT 10:30 A.M.,  
PER ORDER ENTERED 4/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Post-Confirmation Status Conference Continued to 5/3/18  
at 10:30 a.m., Per Order Entered 4/2/18 (XX) - td (4/2/2018)**

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.;  
updated status report must be filed by June 29, 2017. (XX)

*Special note: The court is aware that objections to the Reorganized Debtor's  
motion to extend the time for filing objections to claim have been filed. That  
matter will be taken up in due course and not at today's hearing.*

**Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at this hearing is not required; it is Debtor's  
responsibility to confirm such compliance with the US Trustee in  
advance of the hearing.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

CONT... JBJ Pipe & Supply Co., Inc.

Chapter 11

**July 13, 2017**

Continue postconfirmation status conference to January 18, 2018 at 10:30 a.m.; updated status report to be filed by January 11, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----  
**April 5, 2018**

As the disposition of this matter will depend on the outcome of the other matters on today's calendar. If the other matters are continued, the status conference will be continued to the same date/time.

***Note: If the parties agree to continue the hearing to May 31, 2018, a request for the same may be communicated to the courtroom clerk during the calendar roll call.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#20.00** Hearing RE: Motion to Be Relieved as Counsel for Defendant

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Represented By  
Benjamin R Heston  
Halli B Heston

**Plaintiff(s):**

Bin Hao

Represented By  
Chi L Ip

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#21.00 Hearing RE: Debtors' Objection to the Proof of Claim No. 9-1 of Advanta Bank

Docket 67

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Sustain Objection.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Debtors are required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtors' counsel will be so notified.***

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#22.00 Hearing RE: Debtors' Objection to Late-Filed Proof of Claim No. 11-1 of Vertical Advisors, LLP

Docket 69

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Proof of Claim 11-1 (in response to notice of objection to proof of claim 11-1) filed 3/23/18; Notice of Withdrawal of Motion filed 3/27/18

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Proof of Claim 11-1 (in response to notice of objection to proof of claim 11-1) filed 3/23/18; Notice of Withdrawal of Motion filed 3/27/18 - td (3/27/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

Joint Debtor(s):

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14375 Richard Thomas**

**Chapter 7**

**#23.00** Hearing RE: Motion filed by Patricia Galvin to Reopen Chapter 7 Case to File Motion for 2004 Exam, and Complaint to Revoke Discharge

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Deny Motion

Basis for Tentative Ruling:

1. The motion seeks to reopen this case for the purpose of exploring whether to file a complaint to revoke Debtor's discharge. As pointed by Debtor in his opposition, Section 727(d)(1) governs revocation of discharge. Under this section, a discharge may only be revoked if 1) a debtor's discharge was obtained through fraud of the debtor and 2) the requesting party did not learn of the alleged fraud until after the discharge was granted.

2. It evident from the Motion and Reply, that Movant cannot satisfy the second requirement for discharge under 727(d)(1). The existence of Landmark Group Investments was known to Movant well before the bankruptcy filing as it was the party to the promissory notes and deed of trust. Further, Movant was advised of the bankruptcy filing within a least three days (case filed on 11/3/17, notice of stay filed in state court action on 11/6/17) and was listed as a creditor on Debtor's mailing matrix. Accordingly, Movant had ample opportunity to 1) review Debtor's schedules and statement of financial affairs which do not disclose an interest in any business entities, 2) attend the 341a meeting held on 12/12/17, and 3) schedule a 2004 examination prior to the deadline for filing objections to discharge, i.e., 2/12/18.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 05, 2018

Hearing Room 5A

10:30 AM

CONT... **Richard Thomas**

Chapter 7

3. Neither the Motion or the Reply provides any explanation for why Movant did not move for a 2004 exam prior to 2/12/18 or even why Movant did not seek an extension of time to file an objection to discharge prior to 2/12/18. Further, Movant does not state what facts re fraud she learned after the entry of discharge.

4. A bankruptcy court should decline to reopen a case when doing so would be a “pointless exercise.” *Beezley v. Cal. Land Title Co. (In re Beezley)*, 994 F.2d 1433, 1434 (9th Cir. 1993); see *Cortez v. Am. Wheel, Inc. (In re Cortez)*, 191 B.R. 174, 179 (9th Cir. BAP 1995) (“The bankruptcy court did not abuse its discretion by denying the debtors’ motion to reopen their bankruptcy case when there was no legal basis for granting the relief sought.”).

5. The Ninth Circuit has held that revocation of discharge is construed liberally in favor of the debtor and strictly against those objecting to discharge. *In re Adeeb*, 787 F.2d 1339, 1342 (9th Cir.1986). “To revoke a discharge under § 727(d), the debtor must have committed a fraud in fact which would have barred the discharge had the fraud been known.” *In re Edmonds*, 924 F.2d 176, 180 (10th Cir.1991). In order to effectuate revocation under § 727 (d), such fraud must be discovered after discharge. *In re Dietz*, 914 F.2d 161, 163 (9th Cir.1990). If a creditor or any other party which might object to a debtor’s discharge has knowledge of a possible fraud, the burden is on the objecting party to diligently investigate any possibly fraudulent conduct before discharge. *In re Bowman*, 173 B.R. 922, 925 (9th Cir. BAP 1994). Knowledge of the fraud exists “when the party seeking revocation first becomes aware of facts such that he is put on notice of a possible fraud” and such a potential plaintiff must thereafter show “due diligence in investigating and responding to possible fraudulent conduct once he or she is aware of it or is in possession of facts such that a reasonable person in his or her position should have been aware of a possible fraud.” *In re Fehrs*, 391 B.R. 53 (Bankr. Id. 2008); *In re Darby*, 376 B.R. 534, 542–43 (Bankr.E.D.Tex. 2007).

4. Under the foregoing circumstances, the court will not grant the Motion.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Richard Thomas**

**Chapter 7**

**Debtor(s):**

Richard Thomas

Represented By  
Brian Nomi

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10180 Amalia Ramirez Luna**

**Chapter 13**

**#24.00** Hearing RE:Motion of United States Trustee to Determineto Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Grant Motion. Any agreement between Counsel and the Debtor for payment of any fees in this case is cancelled and that the Debtor has no further obligation to Counsel for any services he performed. In addition, Counsel is ordered to do the following by or before April 19, 2018: (1) file a 2016 Statement, and (2) Submit to the Office of the United States trustee any state court retainer agreements, bankruptcy retainer agreement and attorney client ledger. This hearing is continued to May 17, 2018 at 10:30 a.m. for the purposes of a) determining whether the fees set forth in the 2016 statement are excessive and should be disgorged to the Debtor, and b) determining whether Counsel has fully complied with (1) and (2) above.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. Movant to lodge an order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amalia Ramirez Luna

Represented By  
Daniel A DeSoto

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Amalia Ramirez Luna**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 05, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#25.00 STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Claims bar date: June 11, 2018; notice to creditors by April 11, 2018

Debtor's counsel to provide update re motion for use of cash collateral and why Debtor waited more than 6 weeks to file the motion.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 11**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#1.00** CONT'D Hearing RE: Motion To Dismiss [First Amended] Verified Complaint For Failure To State A Claim For Relief Pursuant To FRCP 12(b)(6)

FR: 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17

Docket 73

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/29/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 9:30 a.m., Per Order  
Entered 3/29/18 (XX) - td (3/29/2018)**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Michael R Totaro  
Norma Ann Dawson

**Defendant(s):**

American Edge Medical Co.

Represented By  
Marc C Forsythe

Turko United LLC

Pro Se

My Imaging Center LLC

Pro Se

My Imaging Center Inc.

Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By  
Marc C Forsythe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee Chapter 11**

Nath Investments Inc. Represented By  
Marc C Forsythe

Lake Elsinore Diagnostics Inc. Pro Se

Temecula Diagnostic Center Inc. Pro Se

Anke Ciling Represented By  
Marc C Forsythe

Sammy Ciling Represented By  
Marc C Forsythe

Fallbrook Diagnostics Inc. Pro Se

**Interested Party(s):**

Wells Fargo Bank, N.A. Represented By  
Edward J Miller

**Joint Debtor(s):**

Linda Bae Lee Represented By  
Michael R Totaro  
Norma Ann Dawson

**Plaintiff(s):**

Donald Woo Lee Represented By  
Norma Ann Dawson

Linda Bae Lee Represented By  
Norma Ann Dawson

Prime Partners Medical Group, Inc. Represented By  
Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Matthew Grimshaw

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 11**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#2.00** CON'TD STATUS CONFERENCE RE: First Amended Verified Adversary Complaint for: 1. Fraudulent Transfer Pursuant to California Civil Code Section 3439-3439, 12; 2. Fraud; 3. Breach of Contract; 4. Accounting; 5. Constructive Trust; 6. Preliminary and Permanent Injunction; 7. Conversion; 8. Breach of Fiduciary Duty; 9. Breach of Implied Covenant of Good Faith and Fair Dealing; and 10. Involuntary Dissolution of Defendant Fallbrook Diagnostics, Inc.

FR: 3-12-15; 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17

Docket 59

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/29/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 10/18/18 at 9:30 a.m., Per  
Order Entered 3/29/18 (XX) - td (3/29/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Michael R Totaro  
Norma Ann Dawson

**Defendant(s):**

American Edge Medical Co.

Represented By  
Marc C Forsythe

Turko United LLC

Pro Se

My Imaging Center LLC

Pro Se

My Imaging Center Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 11**

	Marc C Forsythe
Medical Imaging Rentals, Inc.	Represented By Marc C Forsythe
Nath Investments Inc.	Represented By Marc C Forsythe
Lake Elsinore Diagnostics Inc.	Pro Se
Temecula Diagnostic Center Inc.	Pro Se
Anke Ciling	Represented By Marc C Forsythe
Sammy Ciling	Represented By Marc C Forsythe
Fallbrook Diagnostics Inc.	Pro Se

**Interested Party(s):**

Wells Fargo Bank, N.A.	Represented By Edward J Miller
------------------------	-----------------------------------

**Joint Debtor(s):**

Linda Bae Lee	Represented By Michael R Totaro Norma Ann Dawson
---------------	--

**Plaintiff(s):**

Donald Woo Lee	Represented By Norma Ann Dawson
Linda Bae Lee	Represented By Norma Ann Dawson
Prime Partners Medical Group, Inc.	Represented By Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 11**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#3.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/14/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 6/14/18 at 9:30 a.m., Per Order  
Entered 3/30/18 (XX) - adm (3/30/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#4.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/14/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 6/14/18 at 9:30 a.m., Per Order  
Entered 3/30/18 (XX) - adm (3/30/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

9:30 AM

8:14-10508 Aviiir, Inc.

Chapter 7

Adv#: 8:16-01014 Naylor v. Harrington

#5.00 STATUS CONFERENCE RE: Complaint to: 1) Avoid Preferential Transfers; 2) Avoid Fraudulent Transfers; and 3) Recover Property Transferred

FR: 4-14-16; 5-19-16, 12-22-16; 2-2-17; 4-13-17

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CAENDAR: Order Approving Stipulation to Dismiss Adversary Proceeding with Prejudice Entered 2/23/2018

Courtroom Deputy:

**OFF CAENDAR: Order Approving Stipulation to Dismiss Adversary Proceeding with Prejudice Entered 2/23/2018 - td (2/23/2018)**

Tentative Ruling:

**May 19, 2016**

Discovery Cut-off Date: Oct. 1, 2016  
Deadline to Attend Mediation: Nov. 18, 2016  
Pretrial Conference Date: Dec. 22, 2016 at 9:30 a.m.  
(XX)  
Deadline to Lodge Joint Pretrial Stipulation: Dec. 8, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**April 13, 2017**

In light of the settlement between the parties approved by the court, continue status conference to April 12, 2018 at 9:30 a.m.; updated status report to be filed by March 29, 2017 if the adversary is not dismissed by such date. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

9:30 AM

CONT... Aviiir, Inc.

Chapter 7

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Aviiir, Inc.

Represented By  
Stephen T O'Neill

**Defendant(s):**

Douglas S. Harrington

Pro Se

**Plaintiff(s):**

Karen Sue Naylor

Represented By  
Todd C. Ringstad

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nanette D Sanders  
Brian R Nelson  
Todd C. Ringstad  
Callahan & Blaine, APLC

Karen S Naylor (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

**#6.00** CON'TD STATUS CONFERENCE RE: Verified First Amended Complaint: 1) For Disallowance of Claims; 2) For Declaratory Relief; And 3) To Quiet Title to Real Property

FR: 12-21-17; 3-8-18

Docket 109

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/17/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/19/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 4/17/18 at 9:30 a.m., Per  
Order Entered 3/19/18 (XX) - td (3/19/2018)**

**Tentative Ruling:**

**December 21, 2017**

Continue status conference to Feb. 22, 2018 at 9:30 a.m. on the remaining issues. Joint status report to be filed by Feb. 8, 2018.  
-----

**March 8, 2018**

Continue status conference to April 12, 2018 at 9:30 a.m.; updated joint status report to be filed by April 5, 2018. (XX)

The parties are encouraged to continue trying to reach a mutual resolution of the adversary.

*Special Note: Regarding the Motion to Dismiss the First Amended Complaint, which was granted in part at the December 21, 2017 hearing, the court expects to post augmented finding/conclusions no later than March 9, 2018. During the course of the court's review of the pleadings which it adopted as*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

9:30 AM

CONT... Robert Boyajian

Chapter 11

*the basis for its ruling, the court determined that certain matters required additional review and analysis by the court. The substantive ruling will not change.*

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Shahrokh Shawn Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

Raham Honeya Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

**Plaintiff(s):**

Robert Boyajian

Represented By  
Steven Werth  
Michael G Spector  
Vicki L Schennum

Mayor Dune, Inc.

Represented By  
Alan G Tippie  
Robert Boyajian

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#7.00** CON'TD PRE-TRIAL CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18; 2-22-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery:	July 1, 2016
Pretrial Stipulation due date:	August 18, 2016
Pretrial Conference:	Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

-----  
**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

-----

**November 30, 2017**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***

-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.

-----

**April 12, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; Court to issue order to show cause why this adversary should not be dismissed due to lack of prosecution ("OSC"), which OSC shall be heard on the same date/time as the continued status conference. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Defendants shall service notice of the continued status conference.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rosalva Ramirez Chapter 11**

Jose Luis Ramirez Sr Pro Se

Herman F Cea Pro Se

The Ramirez Family Trust Pro Se

Family Steel Corporation Pro Se

First American Title Insurance Pro Se

Olimpia Family Trust, Dated Pro Se

**Plaintiff(s):**

Mayanin Sotelo Represented By  
Michael Soroy

Salon Envious, Inc. Represented By  
Michael Soroy

Aurelio Vera Represented By  
Michael Soroy

Faviola Vera Represented By  
Michael Soroy

**U.S. Trustee(s):**

United States Trustee (SA) Represented By  
Frank Cadigan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14201 Edward Mark Bobinski**

**Chapter 7**

Adv#: 8:17-01019 Naylor v. Lyster et al

**#8.00** STATUS CONFERENCE RE: Complaint for: 1) Avoidance of Actual Fraudulent Transfer [11 USC Section 548(a)(1)(A)]; 2) Avoidance of Constructive Fraudulent Transfer [11 USC Section 548(a)(1)(B)]; 3) Recovery of Avoided Transfer [11 USC Section 550]; 4) Declaratory Relief; And 5) Turnover [11 USC Section 542(a)]

FR: 4-20-17; 9-7-17; 11-9-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Status Conference is Vacated and is Continued to 5/31/18 at 9:30 a.m., Per Order Entered 3/28/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference is Vacated and is Continued to 5/31/18 at 9:30 a.m., Per Order Entered 3/28/18 (XX) - td (3/28/2018)**

**Tentative Ruling:**

**April 20, 2017**

Discovery Cut-off Date:	June 15, 2017
Deadline to Attend Mediation:	July 28, 2017
Pretrial Conference Date:	Sept. 7, 2017 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Aug. 24, 2017

*Special Note: As Defendant has not consented to this court entering a final judgment, the court will enter proposed findings and conclusions for consideration by the District Court.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edward Mark Bobinski**

**Chapter 7**

**Party Information**

**Debtor(s):**

Edward Mark Bobinski

Represented By  
William B Skinner

**Defendant(s):**

Susan Lyster

Pro Se

Edward Mark Bobinski

Pro Se

**Plaintiff(s):**

Karen Sue Naylor

Represented By  
William M Burd

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#9.00 PRE-TRIAL CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/31/18 AT 9:30 A.M. AS  
A STATUS CONFERENCE, PER HEARING HELD 1/11/18 and Order  
Entered 1/29/18 (xx)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 5/31/18 at 9:30 a.m., as a Status Conference per hearing held 1/11/18 and Order Entered 1/29/18 - (XX) - adm/td (1/18/18)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----

**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date:	Jan. 18, 2018
Deadline to File Pretrial Motions:	Feb. 1, 2018
Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference: (XX)	Apr. 12, 2018 at 9:30 a.m.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Chad Paul Delannoy Chapter 7**  
Deadline to File Pretrial Stipulation Mar. 29, 2018

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10760 Mary Helen Leonard**

**Chapter 7**

Adv#: 8:17-01229 Kosmala v. Lippe Wood Company

**#10.00** CON'TD STATUS CONFERENCE RE: Complaint for Declaratory Relief; Quiet Title; and Avoidance of Transfer

FR: 2-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed for failure to timely file a status report in this matter.  
-----

**April 12, 2018**

Continue status conference to May 17, 2018 at 9:30 a.m., same date/time as hearing on pending motion for default judgment. Updated status report not required. (XX)

***Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Mary Helen Leonard**

**Chapter 7**

**Defendant(s):**

Lippe Wood Company

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#11.00 STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue status conference to June 14, 2018 at 2:00 p.m., same date/time as hearing on the pending motion to compel arbitration. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Koller Coatings Corporation**

Scott A Kron

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11818 Saman Jandarian**

**Chapter 7**

Adv#: 8:17-01118 Financial Services Vehicle Trust v. Jandarian

**#12.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

FR: 10-5-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; JUDGMENT IN FAVOR OF PLAINTIFF THAT DEFENDANT'S INDEBTEDNESS IS NON-DISCHARGEABLE ENTERED 4/6/18**

**Courtroom Deputy:**

**OFF CALENDAR; Judgment in Favor of Plaintiff that Defendant's Indebtedness is Non-Dischargeable Entered 4/6/18 - liz (4/6/18)**

**Tentative Ruling:**

**October 5, 2017**

Discovery Cut-off Date:	Jan. 31, 2018
Deadline to Attend Mediation:	Mar. 2, 2018
Pretrial Conference Date:	Apr. 12, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Mar. 29, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Saman Jandarian

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Saman Jandarian**

**Chapter 7**

**Defendant(s):**

Saman Jandarian

Pro Se

**Plaintiff(s):**

Financial Services Vehicle Trust

Represented By  
Timothy J Silverman

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

9:30 AM

8:17-12286 Alejandro Silva Romero

Chapter 7

Adv#: 8:17-01149 Orange County's Credit Union v. Alejandro Silva Romero

#13.00 PRE-TRIAL CONFERENCE RE: Complaint for non-dischargeability of debt pursuant to 11 U.S.C. §523(a)(2) and (a)(6)

FR: 12-14-17

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/17/18 AT 9:30 A.M.,  
PER ORDER ENTERED 4/11/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Order Approving Stipulation to Continue Pre-trial Conference to 5/17/18 at 9:30 a.m. ENTERED 4/11/18 (XX) - td (4/11/2018)**

**Tentative Ruling:**

**December 14, 2017**

Discovery Cut-off Date:	Mar. 15, 2018
Pretrial Conference Date: (XX)	Apr. 12, 2018 at 9:30 a.m.*
Deadline to File Joint Pretrial Stipulation:	Mar. 29, 2018*

\*The pretrial conference will go off calendar and the requirement of a joint pretrial statement deemed moot if the matter is settled prior to March 29, 2018.

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Alejandro Silva Romero**

**Chapter 7**

**Debtor(s):**

Alejandro Silva Romero

Represented By  
Astrid C Montealegre  
Michael R Totaro

**Defendant(s):**

Alejandro Silva Romero

Pro Se

**Plaintiff(s):**

Orange County's Credit Union

Represented By  
Brian T Harvey

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

Adv#: 8:18-01014 Twitty et al v. Ruffner

**#14.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue Status Conference to June 14, 2018 at 9:30 a.m. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Represented By  
Brian C Andrews

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Michael Joseph Ruffner**

**Chapter 7**

**Defendant(s):**

Michael Joseph Ruffner Pro Se

**Plaintiff(s):**

Jay Twitty Represented By  
Andrew A Smits

Amy Twitty Represented By  
Andrew A Smits

**Trustee(s):**

Thomas H Casey (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:13-13765 Jeffrey B Shuy and Karen S Shuy**

**Chapter 13**

**#15.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

US BANK NA, successor trustee to Bank of America, NA

VS.

DEBTORS

FR: 3-13-18

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**Match 13, 2018**

Grant motion with 4001(a)(3) waiver unless the parties reach a resolution prior to the hearing. If the parties require more time to negotiate an adequate protection order, the parties may advise the courtroom clerk at the hearing during the roll call and the matter will be continued to April 12, 2018 at 10:00 a.m.

Debtor's objection is overruled as no evidence in support of the same has been presented.

-----

**April 12, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jeffrey B Shuy and Karen S Shuy**

**Chapter 13**

**Debtor(s):**

Jeffrey B Shuy

Represented By  
Tate C Casey

**Joint Debtor(s):**

Karen S Shuy

Represented By  
Tate C Casey

**Movant(s):**

U.S. Bank NA, successor trustee to

Represented By  
Kristin A Zilberstein  
Kelly M Raftery  
Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:13-17920 Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

**#16.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

BMW BANK OF NORTH AMERICA

VS.

DEBTORS

FR: 10-5-17; 11-30-17; 2-1-18

Docket 756

**Courtroom Deputy:**

**Tentative Ruling:**

**November 30, 2017**

Movant to advise the court re the status of this matter.  
-----

**February 1, 2018**

Continue hearing to April 12, 2018 at 10:00 a.m. (XX)

***Note: If all parties agree to the continued hearing date, appearances at this hearing are not required.***  
-----

**April 12, 2018**

Grant with 4001(a)(3) waiver.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

CONT... Donald Woo Lee and Linda Bae Lee Chapter 7

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Movant(s):**

BMW BANK OF NORTH

Represented By  
Bret D. Allen

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:13-18294 Armando Pasillas and Ruth Pasillas

Chapter 13

#17.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
SCHOOLSFIRST FEDERAL CREDIT UNION  
VS.  
DEBTORS

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Armando Pasillas

Represented By  
William Huestis

**Joint Debtor(s):**

Ruth Pasillas

Represented By  
William Huestis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Armando Pasillas and Ruth Pasillas**

**Chapter 13**

**Movant(s):**

SchoolsFirst FCU

Represented By  
Paul V Reza

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:16-14220 Darlene Renee Cooper

Chapter 13

#18.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
CALIFORNIA HOUSING FINANCE AGENCY  
VS.  
DEBTOR

Docket 41

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) SIGNED 4/11/18

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) SIGNED 4/11/18 -- eas**

Tentative Ruling:

**April 12, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Off calendar in light of approval of APO.

**Party Information**

**Debtor(s):**

Darlene Renee Cooper

Represented By  
Christopher P Walker

**Movant(s):**

California Housing Finance Agency

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:17-12643 Vu Ngoc Nguyen and Quynh-Trang T. Nguyen

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTORS

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Vu Ngoc Nguyen

Represented By  
Raymond J Seo

**Joint Debtor(s):**

Quynh-Trang T. Nguyen

Represented By  
Raymond J Seo

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Vu Ngoc Nguyen and Quynh-Trang T. Nguyen**

**Chapter 13**

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14925 Christopher Earl Hobson and Aida Ospino Hobson**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR; C. MICHAEL ARUS & BRUCE W. COOK, NON-FILING CO-DEBTORS

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Earl Hobson

Represented By  
Harlene Miller

**Joint Debtor(s):**

Aida Ospino Hobson

Represented By  
Harlene Miller

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Christopher Earl Hobson and Aida Ospino Hobson**

**Chapter 7**

**Movant(s):**

The Bank of New York Mellon, f/k/a

Represented By  
Tyneia Merritt

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:18-10461 Gary Jason Culwell

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Gary Jason Culwell

Represented By  
Christopher J Langley

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Gary Jason Culwell**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:18-10654 Tabitha Marie Chapman

Chapter 7

#22.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

RAINTREE TUSTIN LLC

VS.

DEBTOR

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant motion without 4001(a)(3) waiver. Movant will need to re-serve the notice to quit.

Whether or not Movant wilfully violated the automatic stay is an issue for another day.

***Note: If BOTH parties accept the foregoing tentative ruling, appearances at today's hearing are not required.***

**Party Information**

**Debtor(s):**

Tabitha Marie Chapman

Represented By  
Alan L. Armstrong

**Movant(s):**

RAINTREE TUSTIN LLC

Represented By  
Scott Andrews

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Tabitha Marie Chapman**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:00 AM

8:18-10759 Colleen Hime

Chapter 13

#23.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

BRENDA KITTLE

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant with 4001(a)(3) waiver only. Deny all other extraordinary relief.

Insufficient grounds for extraordinary relief such as prospective relief. Further 362(d)(4) relief applies to secured creditors only, not landlords.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Colleen Hime

Pro Se

**Movant(s):**

Brenda Carol Kittle

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Colleen Hime**

Anerio V Altman

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10783 Ricky Patrick Miller**

**Chapter 7**

**#24.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

CLIFTON R. WARREN; TIEN WARREN AS TRUSTEES OF THE CLIFF AND  
TIEN WARREN REVOCABLE TRUST CREATED JUNE 1, 2011

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant without 4001(a)(3) waiver.

Landlord may proceed with eviction proceedings 14 days following the entry of the order granting the Motion. The request by Landlord to waive the 14-day wait period is denied.

Debtor's request that the court deny the motion is rejected as Debtor has stated no legal reason for denying the motion. Failure to timely pay rent required under the lease is a legitimate ground for granting relief from stay under Section 362(d)(1).

***Note: This matter appears to be uncontested. Accordingly, no court appearance is required if BOTH parties accept the foregoing tentative ruling.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Ricky Patrick Miller**

**Chapter 7**

**Debtor(s):**

Ricky Patrick Miller

Pro Se

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10873 Nathan Dean LaMoure**

**Chapter 7**

**#25.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

MESA WEST, INC.

VS.

DEBTOR

Docket 8

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 4/17/18 AT 10:00 A.M.,  
PER ORDER ENTERED 3/29/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 4/17/1 at 10:00 a.m., Per Order  
Entered 3/29/18 (XX) - td (3/29/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nathan Dean LaMoure

Pro Se

**Movant(s):**

Mesa West Inc.

Represented By  
Adam M Greely

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-14243 Daryl John Parks**

**Chapter 13**

**#25.10** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

FR: 3-29-18

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Grant motion without 4001(a)(3) unless Debtor become postpetition current by or before the hearing, in which case an adequate protection order will be granted.

If the parties require more time to work out an APO, this hearing may be continued to either April 12, 2018 or May 4, 2018 at 10:00 a.m. by requesting a continuance at the time of the hearing roll call by the courtroom clerk.

-----

**April 12, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Daryl John Parks**

**Chapter 13**

**Debtor(s):**

Daryl John Parks

Represented By  
Thomas E Brownfield

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Kristin A Zilberstein  
Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-12166 Roxana Martha Kargl**

**Chapter 13**

**#26.00** Hearing RE: Debtor's Objection to Claim of Ditech Financial LLC fka Green Green Servicing, Claim 9

Docket 116

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Sustain objection as follows: \$13,681.07 shall not be separately payable through the plan as arrears repayment in light of its inclusion in principal as part of the loan modification agreement entered into between Debtor and Claimant as of August 1, 2017.

*Special note: Debtor seeks disallowance of the \$13,681.07 -- however disallowance of the \$13,681.07 would actually result in an improper reduction of the principal amount of \$303,066.62 which, as Debtor concedes, includes the arrears amount. Debtor is, in fact, paying the \$13,681.07 through modified current mortgage payments.*

**Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.**

**Party Information**

**Debtor(s):**

Roxana Martha Kargl

Represented By  
Matthew Rosene  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Roxana Martha Kargl**

**Chapter 13**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:30 AM

8:16-12413 OC Rebar Inc

Chapter 7

#27.00 Hearing RE: Topping Out, Inc.'s Motion to Require Trustee to Pay Funds

Docket 91

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal  
of Motion filed 4/9/2018

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Motion filed 4/9/2018 - td  
(4/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

OC Rebar Inc

Represented By  
Peter C Wittlin

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, April 12, 2018

Hearing Room 5A

10:30 AM

8:16-15140 Raleigh Souther

Chapter 7

#28.00 Hearing RE: Chapter 7 Trustee's Motion for Authority to Sell Certain Personal Property of the Estate at or Above a Designated Threshold, or to Abandon that Property if No Offer is Made at or Above that Threshold

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Raleigh Souther

Represented By  
Julie A Duncan

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10097 Cozette Hanich**

**Chapter 11**

**#29.00** Post-Confirmation Status Conference RE: Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 10/19/17)

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue post-confirmation status conference to October 11, 2018 at 10:30 a.m.; updated status report must be filed by September 27, 2018 if a final decree has not entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is the responsibility of Debtor to confirm such compliance with the UST prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cozette Hanich

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10788 Linda Pentolino Lane**

**Chapter 13**

**#30.00** Hearing RE: U.S. Trustee's Motion to Reopen Chapter 13 Case for the Limited Purpose of Pursuing an 11 U.S.C. Section 329 Motion Against Attorney Julie J. Villalobos and Oaktree Law, Former Counsel to the Debtor

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Deny motion.

See tentative ruling for #31 on today's calendar.

***Note: If Movant accepts the tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Pentolino Lane

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10788 Linda Pentolino Lane**

**Chapter 13**

**#31.00** Hearing RE: Motion By United States Trustee To Determine Whether Compensation Paid To Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Deny Motion based upon the evidence submitted by the Oak Tree law firm.

There is insufficient evidence to show that the fees charged by the firm were unreasonable, that Debtor received inadequate counsel, or that the actions of the firm led to dismissal of the chapter 13 case.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Pentolino Lane

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#32.00** Hearing RE: Confirmation of Individual Debtor's Second Amended Chapter 11 Plan of Reorganization

(Set at DS Hrg. held 2-1-18)

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Confirm plan as satisfying all applicable provisions of 11 U.S.C. 1129 on condition that Debtor files, within 7 days hereof, the acceptance ballot of Class 5A. (Nuvision FCU). The Confirmation Order shall include the following: Postconfirmation Status Conference shall take place on September 13, 2018 at 10:30 a.m.; a Postconfirmation Status Report shall be filed by Debtor no later than August 27, 2018. (XX)

***Note: This matter appears to be uncontested. If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#33.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-31-17; 11-30-17; 12-14-17; 2-1-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Claims bar date:	10/31/17
Deadline to serve bar date notice:	9/1/17
Deadline to file plan/discl. stmt.:	11/9/17
Continued Status Conf:	11/30/17 at 10:30 a.m. (XX)
Updated Status Report due:	11/16/17*

\*If the plan and discl. stmt are timely filed the requirement of an updated status report on 11/16/17 will be waived.

-----

**November 30, 2017**

Continue status conference to December 14, 2017 at 10:30 a.m., same date/time set for hearing on approval of Debtor's disclosure statement; updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----

**December 14, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

10:30 AM

CONT... Kathy Elizabeth McDonald Chapter 11

Continue status conference to February 1, 2018 at 10:30 a.m.; updated status report not required. (XX)

-----

**February 1, 2018**

Continue status conference to April 12, 2018 at 10:30 a.m.; updated status report not required. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is the responsibility of Debtor to confirm such compliance with the UST prior to the hearing.***

-----

**April 12, 2018**

Take matter off calendar if chapter 11 plan is confirmed.

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is the responsibility of Debtor to confirm such compliance with the UST prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13483 Justin W Cordova**

**Chapter 7**

**#34.00** Hearing RE: Debtor's Motion to Reopen Bankruptcy Case Pursuant to 11 U.S.C. 350(b), 11 U.S.C. 524(c), and F.R.B.P. Rule 4008(a)

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue the hearing to May 31, 2018 at 10:30 a.m. to allow Movant/Debtor to submit supplemental evidence consistent with the requirements of 11 U.S.C. 365(p)(2) by or before May 10, 2018. (XX)

Basis for Tentative Ruling

The court will not re-open a case where to do so would be futile. Here Debtor is seeking to assume an automobile lease agreement following the entry of discharge and closing of his case but has not provided evidence sufficient to show satisfaction of the requirements for assumption of the lease.

Lease assumption by a chapter 7 debtor is governed by 11 U.S.C. 365(p)(2) (A). Section 365(p)(2) requires that

A. Debtor notify the creditor in writing that he wishes to assume the lease and creditor notifies Debtor it agrees to the assumption.

B. Not later than 30 days after notice is provided under (A), Debtor notifies the creditor that the lease is assumed.

The motion to re-open provides no evidence re the communications between Debtor and Cab West which would support a finding of compliance with 365 (p)(2). See, *In re Mortensen*, 444 B.R. 225 (Bankr.E.D. NY 2011) (motion to

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Justin W Cordova Chapter 7**

re-open granted where the debtor had satisfied all requirements of 365(p)(2).

The court strongly suggests that Debtor's counsel review *In re Mortensen* prior to the hearing.

***Note: If Debtor agrees that more evidence is required, the hearing will be continued. If Debtor disagrees with the tentative ruling, appearance at the hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Justin W Cordova

Represented By  
Adriana E Reza

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14063 Slobodan Cuk**

**Chapter 11**

**#35.00** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 12-14-17; 2-1-18

Docket 0

**\*\*\* VACATED \*\*\* REASON: Off Calendar; Order Granting Motion by  
United States Trustee Motion to Dismiss Case Entered 3/30/18.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

Take matter off calendar in light of granting of UST's motion to dismiss case.

***Note: Appearances at this hearing are not required.***

-----

**February 1, 2018**

It appears the automatic stay expired in this case around November 12, 2017.  
Given that the case was filed to retain Debtor's residence, how will the lack of  
a stay impact reorganization?

**Party Information**

**Debtor(s):**

Slobodan Cuk

Represented By  
Chris T Nguyen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11072 Anavelia Prado**

**Chapter 7**

**#35.10** CON'TD STATUS CONFERENCE Hearing RE: Chapter 7 Trustee, Richard A. Marshack's Motion for Order for Turnover of Estate Property (Real Property Located at 1404 W. 9th Street, Santa Ana, CA 92703) Pursuant to Section 521 (a)(4) and Section 542 (Per Order Entered 12/1/17)

FR: 11-9-17; 11-16-17; 12-21-17; 2-22-18; 3-29-18

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 9, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Grant motion, subject to any opposition filed by Nov. 9, 2017  
-----

**November 16, 2017**

Grant motion.

No timely opposition filed.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing is not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***  
-----

**December 21, 2017**

Trustee to advise the court re the status of this matter.  
-----



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

10:30 AM

CONT...      **Anavelia Prado**

**Chapter 7**

**February 22, 2018**

See tentative ruling for #26 on today's calendar.  
-----

**March 29, 2018**

Trustee to advise the court re status of turnover. The court has reviewed the Writ re Possession issued on March 23, 2018.  
-----

**April 12, 2018**

Off calendar. All issues resolved.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01233 Ashour v. Naderi

**#36.00** CONT'D Hearing RE: Defendant's Motion to Dismiss Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2), Denial of Discharge Pursuant to 11 U.S.C. Section 727(a),(2),(A),(3),(a)(4), and (a)(5)

FR: 3-22-18

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018 [UPDATE - TENTATIVE MODIFIED SINCE ORIGINAL POST]**

Grant in part; Deny in Part. Plaintiff must file an amended complaint by May 3, 2018; responsive pleading to be filed by May 31, 2018.

Grant motion with leave to amend as follows: 1) First Claim for Relief: As to 727(a)(2)(A), Plaintiff will be permitted leave to amend if only he can allege facts concerning a transfer of property of Defendant within one year of the filing, If he cannot, no claim for relief under 727(a)(2)(A) may be included in the amended complaint; As to 727(a)(2)(B), Plaintiff will be permitted leave to amend the Complaint if he can allege specific facts concerning the postpetition transfer, removal, etc. of identifiable property. If he cannot, no claim for relief under 727(a)(2)(B) may be included in the amended complaint. 2) Third Claim for Relief: Plaintiff will be permitted to amend the Complaint as to 523(a)(2)(A); Deny Motion as to the claim for relief under 727(a)(4).

Standard for Motion to Dismiss pursuant to FRCP 12(b)(6)

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

2:00 PM

CONT...

**Farhad Naderi**

Chapter 7

its face. *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a "probability requirement," but it asks more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and probability of entitlement to relief. *Id.* A Rule 12(b)(6) dismissal may be based on either a "lack of a cognizable legal theory" or "the absence of sufficient facts alleged under a cognizable legal theory." *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008).

In reviewing a complaint under 12(b)(6), the court is limited to the contents of the complaint. *See Enesco Corp. v. Price/Costco, Inc.*, 146 F.3d 1083, 1085 (9th Cir.1998). All allegations of material fact are taken as true and construed in the light most favorable to the nonmoving party. *See id.* The court need not, however, accept as true allegations that contradict matters properly subject to judicial notice or by exhibit. *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.), opinion amended on denial of reh'g, 275 F.3d 1187 (9th Cir. 2001).

FRCP 9(b)

In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. *Desaigoudar v. Meyercord*, 223 F.3d 1020, 1022 (9th Cir. 2000)("Federal Rule of Civil Procedure 9(b) and the PSLRA require Desaigoudar to plead her case with a high degree of meticulousness."). If particular averments of fraud are insufficiently pled under Rule 9(b), a district court should "disregard" those averments, or "strip" them from the claim. The court should then examine the allegations that remain to determine whether they state a claim. *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1105 (9th Cir. 2003). Rule 9(b) supplements but does not supplant Rule 8(a)'s notice pleading. *U.S. ex rel. Grubbs v. Kanneganti*, 565 F.3d 180, 186 (5th Cir. 2009).

Leave to Amend

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

2:00 PM

CONT...

**Farhad Naderi**

**Chapter 7**

Leave to amend a complaint or claim is generally within the discretion of the bankruptcy court and is reviewed under the abuse of discretion standard. *Mende v. Dun & Bradstreet, Inc.*, 670 F.2d 129 (9th Cir. 1982). Federal Rule of Civil Procedure 15 (made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7015) provides that a party may amend the party's pleading by leave of court and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(a). The Ninth Circuit applies this rule with "extreme liberality." *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997). In exercising its discretion, a bankruptcy court "must be guided by the underlying purpose of Rule 15 to facilitate decision on the merits, rather than on the pleadings or technicalities." *In re Magno*, 216 B.R. 34 (9th Cir. BAP 1997). A bankruptcy court considers the following factors in determining whether a motion to amend should be granted: (1) undue delay; (2) bad faith; (3) futility of amendment; and (4) prejudice to the opposing party. *Hurn v. Retirement Fund Trust of Plumbing, Etc.*, 648 F.2d 1252, 1254 (9th Cir. 1981).

**11 U.S.C. §523**

(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 credit, 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;

For a debt to be non-dischargeable pursuant to § 532(a)(2)(A), the following five elements must be proved by a preponderance of the evidence:

- (1) the debtor made the representations;
- (2) that at the time he knew they were false;

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

2:00 PM

CONT...

**Farhad Naderi**

**Chapter 7**

- (3) that he made them with the intention and purpose of deceiving the creditor;
- (4) that the creditor [justifiably] relied on such representations;
- (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made.

*In re Kirsh*, 973 F.2d. 1454, 1457 (9th Cir. 1992).

**11 U.S.C. §727**

(a) The court shall grant the debtor a discharge, unless—

...

(2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed--

(A) property of the debtor, within one year before the date of the filing of the petition; or

(B) property of the estate, after the date of the filing of the petition;

...

(4) the debtor knowingly and fraudulently, in or in connection with the case--

(A) made a false oath or account;

(B) presented or used a false claim;

(C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or

(D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs;

**Sufficiency of Complaint as to 523(a)(2)(A)**

The court finds that paragraphs 13, 14, 27, 28, 29, 30 and 31 sufficiently plead a claim for fraud under the *Iqbal*, *Twombly* and FRCP 9(b). Importantly, the alleged misrepresentations are stated with specificity, i.e., that Defendant allegedly represented to Plaintiff that if Plaintiff released his

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, April 12, 2018

Hearing Room 5A

2:00 PM

CONT...

**Farhad Naderi**

**Chapter 7**

lien on the subject real property Defendant would sell the property and repay Plaintiff from the proceeds. However, there may be an issue regarding the running of the statute of limitations. Plaintiff will be granted leave to attempt to address the factual matter of the time of discovery of the alleged fraud. The statute of limitations runs from the time of discovery of the fraud, not from the time of the transaction.

**Sufficiency of the Complaint as to 727(a)(2)(A) and (B)**

The Complaint does not sufficiently plead facts under 727(a)(2)(A), i.e., that Defendant transferred or concealed "property of the debtor within one year of the filing of the petition." The petition was filed May 31, 2017. One year prior to the filing would be approximately May 31, 2016. The Complaint alleges at paragraph 14(b) that Defendant sold his property on March 29, 2013, more than 5 years prior to the bankruptcy filing. The Complaint goes on to refer to subsequent transfers by *nondebtor* parties. As to one of the transferees, Pacific Shores Trust, Plaintiff alleges that Defendant has an interest in PST. However, an interest in a trust or other entity does not equate to an interest in property owned by such entity. Even if it does, the last transaction referred to in the Complaint occurred on April 30, 2015, more than two years prior to the filing of the petition. Based on the facts set forth in the Complaint, the court does not believe that Plaintiff can plausibly state a claim under 727(a)(2)(A) even if leave to amend were granted. As to 727(a)(2)(A), Plaintiff will only be permitted leave to amend if Plaintiff can allege facts concerning a transfer of property of Debtor within one year of the filing. If he cannot, no claim for relief under 727(a)(2)(A) may be included in the amended complaint.

The Complaint does not sufficiently state a claim under 727(a)(2)(B), i.e., the transfer, removal, destruction, mutilation or concealment of property after the filing of the petition. Specifically, the Complaint does not identify any such property that was so affected after May 31, 2017. As to 727(a)(2)(B), Plaintiff will only be permitted leave to amend the Complaint if he can allege specific facts concerning the postpetition transfer, removal, etc. of identifiable property. If he cannot, no claim for relief under 727(a)(2)(B) may be included in the amended complaint.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

2:00 PM

CONT...

**Farhad Naderi**

**Chapter 7**

**Sufficiency of the Complaint as to 727(a)(4)**

Paragraphs 10, 11, 24 and 25 sufficiently state a claim for relief under 727(a)(4) as to Defendant's alleged interest in Miss Sunshine's Gourmet Treats. Defendant's attempt to present legal argument regarding the term "use" is not appropriate for a 12(b)(6) motion.

Paragraphs 12 and 25 sufficiently state a claim for relief under 727(a)(4) as to alleged obligations owing to the California Franchise Tax Board. Defendant's attempt to submit documentation on this issue outside the Complaint is not appropriate for 12(b)(6) motion and the court declines to treat the Motion as one for summary judgment. FRCP 12(d). That said, if Plaintiff is now satisfied that the subject debts have been paid, he can choose to exclude the allegation from the amended complaint.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Represented By  
Baruch C Cohen

**Plaintiff(s):**

Fred Farid Ashour

Represented By  
Larry Fieselman  
Julie J Villalobos

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01233 Ashour v. Naderi

**#37.00** CON'TD STATUS CONFERENCE RE: Complaint for Non-Dischargeability of Debt Pursuant to 11 U.S.C. §523 and Denial of Discharge Pursuant to 11 U.S.C. §727(a)(2), (a)(3), (a)(4) and (a)(5)

FR: 2-22-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue status conference to April 12, 2018 at 2:00 pm, same date/time as hearing on Defendant's motion to dismiss; updated status report not required.  
(XX)

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**April 12, 2018**

Continue status conference to July 19, 2018 at 9:30 a.m.; joint status report to be filed by July 5, 2018.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, April 12, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Farhad Naderi**

**Chapter 7**

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Fred Farid Ashour

Represented By  
Larry Fieselman  
Julie J Villalobos

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#1.00** CON'TD STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17; 3-8-18; 3-29-18

Docket 1

\*\*\* VACATED \*\*\* **REASON: Order Continuing Status Conference to May 17, 2018 at 9:30 am Entered 4/11/18 (XX)**

**Courtroom Deputy:**

**OFF CALENDAR: Order Continuing Status Conference to May 17, 2018 at 9:30 am Entered 4/11/18 (XX) - mp/td (4/11/18)**

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 4, 2014**

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, April 17, 2018

Hearing Room 5A

9:30 AM

CONT... Robert David Suer

Chapter 7

***this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15, 2017 at 9:30 a.m.

***Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)***

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer

Chapter 7

**July 27, 2017**

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)

Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

b. B(1), (2), and (3): Why are these matters disputed? For example, if no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories and responses.

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

o. B(33) - (41): What are the disputed facts?

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the disputed facts -- not a mere recitation of deposition testimony.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

3. Issues of Law:

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.

4. Other Matters, JPS Section F:

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the stipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary judgment realistically be filed and heard in advance of an April 2018 trial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer  
date?

**Chapter 7**

c. When will all the other pretrial motions mentioned in Section F of the JPS be filed?

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

**#2.00** CON'TD STATUS CONFERENCE RE: Verified First Amended Complaint: 1) For Disallowance of Claims; 2) For Declaratory Relief; And 3) To Quiet Title to Real Property

FR: 12-21-17; 3-8-18; 4-12-18

Docket 109

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 21, 2017**

Continue status conference to Feb. 22, 2018 at 9:30 a.m. on the remaining issues. Joint status report to be filed by Feb. 8, 2018.  
-----

**March 8, 2018**

Continue status conference to April 12, 2018 at 9:30 a.m.; updated joint status report to be filed by April 5, 2018. (XX)

The parties are encouraged to continue trying to reach a mutual resolution of the adversary.

*Special Note: Regarding the Motion to Dismiss the First Amended Complaint, which was granted in part at the December 21, 2017 hearing, the court expects to post augmented finding/conclusions no later than March 9, 2018. During the course of the court's review of the pleadings which it adopted as the basis for its ruling, the court determined that certain matters required additional review and analysis by the court. The substantive ruling will not change.*



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, April 17, 2018

Hearing Room 5A

9:30 AM

CONT... Robert Boyajian

Chapter 11

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**April 17, 2018**

The parties are to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Shahrokh Shawn Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

Raham Honeya Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

**Plaintiff(s):**

Robert Boyajian

Represented By  
Steven Werth  
Michael G Spector  
Vicki L Schennum

Mayor Dune, Inc.

Represented By  
Alan G Tippie  
Robert Boyajian

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, April 17, 2018

Hearing Room 5A

10:00 AM

8:16-12477 Nathan M. Donahue

Chapter 13

#3.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

TOYOTA MOTOR CREDIT CORPORATION

VS.

DEBTOR

FR: 3-13-18

Docket 70

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay/ APO (Settled by Stipulation) Entered  
3/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay/ APO (Settled by Stipulation) Entered 3/19/2018 - td (3/19/2018)**

Tentative Ruling:

**March 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Nathan M. Donahue

Represented By  
Joseph A Weber

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nathan M. Donahue**

**Chapter 13**

Fritz J Firman

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, April 17, 2018

Hearing Room 5A

10:00 AM

8:18-10559 Allen Haghghinia

Chapter 7

#4.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

FATEMEH DAGHIGN

VS.

DEBTOR

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant in part; deny in part. Grant motion with 4001(a)(3) waiver as to the Third, Fourth and Fifth Causes of Action; Deny motion as to the First, Second and Sixth Causes of Action

The First and Second Causes of Action are for simple oral and written breach of contract which is dischargeable in a chapter 7 case. See, e.g., *In re Riso*, 978 F.2d 1151, 1154 ("It is well settled that a simple breach of contract is not the type of injury addressed by § 523(a)(6)"). Similarly, the Sixth Cause of action for constructive fraud is dischargeable. As constructive fraud does not require an intent to deceive, it does not fall under 523(a)(2)(A) or any other exception to discharge. See *In re Tsurukawa*, 287 B.R. 515, 524 (9th Cir. BAP 2002) ("For a debt to fall within the § 523(a)(2) exception to dischargeability, the debtor must have committed positive, actual fraud, and *not constructive fraud* or fraud implied in law") (emphasis added).

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Allen Haghghinia Chapter 7

*tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Allen Haghghinia Pro Se

**Movant(s):**

Fatemeh Daghigh Represented By  
Fari B Nejadpour

**Trustee(s):**

Weneta M Kosmala (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10567 Denise M Deme Yue**

**Chapter 13**

**#5.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SHADY CANYON COMMUNITY ASSOCIATION

VS.

DEBTOR

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denise M Deme Yue

Pro Se

**Movant(s):**

Shady Canyon Community

Represented By  
Matthew T Plaxton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Denise M Deme Yue**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10803 Cathy Abulhasan**

**Chapter 7**

**#6.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
2014-3 IH BORROWER L.P.  
VS.  
DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cathy Abulhasan

Represented By  
Randy Alexander

**Movant(s):**

2014-3 IH Borrower L.P., a

Represented By  
Scott Andrews

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Cathy Abulhasan**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10873 Nathan Dean LaMoure**

**Chapter 7**

**#7.00** CONT'D Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

MESA WEST, INC.

VS.

DEBTOR

FR: 4-12-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant the Motion with 4001(a)(3) waiver; deny request for extraordinary prospective relief due to insufficient grounds stated therefor.

The court is persuaded by the Motion and Reply pleadings that cause has been sufficiently stated for granting relief from stay to allow the pending trial to conclude to judgment, even after taking into account the evidentiary objections. The court is not persuaded by Debtor's objections or legal arguments.

Debtor's Evidentiary Objections to Declaration of Adam M. Greely

1. Objection to Para 6: Sustained. FRE 602, 1002
2. Objection to Para 7: Sustained: FRE 901

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nathan Dean LaMoure**

**Chapter 7**

As to the chapter 7 trustee, the trustee was properly served and has apparently chosen not to oppose the Motion.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nathan Dean LaMoure

Pro Se

**Movant(s):**

Mesa West Inc.

Represented By  
Adam M Greely

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11006 Kimberly Nadina Fisher**

**Chapter 13**

**#8.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Nadina Fisher

Represented By  
Heather J Canning

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#9.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Movant(s):**

Gerardo Caravez

Represented By  
Michael D Franco  
Michael D Franco  
Michael D Franco  
Michael D Franco

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247 Damon v. Haythorne

**#10.00** Hearing RE: Plaintiff's Amended Motion for Extension of Discovery Cutoff and Related Dates

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant motion. Discovery cut-off extended to August 24, 2018. Pretrial conference continued to October 18, 2018 at 9:30 a.m. Joint pretrial stipulation to be filed by September 28, 2018.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Miller

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

**#11.00** Hearing RE: Motion of Andrews Law Group, Inc. to Withdraw as Counsel for Michael Ruffner

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 17, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Represented By  
Brian C Andrews

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#12.00 CON'TD FINAL Hearing RE: Emergency Motion for Interim and Final Order Authorizing Debtor and Debtor in Possession to Use Cash Collateral Under 11 U.S.C. Section 363(e) (OST Entered 1/19/18)**

FR: 1-25-18; 3-8-18

Docket 11

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/31/18 AT 10:30 A.M.,  
PER ORDER ENTERED 4/11/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Final Hearing Continued to 5/31/18 at 10:30 a.m, Per Order Entered 4/11/18 (XX) - td (4/11/2018)**

**Tentative Ruling:**

**March 8, 2018**

The U.S. Trustee to advise the court re his position in light of supplemental memorandum and late-filed monthly operating report (filed 3/5/18).

**Party Information**

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#13.00** Hearing RE: Debtor's Motion For Sanctions Against Creditors State Bar of California, Francis B. Lantieri, Garcy Schneider, 10675 S Orange Park Blvd, LLC and Phil Green for Violation of the Automatic Stay and Request for Injunctive Relief

Docket 58

**\*\*\* VACATED \*\*\* REASON: Continued to 5/3/28 at 10:30 a.m., Per Order Granting Creditor The State Bar of California's Motion for Continuance of Hearing Date Entered 4/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 5/3/28 at 10:30 a.m., Per Order Granting Creditor The State Bar of California's Motion for Continuance of Hearing Date Entered 4/2/18 (XX) - td (4/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Monday, April 23, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#1.00 TRIAL RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727**

(Set per Order entered 9/8/17)

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Settled**

**Courtroom Deputy:**

**OFF CALENDAR: Settled - td (4/4/2018)**

**Party Information**

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, April 24, 2018

Hearing Room 5A

1:30 PM

8:18-10625 Hazel Jeanette Kidd

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 17

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 4/11/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 4/11/2018 -td (4/11/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hazel Jeanette Kidd

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10587 Michael Craig Burmaster**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Craig Burmaster

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10577 Dolly Kiosea**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/21/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/21/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dolly Kiosea

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10567 Denise M Deme Yue**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denise M Deme Yue

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10522 Janet M. Bosteter**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Janet M. Bosteter

Represented By  
Kelly Zinser

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10495 Martin Tlaseca Flores and Estela Galindo-Vergara**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/5/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martin Tlaseca Flores Pro Se

**Joint Debtor(s):**

Estela Galindo-Vergara Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10493 Gregory P Sorensen**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/5/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory P Sorensen

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10483 Yovany Batres**

**Chapter 13**

**#10.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/5/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yovany Batres

Pro Se

**Trustee(s):**

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10482 Javier Mendoza**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of Amended Chapter 13 Plan

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Javier Mendoza

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10475 Erendira Escobedo**

**Chapter 13**

**#12.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/5/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Erendira Escobedo

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10472 Nga Phan**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nga Phan

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10451 William C Jones**

**Chapter 13**

**#14.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to Schedules, Statements, and/or Plan Entered 3/2/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to Schedules,  
Statements, and/or Plan Entered 3/2/2018 - td (3/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

William C Jones

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10450 Jorge D. Muniz and Aida A. Muniz**

**Chapter 13**

**#15.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jorge D. Muniz

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Aida A. Muniz

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10408 Deborah Ambrose**

**Chapter 13**

**#16.00** Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Deborah Ambrose

Represented By  
Todd B Becker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10405 Francine McGwire**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 4/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 4/23/2018 - td (4/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Francine McGwire

Represented By  
Lionel E Giron

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10390 Vinh C. Phan**

**Chapter 13**

**#18.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 18

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with  
Restrictions Entered 3/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 with Restrictions Entered 3/13/2018 -  
td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vinh C. Phan

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10372 Karin Marie Marcum**

**Chapter 13**

**#19.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 2/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 2/26/2018 - td (4/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karin Marie Marcum

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10350 Albert H Lee**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 2/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 2/13/2018 - td (2/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Albert H Lee

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10338 Josephine V. Valenzuela**

**Chapter 13**

**#21.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Josephine V. Valenzuela

Represented By  
Raymond J Seo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10334 Amiee Elizabeth Musselman**

**Chapter 13**

**#22.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Amiee Elizabeth Musselman

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10329 Sushama D Lohia**

**Chapter 13**

**#23.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sushama D Lohia	Pro Se
-----------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10298 Leonard Stanford Marcyes**

**Chapter 13**

**#24.00** Hearing RE: Confirmation of Amended Chapter 13 Plan

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Leonard Stanford Marcyes

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10297 Maria A Sellers**

**Chapter 13**

**#25.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria A Sellers

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, April 24, 2018

Hearing Room 5A

1:30 PM

8:18-10288 Kevin Mark Axner

Chapter 13

#26.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 19

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal Ch 13 with  
Restrictions Entered 3/13/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal Ch 13 with Restrictions Entered 3/13/2018 - td  
(3/13/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Mark Axner

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10143 Johnny Phan**

**Chapter 13**

**#27.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing  
Chapter 13 Case Entered 4/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Chapter 13 Case Entered 4/4/2018 -  
td (4/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Johnny Phan

Represented By  
Brad Weil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10135 Harry K. James**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Harry K. James

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14990 Victoria Ann Perris**

**Chapter 13**

**#29.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Victoria Ann Perris

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14978 Tiffany Katherine Nicosia**

**Chapter 13**

**#30.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tiffany Katherine Nicosia

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14762 James Hilyer, IV and Fiona Hilyer**

**Chapter 13**

**#31.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 2-27-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Hilyer IV

Represented By  
Shawn Dickerson

**Joint Debtor(s):**

Fiona Hilyer

Represented By  
Shawn Dickerson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14383 Santiago Munoz and Maria Gloria Munoz**

**Chapter 13**

**#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 1-23-18; 2-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Santiago Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Joint Debtor(s):**

Maria Gloria Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 1-23-18; 2-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, April 24, 2018

Hearing Room 5A

2:30 PM

8:17-14295 Malili Fuamatu, Jr.

Chapter 13

#34.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 31

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018 - td (4/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Malili Fuamatu Jr.

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#35.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 3-27-18

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12953 Kevin S. Yoneda**

**Chapter 13**

**#36.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 3-27-18

Docket 25

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018 - td (4/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin S. Yoneda

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10908 Rafael Carbajal and Laura Carbajal**

**Chapter 13**

**#37.00** Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rafael Carbajal

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Laura Carbajal

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10893 Andre Taylor and Nida Taylor**

**Chapter 13**

**#38.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for Failure to Make Plan Payments**

FR: 2-27-18; 3-27-18

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andre Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Joint Debtor(s):**

Nida Taylor

Represented By  
Sundee M Teeple  
Craig K Streed

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10630 Theodore Eugene Slowiaczek**

**Chapter 13**

**#39.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Theodore Eugene Slowiaczek

Represented By  
Amid Bahadori

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14972 Dzung Anh Pham**

**Chapter 13**

**#40.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Dzung Anh Pham

Represented By  
Shakeal Masoud  
Matthew R. Clark III

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14619 Wayne Edward Heard**

**Chapter 13**

**#41.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 39

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/24/2018 - td (4/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wayne Edward Heard

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12808 John Anthony Telesio**

**Chapter 13**

**#42.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Anthony Telesio

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14202 Mary L. Pesce**

**Chapter 13**

**#43.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18; 2-27-18; 3-27-18

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary L. Pesce

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-13529 Marc Anthony Trocchio**

**Chapter 13**

**#44.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 62

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of Conversion of Chapter 7 filed 3/22/2018; Case Converted to Chapter 7**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Chapter 7 filed 3/22/2018; Case Converted to Chapter 7 - td (3/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marc Anthony Trocchio

Represented By  
Bert Briones

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#45.00** CON'TD Hearing RE: Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

FR: 2-27-18

Docket 78

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Withdrawal of Motion, filed 4/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Withdrawal of Motion, filed 4/20/2018 - td (4/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#46.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments**

FR: 2-27-18

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-10411 Renee Esther Teasta**

**Chapter 13**

**#47.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 2-27-18

Docket 88

**\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal of Motion filed 3/30/18**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of Motion filed 3/30/18- mp  
(4/11/18)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Renee Esther Teasta

Represented By

Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-16093 Richard Thomas Collins and Noreen Lynn Collins**

**Chapter 13**

**#48.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 3-27-18

Docket 142

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Thomas Collins

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Noreen Lynn Collins

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-15461 Lisa J Dickens**

**Chapter 13**

**#49.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lisa J Dickens

Represented By  
Joseph A Roberts

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-10676 William Preciado**

**Chapter 13**

**#50.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 3-27-18

Docket 179

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 4/9/2018 - td (4/9/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

William Preciado

Represented By  
Todd J Roberts

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#51.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17; 2-27-18

Docket 101

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12084 Tovias Martinez**

**Chapter 13**

**#52.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tovias Martinez

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

9:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust (Another Summons Issued 12/12/17)

FR: 2-22-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/17/18 AT 9:30 A.M. ON COURT'S OWN MOTION; See Court's Notice filed 3/5/18, Document #46 (XX)

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 5/17/18 at 9:30 a.m.; See Court's Notice filed 3/5/18, Document #46 (XX) - td (3/5/2018)**

**Tentative Ruling:**

**February 22, 2018**

Continue status conference to May 3, 2018 at 9:30 a.m.; updated status report must be filed by April 19, 2018.

*Special Note:* Defendant Haleh Fardi has requested an extension of 30 days to respond to the complaint per "ex parte" motion filed 1/11/18 [order lodged 2/5/18]. Defendant asserts extension was requested from Plaintiff but Plaintiff failed to respond to the request.

**Note: If the parties accept the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.**

**Party Information**

**Debtor(s):**

29 Prime, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

9:30 AM

CONT... 29 Prime, Inc.

**Chapter 7**

Richard L Barnett

**Defendant(s):**

Russell B. Wallace	Pro Se
Tony Redman	Pro Se
Jason Martin	Pro Se
Local Zoom, Inc.	Pro Se
OC Listing, Inc.	Pro Se
Sky Motorsports, Inc.	Pro Se
Haleh Fardi	Pro Se
1Network, Inc.	Pro Se
1Network.Com	Pro Se

**Plaintiff(s):**

Richard A. Marshack	Represented By Rosemary Amezcua-Moll
---------------------	---

**Trustee(s):**

Richard A Marshack (TR)	Represented By Caroline Djang Rosemary Amezcua-Moll
-------------------------	---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11063 Karem Angelica Blair**  
Adv#: 8:17-01112 Herrera et al v. Blair

**Chapter 7**

**#2.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Debt to be  
Nondischargeable (11 USC Section 523)**

FR: 9-21-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/17/28 AT 9:30 A.M. ON  
COURT'S OWN MOTION; See Notice of Continuance of Pretrial Hearing  
filed by Fritz Firman, Attorney for Plaintiff on 1/31/18, Document #7 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference continued to 5/17/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Pretrial Hearing filed by  
Fritz Firman, Attorney for Plaintiff on 1/31/18, Document # 7 (XX) - td  
(1/30/2018)**

**Tentative Ruling:**

**September 21, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 3, 2018 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	Apr. 26, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Karem Angelica Blair**

**Chapter 7**

**Debtor(s):**

Karem Angelica Blair

Represented By  
Kelly Zinser

**Defendant(s):**

Karem Angelica Blair

Pro Se

**Plaintiff(s):**

Yvonne Herrera

Represented By  
Fritz J Firman

Dylan Herrera

Represented By  
Fritz J Firman

Ethan Herrera

Represented By  
Fritz J Firman

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kristine A Thagard  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:12-23626 Luis Marroquin**

**Chapter 13**

**#3.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK, N.A.

VS.

DEBTOR

Docket 80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Luis Marroquin

Represented By  
Michael G Spector

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Brian H Tran  
Gilbert R Yabes  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Luis Marroquin**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-13646 Mayra Azucena Gonzalez-Fierros**

**Chapter 13**

**#4.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
MECHANICS BANK, INC.  
VS.  
DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mayra Azucena Gonzalez-Fierros

Represented By  
Rex Tran

**Movant(s):**

MECHANICS BANK, INC.,

Represented By  
Vincent V Frounjian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mayra Azucena Gonzalez-Fierros**

**Chapter 13**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-12854 Paul Edward Rubio**

**Chapter 13**

**#5.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 111

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paul Edward Rubio

Represented By  
Lauren Rode

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Caren J Castle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Paul Edward Rubio**

**Chapter 13**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:00 AM

8:17-10032 Philip Richard Cantwell, Jr

Chapter 11

#6.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 142

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schennum

**Movant(s):**

Wells Fargo Bank, NA

Represented By  
Jason C Kolbe  
Jennifer C Wong

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14390 Shawn A. Favilla and Tiffany A. Favilla**

**Chapter 13**

**#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]**

CHRISTIANA TRUST

VS.

DEBTORS.

Docket 29

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay Under 11 U.S.C. Section 362 (Settled by  
Stipulation) Entered 4/30/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay Under 11 U.S.C. Section 362 (Settled by Stipulation) Entered  
4/30/2018 - td (4/30/2018)**

**Tentative Ruling:**

**May 3, 2018**

Grant motion without 4001(a)(3) waiver unless the parties are able to reach a resolution. If more time for resolution is required the hearing may be continued to June 7, 2018 at 10:00 a.m. by notifying the court clerk at the time of the calendar roll call prior to the hearing.

**Party Information**

**Debtor(s):**

Shawn A. Favilla

Represented By  
Christian T Spaulding

**Joint Debtor(s):**

Tiffany A. Favilla

Represented By  
Christian T Spaulding

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Shawn A. Favilla and Tiffany A. Favilla**

**Chapter 13**

**Movant(s):**

Christiana Trust, a division of

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:00 AM

8:17-14626 Leon Laird and MaryJo Laird

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SETERUS, INC.

VS.

DEBTORS

Docket 45

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/7/18 AT 10:00 A.M.,  
PER ODER ENTERED 4/18/18 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/7/18 at 10:00 a.m., Per Order  
Entered 4/18/18 (XX) - td (4/18/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leon Laird

Represented By  
Dianna M Heck

**Joint Debtor(s):**

MaryJo Laird

Represented By  
Dianna M Heck

**Movant(s):**

SETERUS, INC. as the authorized

Represented By  
James F Lewin  
Renee M Parker

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10761 Saeed Tafreshi**

**Chapter 7**

**#9.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Saeed Tafreshi

Represented By  
Amid Bahadori

**Movant(s):**

Wells Fargo Bank, National

Represented By  
Gilbert R Yabes

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Saeed Tafreshi**

**Chapter 7**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:00 AM

8:18-10830 Laura Lynn Clayton

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

LBS FINANCIAL CREDIT UNION

VS.

DEBTOR

Docket 15

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with  
Restrictions (11 U.S.C. §109(g)(2) and 1307(b) Entered 4/16/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request  
for Voluntary Dismissal of Chapter 13 with Restrictions (11 U.S.C. §  
109(g)(2) and 1307(b) Entered 4/16/2018 - td (4/16/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Laura Lynn Clayton

Pro Se

**Movant(s):**

LBS Financial Credit Union

Represented By  
Karel G Rocha

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:00 AM

8:18-11024 Deborah Best

Chapter 11

#11.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(Order for Joint Administration Entered 4/12/18;  
Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES)**

JANACO LLC

VS.

DEBTOR

Docket 19

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Joint Stipulation of  
Parties Regarding Creditor, Janaco, LLC's Motion for Relief from Automatic  
Stay filed 4/19/18; Order Granting Motion for Relief from Stay Under 11  
U.S.C. §362 (Settled by Stipulation) Entered on Lead Case 8:18-11273-ES on  
4/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Joint Stipulation of Parties Regarding Creditor,  
Janaco, LLC's Motion for Relief from Automatic Stay filed 4/19/18; Order  
Granting Motion for Relief from Stay Under 11 U.S.C. §362 (Settled by  
Stipulation) Entered on Lead Case 8:18-11273-ES on 4/23/2018 - td  
(4/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Deborah Best

Represented By  
Leonard W Stitz

**Movant(s):**

Janaco LLC

Represented By  
Timothy P Dillon

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Deborah Best**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11103 Zafer Yuroagul**

**Chapter 7**

**#12.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
PARK II SPECTRUC LLC  
VS.  
DEBTOR

Docket 16

**Courtroom Deputy:**

**SPECIAL NOTE: Order Denying Request for Reschedule Motion  
Hearing - Denied 5/2/18 - td (5/2/2018)**

**Tentative Ruling:**

**May 3, 2018**

Grant with 4001(a)(3) waiver; deny request for extraordinary prospective relief.

The lease agreement has terminated by its terms, stipulated judgment was entered prior to the bankruptcy, debtor's deposit of \$500 insufficient to satisfy rent deposit requirement even the lease had not terminated. As Debtor agreed to a lockout of March 10, 2018, Debtor has had an additional 7 weeks on the premises. Accordingly, relief will be granted with waiver of FRBP Rule 4001(a)(3), meaning the relief order will be effective upon its entry on the court docket -- no 14-day wait period will apply.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Zafer Yuroagul

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Zafer Yuroagul**

**Chapter 7**

**Movant(s):**

Park II Spectrum LLC

Represented By  
Richard Sontag

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:00 AM

8:18-11257 Debbie Gene Escano

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
SHELDON STEIN, SHEILA HALVORSEN, CARMELINA AVENUE, LLC  
VS.  
DEBTOR

Docket 4

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/27/2018

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/27/2018 - td (4/30/2018)**

Tentative Ruling:

**May 3, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Debbie Gene Escano

Pro Se

**Movant(s):**

Sheldon Stein, Sheila Halvorsen,

Represented By  
Barry L O'Connor

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Debbie Gene Escano**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11262 Jean A Butler-Boren**

**Chapter 13**

**#13.10** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate  
**(OST Entered 4/23/18)**

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jean A Butler-Boren

Represented By  
Thomas J Polis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-12718 Norman Wright Branyan**

**Chapter 11**

**#13.20** CON'TD Post-Confirmation Status Conference Hearing RE: July 26, 2013  
Version of Fifth Amended Chapter 11 Plan of Reorganization Proposed by  
Debtor Norman Branyan on February 28, 2013

(Set at Plan Conf. Hrg. held 9/19/13)

FR: 3-20-14; 4-17-14; 10-16-14; 4-16-15; 10-15-15; 10-13-16; 4-13-17; 10-19-17

Docket 549

**Courtroom Deputy:**

**Tentative Ruling:**

**March 20, 2014**

Debtor's counsel must appear at today's hearing -- status report doesn't say whether plan payments are current and provides no information as to why the plan needs to be modified. Finally, the report does not indicate whether Debtor is in compliance with post-confirmation requirements of the United States Trustee.

As to creditors who are not cashing checks, the court cannot give legal advice or any advisory opinion concerning such matter.

***Note: Appearance at today's hearing is required.***

-----  
**April 17, 2014**

No tentative ruling

-----  
**October 16, 2014**

Continue postconfirmation status conference to April 16, 2015 at 10:30 a.m.;  
updated status report to be filed by April 2, 2015 (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room

5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.**

-----

**April 16, 2015**

Continue postconfirmation status conference to October 15, 2015 at 10:30 a.m.; an updated status report must be filed by October 1, 2015. (XX)

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.**

-----

**October 15, 2015**

Continue postconfirmation status conference to April 14, 2016 at 10:30 a.m.; updated status report to be filed by March 31, 2016. (XX)

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.**

-----

**April 14, 2016**

Continue postconfirmation status conference to October 13, 2016 at 10:30 a.m.; an updated status report must be filed by September 29, 2016; sanctions in the amount of not less than \$100 may be imposed for failure to timely file the updated status report. (XX)

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

-----  
**October 13, 2016**

Continue postconfirmation status conference to April 13, 2017 at 10:30 a.m.; updated status report to be filed by March 30, 2017. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

-----  
**April 13, 2017**

Continue postconfirmation status conference to October 19, 2017 at 10:30 a.m.; an updated status report must be filed by October 5, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----  
**October 19, 2017**

Continue postconfirmation status conference to May 3, 2018 at 10:30 a.m.; an updated status report must be filed by April 19, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----  
**May 3, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Norman Wright Branyan**

**Chapter 11**

Continue postconfirmation status conference to October 4, 2018 at 10:30 a.m.; an updated status report must be filed by September 20, 2018

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Norman Wright Branyan

Represented By  
Richard H Gibson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:11-20817 Rosario Perry

Chapter 11

#14.00 CONT'D Post Confirmation Status Conference RE: Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Plan hrg. held 8/7/12)

FR: 2-7-13; 2-14-13; 8-8-13; 2-6-14; 8-7-14; 2-19-15; 3-5-15; 9-10-15; 3-10-16; 4-14-16, 10-13-16; 4-13-17; 10-19-17

Docket 80

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Discharge, Lien Avoidance, Final Decree and Order Closing Case Entered 3/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Discharge, Lien Avoidance, Final Decree and Order Closing Case Entered 3/13/2018 - td (3/14/2018)**

**Tentative Ruling:**

**February 14, 2013**

Continue post-confirmation status conference to August 8, 2013 at 10:30 a.m.; updated status report to be filed by July 25, 2013 (XX)

Note to counsel: the issue of discharge may be raised (with appropriate points and authorities) in connection with a motion for final decree

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required.***

-----  
**August 8, 2013**

Continue postconfirmation status conference to February 6, 2014 at 10:30 a.m.; updated status report to be filed by January 23, 2014. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, including payment of quarterly fees, appearance at this hearing is***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Rosario Perry  
*not required.*

Chapter 11

-----  
**February 6, 2014**

Continue status conference to August 7, 2014 at 10:30 a.m.; updated status report to be filed by July 24, 2014 (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----  
**August 7, 2014**

Continue status conference to Feb. 19, 2015 at 10:30 a.m.; updated status report to be filed by Feb. 5, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----  
**March 5, 2015**

Continue status conference to September 10, 2015 at 10:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----  
**September 10, 2015**

Continue status conference to March 10, 2016 at 10:30 a.m.; updated status report to be filed by February 25, 2016. (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Rosario Perry

Chapter 11

**Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.**

-----

**March 10, 2016**

Updated Postconfirmation Status Report not filed. Impose sanctions of \$100 against Debtor's counsel for failure to file the Report.

**Note: Appearance at this hearing is required.**

-----

**April 14, 2016**

Continue postconfirmation status conference to October 13, 2016 at 10:30 a.m.; an updated status report must be filed by September 29, 2016. (XX)

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.**

-----

**October 13, 2016**

Continue postconfirmation status conference to April 13, 2017 at 10:30 a.m.; updated status report to be filed by March 30, 2017.

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.**

-----

**April 13, 2017**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Rosario Perry

Chapter 11

Continue postconfirmation status conference to October 19, 2017 at 10:30 a.m.; an updated status report must be filed by October 5, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**October 19, 2017**

Continue postconfirmation status conference to May 3, 2018 at 10:30 a.m.; an updated status report must be filed by April 19, 2018 unless a final decree has been entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosario Perry

Represented By  
Michael R Totaro



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#15.00** CON'TD Hearing RE: Debtor's Motion to Compel Select Portfolio Servicing to Return Estate Property

FR: 2-22-18; 3-29-18

Docket 121

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Withdrawal of Motion filed 5/2/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Withdrawal of Motion filed 5/2/2018 - td (5/2/2018)**

**Tentative Ruling:**

**March 29, 2018**

Movant to advise the court re the status of this matter and whether any amount has been refunded to the chapter 13 trustee.  
-----

**May 3, 2018**

Movant to advise the court re the status of this matter and whether any amount has been refunded to the chapter 13 trustee.

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-17920 Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

**#16.00** Hearing RE: Application of Ramsaur Law Office for Approval and Allowance of Contingency Fee Award

**[RAMSAUR LAW OFFICE, SPECIAL LITIGATION COUNSEL FOR  
CHAPTER 7 TRUSTEE, RICHARD A. MARSHACK]**

Docket 802

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#17.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

**[BEST BEST & KRIEGER LLP, ATTORNEY FOR RICHARD A. MARSHACK,  
CHAPTER 7 TRUSTEE]**

Docket 805

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10439 George S Nader and Terri D Nader**

**Chapter 11**

**#18.00** CON'TD Post-Confirmation Status Conference RE: Debtors and Debtors-in-Possessions' First Amended Chapter 11 Plan of Reorganization

(Set at Plan Conf. held 11-12-15)

FR: 6-2-16, 7-21-16; 9-22-16; 10-13-16; 4-13-17; 10-19-17

Docket 75

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 2, 2016**

Counsel for Debtor to appear and advise the court why no action has been taken re the situation re the Hawaiian condos. The status report does not indicate how long the matter has persisted unresolved.

***Note: Appearance at this hearing is required.***

-----

**September 22, 2016**

Continue status conference to October 13, 2016 at 3:00 p.m., same date/time as hearing on Debtors' motion for reconsideration of the court's prior ruling.

(XX)

***Note: Appearances at this hearing are not required.***

-----

**April 13, 2017**

Debtor's counsel to advise the court re the status of this matter in light of of the court's ruling that the HOA was not properly served with the Plan.

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... George S Nader and Terri D Nader

Chapter 11

-----  
**October 19, 2017**

Continue postconfirmation status conference to May 3, 2018 at 10:30 a.m.;  
an updated status report must be filed by April 19, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at today's hearing is not required. It is Debtor's  
responsibility to confirm such compliance with the US Trustee prior to  
the hearing.***

-----  
**May 3, 2018**

Continue postconfirmation status conference to June 21, 2018 at 10:30 a.m.;  
an updated status report must be filed by June 4, 2018 if a final decree has  
not been entered by such date.

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at today's hearing is not required. It is Debtor's  
responsibility to confirm such compliance with the US Trustee prior to  
the hearing.***

**Party Information**

**Debtor(s):**

George S Nader

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Terri D Nader

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... George S Nader and Terri D Nader**

**Chapter 11**

Michael Jones  
Sara Tidd



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:15-10652 JBJ Pipe & Supply Co., Inc.

Chapter 11

#19.00 Hearing RE: Reorganized Debtor's Motion for Order Approving Global Settlement Agreement Pursuant to Federal Rule of Bankruptcy Procedure 9019

Docket 634

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10652 JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**#20.00** CONT'D Hearing RE: Motion for Allowance of Unreduced Jixing Claim by Subrogation Under 11 U.S.C. Section 509

FR: 12-14-17; 12-21-17; 2-1-18; 4-5-18

Docket 606

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

Continue hearing to December 21, 2017 at 10:30 a.m., same date/time as hearing on Debtor's motion for entry of final decree. (XX)

***Note: Appearances at this hearing are not required.***

-----

**December 21, 2017**

The court strongly suggests that the parties meet and confer prior to the hearing to determine once and for all if a resolution can be reached, taking the following views/concerns of the court into account:

1. For reasons this court has already stated in prior hearings, it will not require Debtor to pay Jixing directly the full amount of its claim in light of the \$661k paydown by the Huas. The Huas assert this court's prior rulings on this issue were "erroneous" but ultimately declined to have the District Court resolve the matters on appeal and now come back to this court with essentially the same unsuccessful arguments.

2. On the other hand, the court is not persuaded by Debtor's argument that it will not enjoy a windfall but not having to pay Jixing or the Huas the \$661k. It

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

alludes to vague "defenses" to the Hua's possible 509 claim but does not clearly articulate what such defenses would be. It is undisputed that the Huas paid approximately \$661k of the debt owed by Debtor to Jixing and, consequently, should be entitled to recovery from Debtor, whether via subrogation, reimbursement or contribution.

**EVIDENTIARY RULINGS**

**A. Evidentiary Objections to Declaration of John Hua [docket #606]**

**Para. Objected to    Ruling**

- |   |  |
|---|--|
| 4 | Overruled. The invoices are filed in RFJN Exh 1; The court can take judicial notice of the judgment and its content. |
| 5 | Sustained. Improper legal conclusion   |
| 7 | Overruled  |
| 8 | Overruled  |

**B. Evidentiary Objections to Declaration of Chris Hua [docket #606]**

**Para. Objected to    Ruling**

- |   |  |
|---|--|
| 4 | Overruled. The invoices are filed in RFJN Exh 1; The court can take judicial notice of the judgment and its content. |
| 5 | Sustained. Improper legal conclusion   |
| 6 | Sustained. Agreement speaks for itself   |

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

7 Overruled

8 Overruled

-----

**April 5, 2018**

The parties are to advise the court re the status of this matter. As no new pleadings have been filed since the last hearing, the court assumes this matter will not proceed on a substantive basis at this hearing. If additional time is needed to complete settlement, this hearing can be continued to May 31, 2018 at 10:30 a.m. on condition that a status report is filed by May 10, 2018.

***Note: If the parties agree to continue the hearing to May 31, 2018 at 10:30 a.m., a request for the same may be communicated to the courtroom clerk during the calendar roll call.***

-----

**May 3, 2018**

Take matter off calendar if the compromise motion is granted.

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10652 JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**#21.00** CON'TD Hearing RE:Reorganized Debtor's Motion for Entry of Final Decree Pursuant to Federal Rule of Bankruptcy Procedure 3022

FR: 12-21-17; 2-1-18; 4-5-18

Docket 604

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 21, 2017**

Deny motion so long as the Hua/Jixing controversy persists.  
-----

**April 5, 2018**

The parties are to advise the court re the status of this matter. As no new pleadings have been filed since the last hearing, the court assumes this matter will not proceed on a substantive basis at this hearing. If additional time is needed to complete settlement, this hearing can be continued to May 31, 2018 at 10:30 a.m. on condition that a status report is filed by May 10, 2018.

***Note: If the parties agree to continue the hearing to May 31, 2018 at 10:30 a.m., a request for the same may be communicated to the courtroom clerk during the calendar roll call.***  
-----

**May 3, 2018**

Grant the motion if the compromise motion is granted.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**Party Information**

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer  
Amelia Puertas-Samara  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10652 JBJ Pipe & Supply Co., Inc.**

**Chapter 11**

**#22.00** CON'TD Post-Confirmation Status Conference RE: Debtor and Official Committee of Unsecured Creditors' Joint Plan of Reorganization

(Set at Plan Conf. Hrg. held 6-15-16)  
FR: 12-15-16; 7-13-17; 2-1-18; 4-5-18

Docket 378

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.; updated status report must be filed by June 29, 2017. (XX)

*Special note: The court is aware that objections to the Reorganized Debtor's motion to extend the time for filing objections to claim have been filed. That matter will be taken up in due course and not at today's hearing.*

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.**

-----

**July 13, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT...      **JBJ Pipe & Supply Co., Inc.**      **Chapter 11**

Continue postconfirmation status conference to January 18, 2018 at 10:30 a.m.; updated status report to be filed by January 11, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----  
**April 5, 2018**

As the disposition of this matter will depend on the outcome of the other matters on today's calendar. If the other matters are continued, the status conference will be continued to the same date/time.

***Note: If the parties agree to continue the hearing to May 31, 2018, a request for the same may be communicated to the courtroom clerk during the calendar roll call.***

-----  
**May 3, 2018**

Take matter off calendar if the compromise motion and the motion for final decree are granted.

<b>Party Information</b>
--------------------------

**Debtor(s):**

JBJ Pipe & Supply Co., Inc.

Represented By  
Steven R Fox  
Randall Spencer



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#23.00** Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence  
[Creditor Holding Junior Lien: JPMorgan Chase Bank, N.A.]

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Continue hearing to June 21, 2018 at 10:30 a.m. to allow respondent an opportunity to obtain its own appraisal. Supplemental pleadings shall be filed in accordance with the briefing schedule set forth in LBR 9013-1.

*Special note: Debtor's valuation of \$127,000 does not appear to be supported by her own valuation evidence.*

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

**#24.00** Hearing RE: Chapter 7 Trustee's Motion for Order Approving Sale

Docket 169

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Trustee to address various issues raised by the opposing parties.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

**#25.00** Hearing RE: Chapter 7 Trustee's Motion for Order Abandoning Certain Property (Jewelry) of the Estates

Docket 172

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant motion to abandon to debtor.

This court declines to order the trustee to turnover abandoned property to anyone other than Debtor as to do so would be beyond the scope of the motion.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:16-14201 Edward Mark Bobinski

Chapter 7

#26.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 97

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Edward Mark Bobinski

Represented By  
William B Skinner

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:16-14201 Edward Mark Bobinski

Chapter 7

#27.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses (January 23, 2017 through February 14, 2018)

**[BURD & NAYLOR, GENERAL COUNSEL FOR TRUSTEE]**

Docket 92

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

The court strongly suggests that Trustee, Trustee's counsel and Debtor meet and confer re an agreed upon fee amount. The court has the following concerns re the fee application:

1. The retroactive hourly rate charge for services directly related to the adversary proceeding, e.g., filing of complaint, prep for deposition, etc. These services were originally requested to be approved on a contingency basis. Though Trustee subsequently requested modification of the fee arrangement in light of the negotiation of a settlement primarily between Radiant and Debtor, the court did not understand the effect of the modification order to retroactively apply an hourly rate to the *adversary proceeding* services. This is not a common circumstance.

2. Both Debtor and Trustee's counsel take credit for the compromise agreement. the court may require more information regarding the extent of Trustee's counsel's involvement in the negotiation of the agreement.

**Party Information**

**Debtor(s):**

Edward Mark Bobinski

Represented By  
William B Skinner

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Edward Mark Bobinski**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14565 William R. Tangeman**

**Chapter 13**

**#28.00** Hearing RE: Chapter 13 Trustee's Motion for Order for Return of Estate Property  
RE Eaglewood SPV I, LP [Claims Register No. 06]

Docket 97

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

William R. Tangeman

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#29.00 CON'TD Hearing RE: Debtor's Chapter 11 Disclosure Statement**

FR: 10-12-17; 11-30-17; 1-17-18; 3-8-18

Docket 90

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 30, 2017**

No amended disclosure statement/plan filed to address issues raised by the UST or possible loan modification. Debtor to advise the court re the status of the same.

-----

**May 3, 2018**

Deny approval of disclosure statement as no amended disclosure statement has been filed addressing the deficiencies identified by the UST and there is no evidence that a loan modification has been approved.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schennum



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#30.00** CONT'D STATUS CONFERENCE hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-18-17; 9-21-17; 10-12-17; 11-30-17, 1-17-18; 3-8-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 18, 2017**

Claims Bar Date: 5/25/17)	July 25, 2017 (notice by
Deadline to file plan/DS:	Aug. 31, 2017
Continued Status Conf: (XX)	Sept. 21, 2017 at 10:30 a.m.
Deadline to file Updated Status Report: have	Sept. 7, 2017 (unless the Plan/DS
which case the	been timely filed, in
updated report will be	requirement of an
Conf will be	waived and the Status
date/time as hrg	continued to the same
	on approval of the DS

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room

5A

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.**

-----

**September 21, 2017**

Continue status conference to October 12, 2017 at 10:30 a.m., same date/time set for hearing on approval of disclosure statement. Updated status report not required.

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.**

-----

**October 12, 2017**

No tentative ruling; disposition will depend upon the outcome of the hearing on approval of the disclosure statement.

-----

**November 30, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Continue status conference to trail hearing on approval of disclosure statement on January 17, 2018 at 10:30 a.m. (XX)

-----

**January 17, 2018**

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as continued hearing on disclosure statement. Updated status report not required. (XX)

**Note: If Debtor is in substantial compliance with the requirements of the**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

***US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**March 8, 2018**

Continue status conference to May 3, 2018 at 10:30 a.m.; updated status report not required if amended disclosure statement is timely filed. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**May 3, 2018**

Continue status conference to June 21, 2018 at 10:30 a.m. The court shall issue an Order to Show Cause why this case should not be dismissed or converted due to Debtor's inability to propose a viable plan of reorganization within a reasonable time.

***Special note: Debtor has not opposed the bank's motion for relief from stay set for hearing on today's calendar and the tentative ruling is to grant the motion. Accordingly, it appears likely that Debtor's principal asset will be lost through foreclosure further hampering reorganization.***

***Note: If Debtor and the UST accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Philip Richard Cantwell, Jr**

Vicki L Schennum

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10788 Linda Pentolino Lane**

**Chapter 13**

**#31.00** CON'TD Hearing RE: U.S. Trustee's Motion to Reopen Chapter 13 Case for the Limited Purpose of Pursing an 11 U.S.C. Section 329 Motion Against Attorney Julie J. Villalobos and Oaktree Law, Former Counsel to the Debtor

FR: 4-12-18

Docket 33

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of U.S. Trustee's Motion, filed 4/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of U.S. Trustee's Motion, filed 4/26/2018 - td (4/27/2018)**

**Tentative Ruling:**

**April 12, 2018**

Deny motion.

See tentative ruling for #31 on today's calendar.

***Note: If Movant accepts the tentative ruling, appearance at this hearing is not required.***

-----

**May 3, 2018**

Same tentative as above in light of lack of response by Debtor.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Pentolino Lane

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Linda Pentolino Lane**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:17-10788 Linda Pentolino Lane

Chapter 13

#32.00 CON'TD Hearing RE: Motion By United States Trustee To Determine Whether Compensation Paid To Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

FR: 4-12-18

Docket 38

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of U.S. Trustee's Motion, filed 4/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: U.S. Trustee's Voluntary Dismissal of U.S. Trustee's Motion, filed 4/26/2018 - td (4/27/2018)**

**Tentative Ruling:**

**April 12, 2018**

Deny Motion based upon the evidence submitted by the Oak Tree law firm.

There is insufficient evidence to show that the fees charged by the firm were unreasonable, that Debtor received inadequate counsel, or that the actions of the firm led to dismissal of the chapter 13 case.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**May 3, 2018**

Same tentative as above in light of lack of response by Debtor.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Pentolino Lane

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Linda Pentolino Lane**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13470 Myrnalee B McLane**

**Chapter 13**

**#33.00** Hearing RE: U.S. Trustee's Motion for Order Determining Whether Fees Paid to Counsel Were Excessive Under and Pursuant to 11 U.S.C. Section 329

Docket 37

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Grant motion in its entirety; disgorgement of \$895.00 shall be completed within 30 days of entry of the order granting the motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Myrnalee B McLane

Represented By  
Alon Darvish

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:17-13894 Gregory A Moore and Edith A Moore

Chapter 11

#34.00 Hearing RE: Debtors-in-Possessions' Motion for Order Approving Disclosure Statement Describing Chapter 11 Plan of Reorganization as Containing Adequate Information Pursuant to Bankruptcy Code Section 1125(A)(1)(B)

Docket 41

\*\*\* VACATED \*\*\* REASON: CONTINUED TO JUNE 21, 2018 AT 10:30 A.M., PER ORDER APPROVING STIPULATION ENTERED 4/25/18 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/21/18 at 10:30 a.m., Per Order Approving Stipulation with US Trustee to Continue Hearing Entered 4/25/18 - (Liz) 4/25/18 (XX)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:17-13894 Gregory A Moore and Edith A Moore

Chapter 11

#35.00 Hearing RE: First Interim Application for Allowance of Compensation and Reimbursement of Expenses for the Period of May 8, 2017 Through March 3, 2018

**[FINANCIAL RELIEF LAW CENTER, APC, COUNSEL FOR DEBTOR AND DEBTOR-IN-POSSESSION]**

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

#36.00 Hearing RE: Chapter 13 Trustee's Motion to Convert Case to Chapter 7

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

The court is inclined to continue the hearing to next confirmation hearing date of June 19, 2018 at 1:30 p.m. in order to evaluate the motion in the context of the viability and confirmability of Debtor's plan. Section 1325(a)(3) requires that a plan be proposed in good faith.

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

#37.00 Hearing RE: Motion of Ford Motor Credit Company LLC to Convert Debtor's Case to Chapter 7

Docket 76

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

The court is inclined to continue the hearing to next confirmation hearing date of June 19, 2018 at 1:30 p.m. in order to evaluate the motion in the context of the viability and confirmability of Debtor's plan. Section 1325(a)(3) requires that a plan be proposed in good faith.

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#38.00** Hearing RE: Chapter 13 Trustee's Objection to Claims of Exemption

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

Grant in part; deny in part.

Sustain and Overrule objections to exemptions as follows:

- a. Cash of \$10.00; *Sustained*
- b. Deposits of money of \$1,175.00; *Sustained*
- c. Licenses of \$1,000.00; *Overruled*
- d. Claims Against 3P of \$500,000.00; *Sustained*
- e. "Other Contingency" of \$500,000.00; *Sustained*
- f. Accounts Receivable of \$500,000.00; *Sustained*
- g. Customer Lists of \$2,500.00; *Sustained*
- h. Client files of \$1,000.00. *Overruled*

**Basis for Tentative Ruling**

Amrane Cohen, Chapter 13 Trustee, (the "Trustee") objects to the claims of exemption by Lenore LuAnn Albert-Sheridan ("Debtor") in the following property, which he refers to collectively as the "Subject Assets":

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

- a. Cash of \$10.00;
- b. Deposits of money of \$1,175.00;
- c. Licenses of \$1,000.00;
- d. "Claims Against 3P" of \$500,000.00;
- e. "Other Contingency" of \$500,000.00;
- f. "Accounts Receivabl" [sic] of \$500,000.00;
- g. Customer Lists of \$2,500.00; and
- h. Client files of \$1,000.00.

The Trustee contends that Debtor's claims of exemption are improper under California Code of Civil Procedure ("C.C.P.") § 704.210 because C.C.P. § 704.210 does not provide a substantive right to exempt any property and Debtor fails to assert a claim of exemption in each of the Subject Assets which would make it "not subject to enforcement of a money judgment" within the meaning of the statute. Obj., pp.3:26-4:2.

Additionally, the Trustee raises and preserves an objection to the claims of exemption made under C.C.P. § 704.140 regarding the "Claims Against 3P" and "Other Contingency" assets (the "Claims Assets"), as there are two unknown factors at this time regarding the claims of exemption. First, it is unknown the extent, if any, that Claims Assets consist of an award of damages or settlement arising from a personal injury. Second, the amount of the exemption depends on the extent such an award or settlement would be necessary for the support of the debtor, spouse if any, and dependents, if any. Obj., p.4:7-13.

Objection was Timely

Pursuant to FRBP 4003, any objection is to be made within 30 days from the close of the first meeting of creditors or within 30 days after any amendment to the list or supplemental schedules is file, whichever is later. FRBP 4003. Here, the meeting of creditors was held on March 27, 2018. The Trustee filed this Objection on April 5, 2018. As such, the Objection is timely as it was filed within 30 days from the close of the first meeting of creditors.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**  
Burden of Proof

Chapter 13

The Ninth Circuit has held that, in accordance with FRBP 4003(c), the objecting party bears the burden of proving an exemption is not properly claimed. *In re Carter*, 182 F3d 1027, 1029, fn. 3 (9th Cir. 1999). However, the Ninth Circuit BAP has since concluded that *Carter, supra*, failed to consider California exemption law (Calif. CCP § 703.580(b)), which places the burden on the party claiming the exemption (i.e., the debtor). *In re Diaz*, 547 B.R. 329, 337; see also *In re Pashenee* 531 B.R. 834, 836-839 (Bankr. E.D. Cal. 2015); *In re Tallerico*, (Bankr. E.D. Cal. 2015) 532 BR 774, 788. These cases also note the Supreme Court has determined the burden of proof is substantive, not procedural; as such, the burden of proof should be borne by the same party who would bear the burden outside bankruptcy (i.e., the debtor). *Raleigh v. Illinois Dept. of Revenue*, 530 US 15, 20-21, 120 S.Ct. 1951, 1955 (2000).

The Panel in *In re Diaz* noted that *In re Carter* was decided (in 1999) prior to *Raleigh* (in 2000) and acknowledged that no subsequent Ninth Circuit authority addresses the burden of proof with respect to an exemption objection. 547 B.R. at 337. *In re Diaz* is persuasive in light of the U.S. Supreme Court's holding in *Raleigh* that the burden of proof is a substantive element of a claim and, thus, in bankruptcy it remains the same as under the applicable substantive nonbankruptcy law. Therefore, where the substantive nonbankruptcy law applicable in this case is California exemption law the burden of proof is on the debtor as the exemption claimant. The BAP continues to maintain this view of the burden of proof. See *In re Smith*, 2017 WL 1457942 at \*4 (9th Cir.BAP 2017)("where a state law exemption statute specifically allocates the burden of proof to the debtor, as California has done here, Rule 4003(c) does not change that allocation. [...] CCP § 703.580(b) [...] Debtors had the burden to prove they were entitled to the personal injury exemption under CCP § 704.140.").

Based on the foregoing, the burden is on Debtor to justify her claims of exemption under Cal.Civ.Proc.Code §§ 704.210 and 704.140. Even under *In re Carter*, if the objecting party can produce evidence sufficient to rebut the presumption of validity, then the burden of production shifts to the debtor to provide unequivocal evidence to demonstrate that the exemption is proper.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

*Carter*, 182 F.3d at 1029 n. 3. See *In re Diaz*, 547 B.R. 329, 336. The Trustee has produced sufficient evidence to rebut the presumption of validity of most of Debtor's exemptions, but Debtor has not provided unequivocal evidence in return to demonstrate that the exemption is proper. Thus, regardless of who bears the burden of proof, the Objection should be sustained in part, overruled in part.

California Code of Civil Procedure § 704.210

C.C.P. §704.210, states: "Property that is not subject to enforcement of a money judgment is exempt without making a claim."

At the outset, one of the Trustee's requests is "[t]o the extent that Debtor claims an exemption of '100% of fair market value, up to any applicable statutory limit,' the Trustee requests a judicial determination that there is no such limit under C.C.P. § 704.210." Obj., p. 4:3-5. On its face, the statute provides no statutory limit.

The case of *In re Petruzzelli* is instructive on the proper application of C.C.P. §704.210. 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992). The court began with the central premise that "*all* property, including exempt property, is subject to enforcement of a money judgment. Cal.Code Civ.Proc. § 695.010(a)" (emphasis in original). 139 B.R. at 243. As the BAP summarized in the unpublished case of *In re McCarthy*, the court in *In re Petruzzelli* observed the following:

Most exemptions must be claimed. Unless and until an exemption is claimed, it is regarded as waived, with the result that the property remains vulnerable to judgment enforcement....

Some exemptions need not be claimed. They are automatic and are denoted by the statutory term of art "exempt without making a claim"....

Finally, narrowly circumscribed types of property are absolutely immune from judgment enforcement by virtue of being declared

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT...

**Lenore LuAnn Albert-Sheridan**

**Chapter 13**

to be "not *subject to* " (another statutory term of art) such enforcement. [Emphasis added.] Examples include property that cannot be assigned or transferred and certain licenses. Such property may not be levied upon, and, if it is erroneously levied upon, may be released pursuant to the claim of exemption procedure. It is also deemed exempt without making a claim. Cal.Code Civ. Proc. § 704.210....

*Petruzelli*, 139 B.R. at 243–44 (footnotes and some citations omitted, emphasis added).

*In re McCarthy*, No. BAP CC-07-1083-MOPAD, 2008 WL 8448338, at \*15 (B.A.P. 9th Cir. Feb. 19, 2008).

Based on the foregoing, the Trustee's argument is persuasive. Namely, "[i]n order to exempt each of the Subject Assets under C.C.P. § 704.210, Debtor must establish that each of the Subject Assets are *not subject to* enforcement of a money judgment." Mot., pp.5:28-6:1. Debtor has not come forward with applicable statutes that provide the sort of automatic exemption contemplated by the terms of art "not subject to" or "exempt without making a claim."

Throughout her opposition, Debtor's response as to each of the Subject Assets is that the Trustee fails to object "based on (1) ineligibility; (2) excessive amount; (3) low property value; and (4) voluntary transfer/concealment. 11 USC §522(g)." See Opp., pp. 3:26-4:1; 4:6-8; 4:13-15; 8:2-3; 8:8-10; 8:15-17. While each of those is a basis for an objection to exemptions, they are not the exclusive bases. Here, the Trustee has rebutted the presumption of validity of Debtor's claim of exemption under C.C.P. § 704.210 to most, but not all of Debtor's claims. However, for the claims to which the Trustee has rebutted the presumption of validity, Debtor has not provided unequivocal evidence that demonstrates the connection between this claimed exemption and an applicable statute, which provides that the particular Subject Asset is "not subject to" enforcement of a money judgment. Each of the Subject Assets is analyzed as follows:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan  
A. Cash of \$10.00

Chapter 13

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992) ("the statutory phrase *not subject to* is a term of art that refers to property that is not vulnerable to judgment enforcement. The term of art *exempt* refers to property that is vulnerable to enforcement of a money judgment unless a claim of exemption is made.").

*B. Deposits of \$1,175.00*

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992). This court notes that Debtor's schedule lists C.C.P. § 704.210, and "FPPC" as the "specific laws that allow exemption." See Obj., Ex. B, p.2 of 3. Debtor does not define FPPC or identify a specific provision therein. Debtor's opposition describes these deposits as "Deposits of Campaign Contributions of \$1,175.00" Opp., p.4:5. To the extent Debtor is classifying the entire \$1,175 amount as campaign contributions, Debtor's Schedule A/B appears to be inconsistent. See Obj., Ex. A, p.5, ¶17. Schedule A/B lists the following:

Checking account: Navy Federal Credit Union \$300.00  
Checking account: Comerica \$50.00  
Savings account: Navy Federal Credit Union \$50.00  
Other financial account: Lenore for DA Campaign 2018- No personal use \$775.00

The total of these deposits of money is \$1,175.00, which is consistent with the \$1,175.00 listed Debtor's Schedule C, but does not appear to be consistent with Debtor's opposition that designates the *entire* amount as campaign contributions. Regardless, Debtor has failed to show how C.C.P. § 704.210 allows for an exemption of any of these deposits. More specifically, money in bank accounts are absolutely subject to enforcement of money judgments.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 13

*C. Licenses of \$1,000.00*

1. Debtor's Legal Authorities

This objection can be overruled, but not for any of the reasons proffered by Debtor in her opposition. Debtor refers to the 14<sup>th</sup> amendment and presumes that the Trustee seeks to take away her license in violation thereto. See Opp., p.5:13-14. The Objection requests no such ruling. Debtor refers to "42 USC § 1983" and "42 USC §1988" the former deals with "civil action for deprivation of rights" and the latter with "proceedings in vindication of civil rights." Neither of these federal statutes provides for an applicable exemption to which C.C.P. § 704.210 can be tied. Simply put, neither statute applies to exemptions.

Similarly, Debtor's references to a variety of case law do not address the issue of the applicability of her stated exemption. For example, while it is true that *Higgins v. Philadelphia Gas Works* includes the statement: "Section 1983 provides a remedy for those rights guaranteed by the federal bankruptcy statutes" 54 B.R. 928, 934 (E.D. Pa. 1985), this has no bearing on the issue in the Trustee's Objection. That case had to do with debtors who had settled a civil rights suit against a gas company and whether they were entitled to attorney fees. Debtor's reference to *In re McKibben* is likewise irrelevant because the court was dealing with debtor's termination from her employment in violation of 11 U.S.C. §525, which is not at issue in this Objection. See *In re McKibben*, 233 B.R. 378, 384–85 (Bankr. E.D. Tex. 1999).

Debtor's reference to *Perez v. Campbell*, 402 U.S. 637, 641-56 (1971) is also inapposite. The U.S.S.C. held that a provision of a state statute invalid. The statute at issue provided that a discharge in bankruptcy does not relieve an individual from having his driver's license suspended if he fails to satisfy a judgment entered against him in an action arising out of operation of a motor vehicle. The U.S.S.C. found the statute to be conflict with mandate of Bankruptcy Act providing that receipt of a discharge in bankruptcy fully discharges all but certain specified judgments. Here, there is no action arising out of operation of a motor vehicle, and Debtor has not received a discharge.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 13

Finally, Debtor's reference to the "standard of review" section of *In re Scheer* is also not germane to the Objection. There, the BAP states that it reviews de novo the district court's decision and "[b]ecause a fundamental policy of the Bankruptcy Code is to afford debtors a fresh start, 'exceptions to discharge should be strictly construed against an objecting creditor and in favor of the debtor.' *Snoke v. Riso (In re Riso)*, 978 F.2d 1151, 1154 (9th Cir.1992)." *In re Scheer*, 819 F.3d 1206, 1209 (9th Cir. 2016). Debtor takes liberties in changing the word "exceptions" to discharge to "objections" to discharge, but even overlooking this, nondischargeability is not at issue in this Objection to exemptions. See Opp., p.5:20. Likewise, Debtor's reference to *In re Bernard*, 96 F.3d 1279, 1281 (9th Cir. 1996) is not relevant here because that case dealt with whether the district court erred in affirming a bankruptcy court's decision to deny discharge under 11 U.S.C. §727(a)(2)(A).

In sum, Debtor appears to misinterpret the point of the Objection here, and the requirement of an applicable statute that would trigger the applicability of CCP § 704.210.

*2. In re Petruzzelli*

Based on the Trustee's reference to *In re Petruzzelli*, this court can find that CCP § 704.210 has some potential application here. The court in *In re Petruzzelli* references the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be "not subject to." 139 B.R. at 243. The court goes on to state: "[e]xamples include property that cannot be assigned or transferred and certain licenses." *Id.* The court did not elaborate and only referred to "certain licenses." Debtor has failed to use her opposition to explain how her license falls within the scope of "narrowly circumscribed type of property" referred to in *In re Petruzzelli*.

Nevertheless, this court makes the following observations. First, footnote 9 follows the sentence: "Examples include property that cannot be assigned or transferred and certain licenses" and refers to CCP § 695.060. 139 B.R. at 243, n.9. The court in *In re Petruzzelli* takes note of CCP § 695.060 saying: "Except as provided in Section 708.630 [liquor licenses], a

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

license issued by a public entity to engage in any business, profession, or activity is not subject to enforcement of a money judgment."

Debtor's Schedule A/B indicates that she has a legal or equitable interest in her license to practice law. See Obj., Ex. A, p.7, ¶¶27. CCP § 695.060 includes the "not subject to" term of art, such that a professional license can be construed to fall within CCP § 704.210. Again, that statute states: "Property that is not subject to enforcement of a money judgment is exempt without making a claim." The court is not aware of any authority that would subject a law license to enforcement of a money judgment. Accordingly, the objection to the the exemption of the license is overruled.

This is not to say, however, that Debtor should have listed her law license at all in Schedule C, in addition to listing it in her Schedule A/B. This court recognizes that the Supreme Court of California has made the following assessment:

A disciplinary proceeding against a member of the State Bar is not action involving the bankruptcy estate or any asset that might be part of that estate. A certificate of admission to the State Bar is not a transferable license and is not an asset of the debtor. Thus, disciplinary proceedings are not actions to obtain property of the estate.

*Cooper v. State Bar*, 43 Cal. 3d 1016, 1025, 741 P.2d 206, 211 (1987).

Therefore, even if this court overrules the Trustee's objection as to Debtor's claim of exemption for her license, doing so should not be taken to mean that the license itself is an asset of the debtor or is property of the bankruptcy estate. This court's overruling of the Trustee's Objection is limited in that it only finds that the Trustee did not produce evidence sufficient to rebut the presumption of validity of CCP § 704.210 with regard to a law license.

*D. "Claims Against 3P" of \$500,000.00*

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992). As explained above, the court in *In re Petruzzelli* distinguished between the fact that (1) most exemptions must be claimed, (2) some exemptions need not be claimed; "[t]hey are automatic and are denoted by the statutory term of art "exempt without making a claim," and (3) the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to ' ... such enforcement." *Petruzzelli*, 139 B.R. at 243–44.

To the extent Debtor relies on CCP § 704.140(a) as the specific law that allows the exemption of her "Claims Against 3P" that statute would seem to fall under the second category ("exempt without making a claim") because it provides: "Except as provided in Article 5 (commencing with Section 708.410) of Chapter 6, a cause of action for personal injury is exempt without making a claim." However, the merits of the Trustee's Objection to Debtor's general claim of exemption under CCP § 704.140 (specifying neither subsection (a) or (b)), and Debtors' opposition thereto, are addressed below separately. Among other issues, it is unclear what is encompassed by "Claims Against 3P" even though Debtor's opposition refers to "Personal Injury Lawsuits TBD." See Opp., p.5:25.

In terms of CCP § 704.210, Debtor has not shown how any personal injury lawsuits fall under the third category noted above, the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to.'"

Similarly, in the event Debtor relies on CCP § 704.140(b) as the specific law that allows the exemption of her "Claims Against 3P" that statute does not fall under either the second or third categories mentioned above because it does not include the "exempt without making a claim" term of art. Instead, it provides: "Except as provided in subdivisions (c) and (d), an award of damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. CCP § 704.140(b) appears further removed from CCP § 704.210 because Debtor rather than a "cause of action for personal injury" CCP § 704.140(b) applies to "an award of damages or a settlement arising out of personal injury." Without that prerequisite, Debtor



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan Chapter 13**

cannot submit that she has an award that would fit within the third category of the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to.'"

Again, the merits of the Trustee's Objection to Debtor's general claim of exemption under CCP § 704.140, and Debtors' opposition thereto, are addressed below separately.

Therefore, the Trustee's Objection to Debtor's claim of exemption under CCP § 704.210 is sustained.

*E. "Other Contingency" of \$500,000.00*

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992).

It is unclear whether this category of "Other Contingency" is redundant in light of the same value Debtor attributes to it (\$500,000.00) and her opposition stating "The above analysis [as to Claims Against 3P] is incorporated herein." Opp., p.8:1. To that end, the court applies the above analysis above from "*D. Claims Against 3P*" of \$500,000.00, and sustains the Trustee's Objection to Debtor's claim of exemption under CCP § 704.210.

*F. Accounts Receivable of \$500,000.00*

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992).

Debtor's opposition to the Trustee's Objection appears to have skipped over this particular objection. See Opp., pp.7-8 (going from "Other Contingency of \$500,000.00" to "Client Lists from Law Practice of \$2,500.00").

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT...

**Lenore LuAnn Albert-Sheridan**

**Chapter 13**

The court recalls the central premise of California's exemption scheme as articulated in *In re Petruzzelli* that "all property, including exempt property, is subject to enforcement of a money judgment. Cal.Code Civ.Proc. § 695.010(a)." 139 B.R. at 243. A cursory review of California statutes suggests that accounts receivable would be the type of property subject to enforcement of a money judgment. See e.g. CCP §697.530(a):

A judgment lien on personal property is a lien on all interests in the following personal property that are subject to enforcement of the money judgment against the judgment debtor pursuant to Article 1 (commencing with Section 695.010) of Chapter 1 at the time when the lien is created if the personal property is, at that time, any of the following:

- (1) Accounts receivable, and the judgment debtor is located in this state.

See also CCP §700.170(a)("Unless another method of levy is provided by this article, to levy upon an account receivable or general intangible, the levying officer shall personally serve a copy of the writ of execution and a notice of levy on the account debtor.").

Debtor has not come forward with a statute that provides for accounts receivable to be exempt automatically under "exempt without making a claim," or as part of the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to ' ... such enforcement." *Petruzzelli*, 139 B.R. at 243.

*G. Customer Lists of \$2,500.00*

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992).

Debtor has not come forward with a statute that provides for customer lists to be exempt automatically under "exempt without making a claim," or as

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

part of the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to ' ... such enforcement." *Petruzzelli*, 139 B.R. at 243.

*H. Client Files of \$1,000.00*

This objection can be overruled, but not for any of the reasons proffered by Debtor in her opposition. Based on the Trustee's reference to *In re Petruzzelli*, this court can find that CCP § 704.210 is applicable here. As already noted above, *In re Petruzzelli* references the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to.'" 139 B.R. at 243. The court goes on to state: "[e]xamples include property that cannot be assigned or transferred and certain licenses." *Id.*

Client files are not assignable and therefore not subject to enforcement of a money judgment because under California law, client files belong to the client, not to the attorney. See *In re Ramirez*, 183 B.R. 583, 592 (B.A.P. 9th Cir. 1995), *dismissed*, 201 F.3d 444 (9th Cir. 1999). Moreover, the concurring opinion in that case observed that client files "are not the attorney's 'assets,' and therefore could not properly be included in an execution sale of the attorney/debtor's property." *Id.*

Therefore, even if this court overrules the Trustee's objection as to Debtor's claim of exemption for her client files, doing so should not be taken to mean that the client files are assets of the debtor or are property of the bankruptcy estate. This court's overruling of the Trustee's Objection is limited in that the court only finds that the Trustee did not produce evidence sufficient to rebut the presumption of validity of CCP § 704.210 with regard to client files.

*I. Debtor's OSC re Sanctions*

Debtor concludes her opposition with a request for sanctions against the Trustee and his staff attorney. First, the court notes that a request for sanctions is not properly brought in an opposition to an objection to claim of exemptions. See FRBP 9011(c)(1)(A), which requires a stand-alone motion,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

among other things. Second, Debtor's allegations are baseless, as Mr. Wirsching explains how he has knowledge of what he testifies to in his declaration. See Obj., Wirsching Decl., ¶¶1, 5. Debtor's request is therefore denied.

Finally, Debtor's conclusory statement as to most of the Subject Assets above is: "Since Cohen failed to meet his burden, the court should overrule his unintelligible objection." Opp., pp.4:3-4; 8:5-6; 8:12-3; 8:19-20. This is unavailing. Even if this court finds that the *In re Carter* is still good law, the burden of production would have shifted to Debtor and she has not provided unequivocal evidence to demonstrate that her claim of exemption under CCP § 704.210 is proper as to all of the Subject Assets.

California Code of Civil Procedure § 704.140

In relevant part, C.C.P. §704.140, states:

- (a) Except as provided in Article 5 (commencing with Section 708.410) of Chapter 6, a cause of action for personal injury is exempt without making a claim.
- (b) Except as provided in subdivisions (c) and (d), an award of damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

Cal. Civ. Proc. Code § 704.140.

The Trustee raises and preserves an objection to the claims of exemption made under C.C.P. § 704.140 regarding the "Claims Against 3P" and "Other Contingency" assets (the "Claims Assets"). Obj., p.4:7-10. Specifically, the Trustee has been unable to fully determine the applicability of CCP §704.140 to the assets described in Schedule C as "Claims Against 3P" for \$500,000 and "Other Contingency" for \$500,000. See Wirsching Decl., ¶ 5. This court notes that Debtor's Schedules A/B and C include notations for "TBD" as to each of the \$500,000.00 amounts for "Claims Against 3P" and "Other Contingency". Debtor treats these two claims as identical, without

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

explanation, and her opposition explicitly incorporates her analysis of the former in the latter. See Opp., p.8:1. Ultimately, these two objections to the Claims Assets should be sustained in part and overruled in part for the same reasons set forth below.

*A. The Trustee's Objection Based on Failure to Specify is Overruled*

As an initial matter, the Trustee contends that Debtor fails to identify with particularity the specific subsection of 704.140 under which the claim of exemption is being made, and therefore her claim is vague and ambiguous such that the exemption should be disallowed. Obj., p.7:1-3. The Trustee provides no legal authority for disallowance of an exemption on that basis, but as explained below subsections (a) and (b) of CCP § 704.140 are properly read together as governing the exemption in a personal injury claim. Thus, the Trustee's objection based on a failure to specify a subsection is overruled.

*B. The Remaining Bases for Objection May Be Sustained*

However, the Trustee's subsequent arguments have more merit. First, the Trustee contends that he "has been unable to ascertain whether the Claim Assets are only comprised of causes of action for personal injury" as contemplated by CCP § 704.140(a). Obj., p.7:5-6. A review of Debtor's Schedules A/B and C confirms that it is unclear whether the "TBD \$500,000.00" as to "Claims Against 3P" and "Other Contingency" refers to more than one lawsuit against more than one party, and whether they are related in any way. See Obj., Ex. A, p.8, *cf.* Obj., Ex. B, p.2. The declaration of Bernard Kornberg (Docket No. 76-2) includes a transcript from Debtor's § 341(a) meeting, which supports the Trustee's argument that he is unable to ascertain whether or what part of the Claim Assets are comprised of causes of action for personal injury. For example, there is a reference to "litigation of Justice Protection Project" and "David Seal" as one of the defendants (Transcript, p. 10:8-11). There is also reference to "Eccentric Ventures LLC" and Debtor explains that it is "part of the same appeal" (Transcript, p.15:7-11). Finally, there is evidently the lawsuit involving Ford Motor Credit Company, which Debtor lists in her schedules, purportedly involving "intentional infliction of emotional distress and RICO." (Transcript, p.34:19-24). On the other hand, Debtor seems to only focus on this latter

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

---

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

litigation against FMCC under her opposition subsection "D. Personal Injury Lawsuits TBD \$500,000.00" at pp.5-7. However, Debtor's opposition does not reconcile if or how all of these cases are related to "Claims Against 3P" as identified in Schedule C.

Second, with regard to CCP § 704.140(b), specifically the provision exempting an award or settlement of a personal injury claim "to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor," the Trustee states he "is unable to determine what the amount of any exemption could be, as the factors which would be considered for this determination are within knowledge of Debtor." Obj., p. 7:9-11. Likewise, the court cannot make such a determination where it remains unclear how many lawsuits there are, and if Debtor can properly claim a personal injury exemption therein.

Consequently, the court can sustain in part the Trustee's objection because on the face of Debtor's schedules, it is ambiguous what claims she has and against whom. The Ninth Circuit BAP case of *In re Chappell* offers some guidance.

As reasoned in *Hyman v. Plotkin (In re Hyman)*, 967 F.2d 1316, 1319 n. 6 (9th Cir.1992), because the time to object to claimed exemptions is relatively short, "it is important that trustees and creditors be able to determine precisely whether a listed asset is validly exempt simply by reading a debtor's schedules." Any ambiguity in the schedules is to be construed against the debtor. *Id.*

*In re Chappell*, 373 B.R. 73, 77 (9th Cir. BAP 2007).

The BAP in *In re Chappell* went on to compare the facts of two other cases, *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992)(where the debtor claimed as exempt proceeds from a lawsuit and a claim for lost wages, "listing the value as 'unknown'") and *In re Green*, 31 F.3d 1098 (11<sup>th</sup> Cir. 1994) (where debtor claimed as exempt a lawsuit, listing the value as one dollar). 373 B.R. at 78. Ultimately, the BAP concluded as follows:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT...

**Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Thus, both *Taylor* and *Green* are factually distinguishable in that in each instance the debtors expressed an intent to claim the entire proceeds of an asset in an undetermined and unspecified amount as exempt. In the present case before this Panel, the debtors exempted a specific amount, \$21,511.25, under a colorable basis, and gave no indication of an intent to claim any more than that specific amount.

373 B.R. at 78.

Here, Debtor has listed "TBD \$500,000.00" and it is unclear whether this refers to only one case, or multiple cases. The court's sustaining in part of the Trustee's objection does not reach the merits of any of the arguments that Debtor makes regarding what she calls her tort based lawsuit under the Rees Levering Act and for intentional infliction of emotional distress. See Opp., pp.6-7. Had Debtor's schedules more clearly identified particular lawsuits and claims therein, this court would be in a better position to dissect the claims Debtor may have against a particular defendant and more closely inspect whether one of those claims falls within the scope of CCP § 704.140 as a "cause of action for personal injury." The ambiguity in Debtor's schedules is construed against her, which in turn supports a ruling that the Trustee's has raised and preserved his objection to claims under CCP § 704.140, and that at this point in time such objection can be sustained.

*C. Even If A Cause of Action for Personal Injury Exists, CCP § 704.140(b) Provides A Limited Exemption To the Extent Necessary for the Support of the Judgment Debtor, and Any Spouse and Dependents*

This court makes no findings as to the merits of Debtor's arguments in her litigation against FMCC as that is not within the scope of this Objection to claims of exemption. Instead, the court notes that should Debtor file amended schedules that positively identify a cause of action for personal injury as contemplated CCP §704.140(a), she would subsequently be required to comply with the provision of CCP §704.140(b) and show what amount is necessary for the her support. At this stage of the bankruptcy, with her schedules as they are in their current form, and her testimony at the §

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

341(a) meeting providing little clarity, Debtor cannot successfully do so.

In the event that Debtor's "Claims Against 3P" is really only referring to a single lawsuit against FMCC, as might be the case based on the fact that Debtor's opposition only refers to FMCC under "D. Personal Injury Lawsuits TBD \$500,000.00" the following analysis would be relevant. See Opp., pp.5-7.

1. A Cause of Action for Intentional Infliction of Emotional Distress

Based on Debtor's Schedule A/B, she apparently has a claim for IIED, but the Schedules on their face do not state against whom she holds this claim. See Obj., Ex. A, p.8. A review of the transcript from her §341(a) meeting, and her opposition at pages 6 and 7 indicates that this claim is being asserted against FMCC. Debtor spends the majority of those two pages (1) making allegations involving certain conspiracies between FMCC and domestic terrorists (identified by a "[r]etired special agent Meinhardt," and (2) explaining emotional distress purportedly suffered by Debtor and opined by an Ed Garza; not to mention an apparent promise of \$11,000.00 to the Trustee in exchange for accepting a \$50,000.00 settlement. See Opp., pp.6-7. None of these allegations serve to clarify the ambiguities in Debtor's schedules.

The case of *In re Gose* goes through a detailed analysis of CCP § 704.140 that is instructive. Initially, the Panel considered the case of *In re Sylvester*, in which a debtor alleged that he had settled a previous action against his former employer, for wrongful termination and emotional distress among other claims, and that his former attorney wrongfully retained the settlement funds. 308 B.R. 41, 45 (B.A.P. 9th Cir. 2004). As the Panel noted, debtor filed a malpractice action (not a personal injury action). The bankruptcy court in *In re Sylvester* held that a legal malpractice action did not involve a personal injury claim, and the BAP reversed, "holding that the portion of the debtor's malpractice action attributable to misappropriation of settlement funds awarded for emotional distress could be claimed as exempt under CCP § 704.140." 308 B.R. at 45-46.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT...

**Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Next, the Panel in *In re Gose* analyzed the legislative history and other case law, including *In re Smith*, 119 B.R. 757, 759 (Bankr. E.D.Cal. 1990), and concluded "that the California Legislature did not intend CCP § 704.140(a) to exempt personal injury claims in their entirety, without reference to necessity for support." 308 B.R. at 48. Accordingly, subsections (a) and (b) should not be read as being mutually exclusive. Rather, subsection (a) merely allows a debtor to exempt personal injury claims without having to make a formal claim, and subsection (b) defines the scope of exemption identified in subsection (a). The Panel in *In re Gose* held the same and found that the bankruptcy court did not err in reading the subsections together, and that it "correctly required Debtors to demonstrate that the settlement proceeds from the malpractice action are necessary for their support." 308 B.R. at 48.

Here, Debtor may well have a cause of action for IIED against FMCC, but her schedules are ambiguous in their current form. Schedule A/B lists multiple causes of action and an amount of "tbd \$500,000.00" while Schedule C refers to "Claims Against 3P" and "\$500,000.00 TBD." See Obj., Ex. A, p.8, cf. Ex. B, p.2. Hence, the court sustains the Trustee's Objection to Debtor's claim of exemption under CCP §704.140. While this court recognizes that subsection (a) of CCP §704.140 exempts a personal injury claim without debtor having to make a *formal claim*, Debtor's opposition does not show how her schedules properly identify such a claim or amount, even informally. As a result, Debtor's opposition also fails to reach the merits of CCP §704.140(b) regarding what portion of the "tbd \$500,000.00" or "\$500,000.00 TBD" is necessary for the support of the judgment debtor (and spouse or dependents).

In sum, the Trustee's Objects to Debtor's claim of exemptions in the Claims Assets (the "Claims Against 3P" and "Other Contingency") CCP § 704.140. The Trustee applies his objections to both Claims Assets and Debtor's opposition incorporates the same response for both. Therefore, the court rules on the Claims Assets as a whole. Specifically, the Trustee's objection based on a failure to specify a subsection of CCP §704.140 is overruled. As explained above, the subsections (a) and (b) of CCP §704.140 are not mutually exclusive. The Trustee's objection on the basis that (1) he is unable to ascertain whether the Claim Assets are *only* comprised of causes of action for personal injury, and (2) he is unable to determine what the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan Chapter 13**

amount of any exemption could be, as the factors which would be considered for this determination are within knowledge of Debtor, are both sustained. Thus, the Objections to the claims of exemption under CCP §704.140, are sustained in part, overruled in part.

Conclusion

Based on the foregoing, Debtor has not met her burden of showing that she is entitled to her claimed exemption under CCP § 704.210 as to *all* Subject Assets, and her claimed exemption under CCP § 704.140 as to the Claims Assets.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#39.00** Hearing RE: Objection of Ford Motor Credit Company LLC to Debtor's Exemptions

Docket 78

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

Grant motion as to both accounts receivable and cross claim.

Basis for Tentative Ruling

Ford Motor Credit Company, ("FMCC") objects to the following claims of exemption by Lenore LuAnn Albert-Sheridan ("Debtor"):

- a. Debtor's Exemption for her Accounts Receivable
- b. Debtor's Exemption of the Cross-Complaint

Objection was Timely

Pursuant to FRBP 4003, any objection is to be made within 30 days from the close of the first meeting of creditors or within 30 days after any amendment to the list or supplemental schedules is file, whichever is later. FRBP 4003. Here, the meeting of creditors was held on March 27, 2018. FMCC filed this Objection on April 9, 2018. As such, the Objection is timely

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

as it was filed within 30 days from the close of the first meeting of creditors.

Burden of Proof

The Ninth Circuit has held that, in accordance with FRBP 4003(c), the objecting party bears the burden of proving an exemption is not properly claimed. *In re Carter*, 182 F3d 1027, 1029, fn. 3 (9th Cir. 1999). However, the Ninth Circuit BAP has since concluded that *Carter, supra*, failed to consider California exemption law (Calif. CCP § 703.580(b)), which places the burden on the party claiming the exemption (i.e., the debtor). *In re Diaz*, 547 B.R. 329, 337; see also *In re Pashenee* 531 B.R. 834, 836-839 (Bankr. E.D. Cal. 2015); *In re Tallerico*, (Bankr. E.D. Cal. 2015) 532 BR 774, 788. These cases also note the Supreme Court has determined the burden of proof is substantive, not procedural; as such, the burden of proof should be borne by the same party who would bear the burden outside bankruptcy (i.e., the debtor). *Raleigh v. Illinois Dept. of Revenue*, 530 US 15, 20-21, 120 S.Ct. 1951, 1955 (2000).

The Panel in *In re Diaz* noted that *In re Carter* was decided (in 1999) prior to *Raleigh* (in 2000) and acknowledged that no subsequent Ninth Circuit authority addresses the burden of proof with respect to an exemption objection. 547 B.R. at 337. *In re Diaz* is persuasive in light of the U.S. Supreme Court's holding in *Raleigh* that the burden of proof is a substantive element of a claim and, thus, in bankruptcy it remains the same as under the applicable substantive nonbankruptcy law. Therefore, where the substantive nonbankruptcy law applicable in this case is California exemption law the burden of proof is on the debtor as the exemption claimant. The BAP continues to maintain this view of the burden of proof. See *In re Smith*, 2017 WL 1457942 at \*4 (9th Cir.BAP 2017)("where a state law exemption statute specifically allocates the burden of proof to the debtor, as California has done here, Rule 4003(c) does not change that allocation. [...] CCP § 703.580(b) [...] Debtors had the burden to prove they were entitled to the personal injury exemption under CCP § 704.140.").

Based on the foregoing, the burden is on Debtor to justify her claims of exemption under Cal.Civ.Proc.Code §§ 704.210 and 704.140. Even under *In re Carter*, if the objecting party can produce evidence sufficient to rebut the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 13

presumption of validity, then the burden of production shifts to the debtor to provide unequivocal evidence to demonstrate that the exemption is proper. *Carter*, 182 F.3d at 1029 n. 3. See *In re Diaz*, 547 B.R. 329, 336. FMCC has produced sufficient evidence to rebut the presumption of validity of most of Debtor's exemptions, but Debtor has not provided unequivocal evidence in return to demonstrate that the exemption is proper. Thus, regardless of who bears the burden of proof, the Objection should be sustained.

FMCC's Status as an Unsecured Creditor

Debtor's devotes one section, approximately two pages, to the subject of whether FMCC is a secured creditor. See Opp., pp.3:24-5:28. FMCC's reply also includes a discussion of its standing as unsecured creditor. See Reply, pp.2:8-3:3. Neither party explains why this issue is being contested within an objection to claim of exemptions. Any interested party may object to a debtor's claimed exemptions. See 11 U.S.C. 522(l). FMCC is an interested party that may object, and has done so by way of this Objection.

Debtor's Exemption for Her Accounts Receivable

*A. California Code of Civil Procedure § 704.210*

C.C.P. §704.210, states: "Property that is not subject to enforcement of a money judgment is exempt without making a claim."

As this court notes in deciding the Trustee's Objection, the case of *In re Petruzzelli* is instructive on the proper application of C.C.P. §704.210. 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992). The court began with the central premise that "all property, including exempt property, is subject to enforcement of a money judgment. Cal.Code Civ.Proc. § 695.010(a)" (emphasis in original). 139 B.R. at 243. As the BAP summarized in the unpublished case of *In re McCarthy*, the court in *In re Petruzzelli* observed the following:

Most exemptions must be claimed. Unless and until an exemption is claimed, it is regarded as waived, with the result that the property remains vulnerable to judgment enforcement....

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 13

Some exemptions need not be claimed. They are automatic and are denoted by the statutory term of art "exempt without making a claim"....

Finally, narrowly circumscribed types of property are absolutely immune from judgment enforcement by virtue of being declared to be "not *subject to*" (another statutory term of art) such enforcement. [Emphasis added.] Examples include property that cannot be assigned or transferred and certain licenses. Such property may not be levied upon, and, if it is erroneously levied upon, may be released pursuant to the claim of exemption procedure. It is also deemed exempt without making a claim. Cal.Code Civ. Proc. § 704.210....

*Petruzelli*, 139 B.R. at 243–44 (footnotes and some citations omitted, emphasis added).

*In re McCarthy*, No. BAP CC-07-1083-MOPAD, 2008 WL 8448338, at \*15 (B.A.P. 9th Cir. Feb. 19, 2008).

Here, in order to properly exempt her accounts receivable under C.C.P. § 704.210, Debtor must establish that it is *not subject to* enforcement of a money judgment. Debtor has not come forward with applicable statutes that provide the sort of automatic exemption contemplated by the terms of art "not subject to" or "exempt without making a claim." Instead, Debtor's opposition to FMCC's Objection spends multiple paragraphs alleging FMCC and the "State Bar" use of "Sovereign Citizen Extremists" and purported "paper terrorism." See Opp., p.8, ¶C. None of these allegations are germane to the issue of an applicable state statute that would allow Debtor to properly claim an exemption under C.C.P. § 704.210.

FMCC's Objection contends that C.C.P. § 704.210 does not apply because of CCP § 695.010. As articulated in *In re Petruzelli* the central premise of California's exemption scheme is that "all property, including exempt property, is subject to enforcement of a money judgment. Cal.Code

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Civ.Proc. § 695.010(a)." 139 B.R. at 243. However, the court need not agree that CCP §704.210 does not apply at all. Instead, the court notes this is the starting point of exemption scheme, and finds that Debtor has not shown what corresponding statute applies triggers CCP § 704.210.

According to FMCC, accounts receivables qualify as property subject to enforcement of a money judgment, and cites to CCP § 700.170. Subsection (a) therein provides: "Unless another method of levy is provided by this article, to levy upon an account receivable or general intangible, the levying officer shall personally serve a copy of the writ of execution and a notice of levy on the account debtor." This supports FMCC position. Similarly, the court notes the following from CCP §697.530(a):

A judgment lien on personal property is a lien on all interests in the following personal property that are subject to enforcement of the money judgment against the judgment debtor pursuant to Article 1 (commencing with Section 695.010) of Chapter 1 at the time when the lien is created if the personal property is, at that time, any of the following:

(1) Accounts receivable, and the judgment debtor is located in this state.

This also suggests that accounts receivable would be the type of property subject to enforcement of a money judgment. Moreover, Debtor has not come forward with a statute that provides for accounts receivable to be exempt automatically under "exempt without making a claim," or as part of the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to ' ... such enforcement." *Petruzzelli*, 139 B.R. at 243. Accordingly, FMCC's Objection to Debtor's claim of exemption of accounts receivable under CCP § 704.210 is sustained.

Debtor's Exemption of the Cross-Complaint

A. *California Code of Civil Procedure § 704.210*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

FMCC proffers that a judgment creditor may place a lien on a cause of action in a pending lawsuit and, once the action is final, collect on the claim, citing Cal. Civ. Proc. Code §§ 700.190, 708.410(a). See Obj., p. 6:5-7. This supports FMCC's argument that the cross-complaint is "subject to enforcement of a money judgment," which would take this asset out from under CCP § 704.210.

The objection is sustained because Debtor has not come forward with statutory authority that this property is not subject to enforcement of a money judgment, as contemplated by C.C.P. § 704.210. See *In re Petruzzelli*, 139 B.R. 241, 247 (Bankr. E.D. Cal. 1992). As explained above, the court in *In re Petruzzelli* distinguished between the fact that (1) most exemptions must be claimed, (2) some exemptions need not be claimed; "[t]hey are automatic and are denoted by the statutory term of art "exempt without making a claim," and (3) the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to ' ... such enforcement." *Petruzzelli*, 139 B.R. at 243–44.

As with the exemption for accounts receivable above, Debtor again fails to link her claim under CCP § 704.210, to an applicable statute that falls under either the second category ("exempt without making a claim") or show how any personal injury lawsuits fall under the third category noted above, the "narrowly circumscribed types of property [that] are absolutely immune from judgment enforcement by virtue of being declared to be 'not subject to.'" Therefore, FMCC's Objection to Debtor's claim of exemption under CCP § 704.210 for her cross-complaint is sustained.

*B. California Code of Civil Procedure § 704.140*

In relevant part, C.C.P. §704.140, states:

(a) Except as provided in Article 5 (commencing with Section 708.410) of Chapter 6, a cause of action for personal injury is exempt without making a claim.

(b) Except as provided in subdivisions (c) and (d), an award of



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

**Chapter 13**

damages or a settlement arising out of personal injury is exempt to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

Cal. Civ. Proc. Code § 704.140.

This court notes that the Trustee's Objection highlights the fact that it is unclear what kind and how many lawsuits are encompassed by Debtor's reference to "Claims Against 3P" in her schedules. A review of Debtor's Schedules A/B and C confirms that it is unclear whether the "TBD \$500,000.00" as to "Claims Against 3P" and "Other Contingency" refers to more than one lawsuit against more than one party, and whether they are related in any way. See Trustee's Obj., Ex. A, p.8, *cf.* Trustee's Obj., Ex. B, p.2. The declaration of Bernard Kornberg (Docket No. 76-2) includes a transcript from Debtor's §341(a) meeting, which supports the Trustee's argument that he is unable to ascertain whether or what part of the "Claims Against 3P" are comprised of causes of action for personal injury.

Nevertheless, here, FMCC's Objection acknowledges that Debtor's cross-complaint against FMCC is part of what Debtor claims as exempt. Furthermore, FMCC points out that "one of Debtor's causes of action in the cross-complaint is for intentional infliction of emotional distress." See Docket No. 76-1, Berkley Decl., Ex. B, Cross-Complaint at p.28, ¶ 212. FMCC also concedes that CCP §704.140 applies to "emotion distress" damages arising out of non-personal injury torts, and cites to *In re Sylvester*, 220 B.R. 89, 93 (B.A.P. 9th Cir. 1998). While this court makes no findings as to the merits of Debtor's arguments in her cross-complaint, the court considers FMCC's arguments which hone in on Debtor's cross-complaint separately from whatever else Debtor may have contemplated when she listed in her schedules "Claims Against 3P."

Essentially, FMCC's argument is that Debtor's claim of exemption is not yet ripe given the plain language in C.C.P. §704.140(b), which contemplates "an award of damages or a settlement arising out of personal injury." Obj., p.5:10-12. FMCC suggests that the court "should deny the exemption at this time, but allow Debtor to seek it a later time to the extent the claims ripen into an actual award or settlement payment." Obj.,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

p.5:15-17. While logical, the court need not rely on it as a reason for sustaining FMCC's objection. As explained below, subsections (a) and (b) are not mutually exclusive, and Debtor may invoke the exemption for her cause of action under subsection (a). Debtor would nevertheless be required to prove up the required showing under CCP §704.140(b). For the purposes of this Objection, she did not.

The case of *In re Gose* goes through a detailed analysis of CCP § 704.140 that is instructive. Initially, the Panel considered the case of *In re Sylvester*, in which a debtor alleged that he had settled a previous action against his former employer, for wrongful termination and emotional distress among other claims, and that his former attorney wrongfully retained the settlement funds. 308 B.R. 41, 45 (B.A.P. 9th Cir. 2004). As the Panel noted, debtor filed a malpractice action (not a personal injury action). The bankruptcy court in *In re Sylvester* held that a legal malpractice action did not involve a personal injury claim, and the BAP reversed, "holding that the portion of the debtor's malpractice action attributable to misappropriation of settlement funds awarded for emotional distress could be claimed as exempt under CCP § 704.140." 308 B.R. at 45–46.

Next, the Panel in *In re Gose* analyzed the legislative history and other case law, including *In re Smith*, 119 B.R. 757, 759 (Bankr. E.D.Cal. 1990), and concluded "that the California Legislature did not intend CCP § 704.140(a) to exempt personal injury claims in their entirety, without reference to necessity for support." 308 B.R. at 48. Accordingly, subsections (a) and (b) should not be read as being mutually exclusive. Rather, subsection (a) merely allows a debtor to exempt personal injury claims without having to make a formal claim, and subsection (b) defines the scope of exemption identified in subsection (a). The Panel in *In re Gose* held the same and found that the bankruptcy court did not err in reading the subsections together, and that it "correctly required Debtors to demonstrate that the settlement proceeds from the malpractice action are necessary for their support." 308 B.R. at 48.

Here, Debtor's cross-complaint against FMCC includes a cause of action for IIED. This does not take away from the Trustee's Objection on the basis that Debtor's schedules are ambiguous in their current form. Schedule A/B lists multiple causes of action and an amount of "tbd \$500,000.00" while

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Schedule C refers to "Claims Against 3P" and "\$500,000.00 TBD." See Obj., Ex. A, p.8, *cf.* Ex. B, p.2. This court can nevertheless sustain FMCC's Objection to Debtor's claim of exemption under CCP §704.140 because the opposition makes no showing as to subsection (b). While this court recognizes that subsection (a) of CCP §704.140 exempts a personal injury claim without debtor having to make a *formal claim*, Debtor's opposition does not reach the merits of CCP §704.140(b) regarding what portion of the "tbd \$500,000.00" or "\$500,000.00 TBD" is necessary for the support of the judgment debtor (and spouse or dependents). In fact, Debtor may have misunderstood what is required of her when she states: "Ms. Albert does not have to do an accounting as stated by Ford. Ford is speculating. Ms. Albert gets every last dime. Ford is not going to win one penny at trial anyway." Opp., p.6:17-19. *In re Gose* and *In re Smith*, 119 B.R. 757, 759 (Bankr. E.D.Cal. 1990) both contemplate the entitlement to exemption of emotional distress damages under CCP §704.140(b), upon a proper showing of the amount necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

Debtor spends much of her opposition to this particular objection (1) making allegations involving certain conspiracies between FMCC and domestic terrorists (identified by a "[r]etired special agent Meinhardt," and (2) explaining emotional distress purportedly suffered by Debtor and opined by an Ed Garza; not to mention an allegation that the Chapter 13 Trustee received a \$50,000 settlement offer from FMCC which prompted him to file a motion to convert this case "so he could steal the case from Ms. Albert." See Opp., pp.6-7. None of these allegations serve to justify overruling FMCC's Objection. The Panel in *In re Gose* concluded that the bankruptcy court correctly required Debtors to demonstrate that the settlement proceeds from the malpractice action are necessary for their support. 308 B.R. at 48. Applying the same principle here, the court can find that Debtor asserts a cause of action for IIED in the cross-complaint, and taking into account FMCC's contention that there is not yet a settlement or award as contemplated under CCP §704.140(b), Debtor has not demonstrated that even if there was, the full amount of the proceeds would be necessary for her support. Thus, the court can sustain FMCC's objection.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)                              Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

#40.00 CON'TD Hearing RE: Debtor's Motion For Sanctions Against Creditors State Bar of California, Francis B. Lantieri, Garcy Schneider, 10675 S Orange Park Blvd, LLC and Phil Green for Violation of the Automatic Stay and Request for Injunctive Relief

FR: 4-17-18

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

The court intends to take this matter under advisement and, except as noted below, will not render a full ruling at the hearing.

The 30-day actual suspension of Debtor's license to practice law as determined by the California Supreme Court commenced on February 14, 2018 and ran through and including March 16, 2018. That portion of the suspension is not based on condition of any payment of sanctions or disciplinary costs. Whether the suspension continues past March 16, 2018 based on certain reinstatement conditions is the subject of an adversary proceeding which will be adjudicated in due course.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room      5A**

---

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)                              Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#41.00** Hearing RE: Defendant Russell B. Wallace's Motion and Notice of Motion to Dismiss Plaintiff's Complaint, or in the Alternative, for More Definitive Statement

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Deny motion. Answer must be filed by or before May 31, 2018

Basis for Tentative Ruling:

Legal Standards

*A. Motion to Dismiss pursuant to FRCP 12(b)(6)*

To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a "probability requirement," but it asks more than a sheer possibility that a defendant has acted unlawfully. Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and probability of entitlement to relief. *Id.* A Rule 12(b)(6) dismissal may be based on either a "lack of a cognizable legal theory" or "the absence of sufficient facts alleged under a cognizable legal theory." *Johnson v. Riverside Healthcare Sys., LP*, 534 F.3d 1116, 1121 (9th Cir. 2008).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

2:00 PM

CONT...

29 Prime, Inc.

Chapter 7

In reviewing a complaint under 12(b)(6), the court is limited to the contents of the complaint. See *Enesco Corp. v. Price/Costco, Inc.*, 146 F.3d 1083, 1085 (9th Cir.1998). All allegations of material fact are taken as true and construed in the light most favorable to the nonmoving party. See *id.* The court need not, however, accept as true allegations that contradict matters properly subject to judicial notice or by exhibit. *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.), opinion amended on denial of reh'g, 275 F.3d 1187 (9th Cir. 2001).

*A. Dismissal Based on an Affirmative Defense*

To grant a Rule 12(b)(6) motion on the basis of an affirmative defense, the facts establishing that defense must (i) "be definitively ascertainable from the complaint and other allowable sources of information," and (ii) "suffice to establish the affirmative defense with certitude." *Gray v. Evercore Restructuring L.L.C.*, 544 F.3d 320, 325 (1st Cir. 2008). Dismissal under Rule 12(b)(6) on the basis of an affirmative defense is proper only if the defendant shows some obvious bar to securing relief on the face of the complaint. *ASARCO, LLC v. Union Pac. R. Co.*, 765 F.3d 999, 1004 (9th Cir. 2014). If, from the allegations of the complaint as well as any judicially noticeable materials, an asserted defense raises disputed issues of fact, dismissal under Rule 12(b)(6) is improper. *Id.*

Merits

*A. The Parties' Arguments Pertaining to In Pari Delicto*

The focus of Wallace's motion to dismiss is his assertion of *in pari delicto* as a defense. See Mot., p.5:12-13. Briefly, under California law, "[t]he doctrine of *in pari delicto* dictates that when a participant in illegal, fraudulent, or inequitable conduct seeks to recover from another participant in that conduct, the parties are deemed *in pari delicto*, and the law will aid neither, but rather, will leave them where it finds them." *In re Mortgage Fund '08 LLC*, 527 B.R. 351, 366 (N.D.Cal. 2015). Wallace asserts that this defense applies to bar Plaintiff's claims against him because Plaintiff is asserting breach of fiduciary duty claims against Wallace on behalf of 29 Prime, Inc., while alleging that Wallace is joint, equal, owner, manager, and controller of 29



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... 29 Prime, Inc.**

**Chapter 7**

Prime, Inc. Mot., p.6:21-23. The alleged wrongful doing that Plaintiff asserts "is necessarily imputed to 29 Prime, Inc." according to Wallace. *Id.* at Ins 26-27.

In opposition, Plaintiff cites to *Gray v. Evercore Restructuring L.L.C.*, 544 F.3d 320, 325 (1st Cir. 2008), and the requirement that the facts establishing Wallace's defense must (i) "be definitively ascertainable from the complaint and other allowable sources of information," and (ii) "suffice to establish the affirmative defense with certitude." According to Plaintiff, "[a]bsent any additional allowable sources of information, Trustee and Defendant are required to rely on facts definitively ascertainable from the Complaint." Opp., p. 3:15-16. Plaintiff proceeds to compare factual allegations in the FAC with those asserted by Wallace in his motion. See Opp., pp.3:17-4:24.

First, the Motion alleges that "[i]n 2010, Mike Rosenthal ("Rosenthal") met with Wallace regarding a future business together. Rosenthal stated that he had the knowledge and expertise to take a company public. With that knowledge Wallace and Rosenthal decided to make the corporation 29 Prime, Inc." (Mot., p. 4:13-15). However, the Complaint does not allege that Rosenthal expressed, insinuated or otherwise had the knowledge and expertise to take a company public. Rather, the Complaint explicitly states "In or around May 2010, WALLACE called Mike Rosenthal ("ROSENTHAL") and asked to meet. WALLACE wanted ROSENTHAL to help him grow a new company that they could sell later for a large gain."(FAC, ¶ 41).

Second, the Motion further states that "Wallace trusted Rosenthal as Rosenthal held himself as the CFO and took care of anything legal related." (Mot., p.4:16-17). However, the Complaint does not allege that Wallace trusted Rosenthal, nor does the Complaint allege that Rosenthal held himself as the CFO or taking care of anything legal related. By contrast, the Complaint does allege that "WALLACE had a history of questionable behavior, which included breaking leases, changing brands, not meeting important obligations, and violating non-compete agreements. ROSENTHAL agreed to work with WALLACE only after WALLACE promised to not engage in any of his past wrongful behavior." (FAC, ¶ 42). Additionally, the Complaint only names Defendant Haleh Fardi as CFO of 29 Prime, Inc. (FAC at ¶¶ 28, 84, 87, 88, 89). "Plaintiff is informed and believes and based thereon alleges

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

2:00 PM

CONT... 29 Prime, Inc.

Chapter 7

that Defendant HALEH FARDI ("FARDI"), an individual, was, and now is, a resident of the County of Orange, State of California. FARDI is or was the Chief Financial Officer of OC LISTING and holds herself out as the Chief Financial Officer of 29 PRIME." (FAC ¶ 13).

Third, the Motion further alleges that "Rosenthal drafted a co-founder agreement..." (Mot., p.4:17). Yet, the Complaint does not state who drafted the co-founder agreement. (FAC, ¶¶ 43, 44, 59, 70). Fourth, the Motion also alleges that, "[a] licensing agreement was put in place between 29 Prime, Inc. and OC Listing for the use of the name 29 Prime." (Mot.,p.4:21-22). The Complaint does not state the licensing agreement was put in place for the use of 29 Prime. (FAC at ¶¶ 29, 47, 50, 64, 86, 137).

Fifth, "[i]n July 2013, Rosenthal decided to abandon 29 Prime, Inc. and all of its shareholders and never return back to work or in any other capacity. After July 2013 all remaining shareholders decided to seek employment elsewhere. No shareholders were ever paid after the point Rosenthal abandoned the company." (Mot., p.4:22-26). However, the Complaint does not state that Rosenthal decided to "abandon" 29 Prime, Inc., instead the Complaint refers to Rosenthal's departure in July 2013. (FAC at ¶¶ 51, 52).

As demonstrated above, Wallace has asserted facts that are not definitively ascertainable from the Complaint. Wallace has not filed a timely reply to argue otherwise. On this basis, the court can deny Wallace' motion because he has not shown "some obvious bar to securing relief on the face of the complaint." See *ASARCO, LLC v. Union Pac. R. Co.*, 765 F.3d at 1004. Importantly, the Ninth Circuit also noted that if an asserted defense raises disputed issues of fact, dismissal under Rule 12(b)(6) is improper. *Id.* Here, the court can find that the assertions in Wallace's motion raise disputed issues of fact.

1. The case of *In re Amergence Technology, Inc.* and the cases cited therein are instructive

In *In re Amergence Technology, Inc.*, the court did not "reach the merits of the *in pari delicto* defense asserted by defendants at the pleading

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room 5A

2:00 PM

CONT... 29 Prime, Inc.

Chapter 7

stage." 2016 WL 4069550, at \*3 (Bkrtcy.C.D.Cal., 2016). In that case, the Trustee's first amended complaint was filed against attorneys and law firms for purported malpractice and breach of their fiduciary duty to the debtor when it advised debtor's insiders to transfer debtor's assets. 2016 WL 4069550, at \*1. Here, Plaintiff is the Trustee and the complaint is filed on behalf of the debtor against, among other parties, shareholders and/or officers.

Importantly, the court in *In re Amergence Technology, Inc.* noted that the question of whether a bankruptcy trustee is or is not subject to an *in pari delicto* defense under California law was very recently addressed by a California Court of Appeal in *Uecker v. Zentil*, 244 Cal.App.4th 789 (2016), which held that the doctrine of *in pari delicto* applies to bar a bankruptcy trustee suing on behalf of the bankruptcy estate of a company if the doctrine would bar the company from asserting such claims. *Id.* Moreover, the "issue of California law is apparently an open one in the Ninth Circuit since there is no published opinion on the issue. See *Uecker v. Wells Fargo Capital Finance, LLC (In re Mortgage Fund '08 LLC)*, 527 B.R. 351, 366–370 (N.D.Cal.2015)(noting that the Ninth Circuit has not addressed in a published opinion the applicability of the *in pari delicto* defense in a published opinion, but had affirmed its application in an unpublished decision)." 2016 WL 4069550, at \*2. In addition, even though not directly addressed by the Ninth Circuit, "every circuit to have considered the question has held that a defendant 'sued by a trustee in bankruptcy may assert the defense of *in pari delicto*, if the jurisdiction whose law creates the claim permits such a defense outside of bankruptcy.'" *Id.*

*In re Crown Vantage, Inc.* is the unpublished opinion referred to above, whose application of the applicability of the *in pari delicto* defense has been affirmed in an unpublished decision. See 2003 WL 25257821, at \*8 (N.D. Cal. Sept. 25, 2003), *aff'd sub nom. Crown Paper Liquidating Tr. v. Pricewaterhousecoopers LLP*, 198 F. App'x 597 (9th Cir. 2006). There, the court looked at the first amended complaints and the allegations therein that "the majority of Crown's directors, along with [James River Corporation], participated in all of the allegedly wrongful acts." *Id.* The court found that "those acts are alleged to have caused injury to Crown, thus bringing into play the 'adverse interest exception.'" *Id.* The court in *In re Mortgage Fund '08*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 3, 2018

Hearing Room

5A

2:00 PM

CONT... 29 Prime, Inc.

Chapter 7

LLC described the adverse interest exception, saying it "provides that where corporate agents act in a manner adverse to the interests of the corporation, the actions of the agents are not imputed to the corporation," but it also points out "[t]hat exception, however, 'is itself subject to an exception—the 'sole actor' exception." *R.F. Lafferty & Co.*, 267 F.3d at 359." See 527 B.R. at 368–69. Ultimately, the court in *In re Crown Vantage, Inc.* explained that "unless the applicability of the 'sole actor exception' is apparent from the face of the complaints, defendants are not entitled to dismissal based on the doctrine of *in pari delicto*." *Id.*

Here, Plaintiff's opposition asserts that *in pari delicto* does not bar its claims and refers to the "adverse interest exception." See Opp., pp.5-6. Specifically, Plaintiff states that under the exception, fraudulent conduct will not be imputed if the officer's interest were adverse to the corporation and not for the benefit of the corporation. See Opp., p.6:7-8. Plaintiff also mentions the "sole actor exception" and maintains that the FAC sufficiently alleges that Wallace cannot apply the "sole actor" exception because Rosenthal maintains a 20% interest in 29 Prime as well as Redman, Martin and Hart collectively holding a 25% interest in the company. See FAC at ¶152. Although Plaintiff does not specify additional allegations, Plaintiff argues that "[t]hroughout the Complaint, the Trustee also alleges that the Co-Defendants assisted Wallace in his acts to breach his fiduciary duty." Opp., p.6:4-5. Therefore, as found in *In re Crown Vantage, Inc.*, the applicability of the "sole actor exception" is not apparent from the face of the complaint itself, and, therefore, Wallace is not entitled to dismissal based on the doctrine of *in pari delicto*. This is not to say that Wallace cannot raise *in pari delicto* as an affirmative defense, nor does the court opine one way or another whether he will ultimately prevail on such defense. The court is simply concluding that the defense is not a sufficient basis for dismissing the Complaint on the ground of failure to state a claim. Stated otherwise, the court finds that the Complaint sufficiently states a claim but does not make any finding as to whether Plaintiff will succeed on such claim at trial.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 3, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... 29 Prime, Inc.**

**Chapter 7**

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network.Com

Pro Se

**Movant(s):**

Russell B. Wallace

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 10, 2018

Hearing Room 5A

10:30 AM

8:01-16577 California Power Exchange Corp

Chapter 11

#1.00 CONT'D Hrg. re: Post Confirmation Status Conference

FR: 08/11/05; 9-8-05; 12-15-06; 4-20-06; 10-12-06; 4-12-07; 10-18-07; 4-17-08;  
10-16-08; 4-16-09; 10-15-09; 4-8-10; 4-7-11 (rescheduled from 4/6/12); 4-5-12;  
4-4-13; 5-8-14; 5-7-15; 5-5-16; 5-4-17

Docket 0

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/24/18 AT 10:30 A.M.;  
SEE COURT'S NOTICE DATED 12/5/18, DOCUMENT # 1583 (XX)

Courtroom Deputy:

**SPECIAL NOTE: Post Confirmation Status Conference Continued to  
5/24/18 at 10:30 a.m.; See Court's Notice Dated 12/5/18, Document #  
1583 (XX) - td (12/5/2017)**

**Party Information**

Debtor(s):

California Power Exchange Corp

Represented By  
Joseph A Eisenberg  
Philip S Warden  
Ashleigh A Danker  
Alan Z Yudkowsky  
Marc S Cohen  
Julie A Belezzuoli  
Alicia Clough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

**8:07-14426 Rod Holtman**

**Chapter 7**

Adv#: 8:08-01088 Melendez v. Holtman

**#1.00** CON'TD Examination of Rod Holtman RE: Enforcement of Judgment Debtor  
(Order to Appear Entered 1/25/18)

FR: 3-8-18

Docket 105

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Plaintiff's Voluntary  
Withdrawal of Request for Judgment Debtor Examination filed 5/14/18;  
Order Vacating Hearing on Judgment Debtor Examination and Granting  
Plaintiff's Request for Withdrawal of Judgment Debtor Examination  
SIGNED 5/14/18**

**Courtroom Deputy:**

**OFF CALENDAR: Plaintiff's Voluntary Withdrawal of Request for  
Judgment Debtor Examination filed 5/14/18; Order Vacating Hearing on  
Judgment Debtor Examination and Granting Plaintiff's Request for  
Withdrawal of Judgment Debtor Examination SIGNED 5/14/18 -- eas**

**Tentative Ruling:**

**March 8, 2018**

Examinee Rod Holtman to appear in court to be sworn in by the court clerk.  
The examination will thereafter take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rod Holtman	Pro Se
-------------	--------

**Defendant(s):**

Rod Holtman	Pro Se
-------------	--------

**Joint Debtor(s):**

Michelle Holtman	Pro Se
------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Rod Holtman**

**Chapter 7**

**Plaintiff(s):**

Armando V Melendez

Represented By

R Gibson Pagter Jr.

R Gibson Pagter Jr.

Misty A Perry Isaacson

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#2.00** CON'TD STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17; 3-8-18; 3-29-18; 4-17-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 4, 2014**

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... Robert David Suer

Chapter 7

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15, 2017 at 9:30 a.m.

*Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)*

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**July 27, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... Robert David Suer Chapter 7

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)  
Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

b. B(1), (2), and (3): Why are these matters disputed? For example, if no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**  
and responses.

**Chapter 7**

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

o. B(33) - (41): What are the disputed facts?

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the disputed facts -- not a mere recitation of deposition testimony.

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

**3. Issues of Law:**

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.

**4. Other Matters, JPS Section F:**

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the stipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary judgment realistically be filed and heard in advance of an April 2018 trial date?

c. When will all the other pretrial motions mentioned in Section F of the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer  
JPS be filed?

**Chapter 7**

***Note: Appearances at this hearing are required.***  
-----

**May 17, 2018**

In light of representations made in the joint status report filed May 3, 2018 [doc #234], continue matter as a status conference to June 21, 2018 at 9:30 a.m. as a holding date. Updated joint status report must be filed by June 14, 2018 if the adversary proceeding remains pending as of such date.

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**Defendant(s):**

Robert David Suer

Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic

Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR)

Pro Se

David L Hahn (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

**#3.00** CON'TD STATUS CONFERENCE RE: Verified First Amended Complaint: 1) For Disallowance of Claims; 2) For Declaratory Relief; And 3) To Quiet Title to Real Property

FR: 12-21-17; 3-8-18; 4-12-18; 4-17-18

Docket 109

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/21/18 AT 9:30 A.M.,  
PER ORDER ENTERED 5/7/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 6/21/18 at 9:30 a.m., Per  
Order Entered 5/7/18 (XX) - td (5/7/2018)**

**Tentative Ruling:**

**December 21, 2017**

Continue status conference to Feb. 22, 2018 at 9:30 a.m. on the remaining issues. Joint status report to be filed by Feb. 8, 2018.  
-----

**March 8, 2018**

Continue status conference to April 12, 2018 at 9:30 a.m.; updated joint status report to be filed by April 5, 2018. (XX)

The parties are encouraged to continue trying to reach a mutual resolution of the adversary.

*Special Note: Regarding the Motion to Dismiss the First Amended Complaint, which was granted in part at the December 21, 2017 hearing, the court expects to post augmented finding/conclusions no later than March 9, 2018. During the course of the court's review of the pleadings which it adopted as*



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... **Robert Boyajian**

Chapter 11

*the basis for its ruling, the court determined that certain matters required additional review and analysis by the court. The substantive ruling will not change.*

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

-----

**April 17, 2018**

The parties are to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Shahrokh Shawn Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

Raham Honeya Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

**Plaintiff(s):**

Robert Boyajian

Represented By  
Steven Werth  
Michael G Spector  
Vicki L Schennum

Mayor Dune, Inc.

Represented By  
Alan G Tippie  
Robert Boyajian

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#4.00** CON'TD STATUS CONFERENCE RE: Complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction

FR: 9-10-15; 4-14-16, 7-21-16; 10-6-16; 12-15-16; 3-30-17; 7-13-17; 8-17-17; 12-14-17, 1-1-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/2018 AT 9:30 A.M.,  
PER ORDER ENTERED 5/10/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 7/19/2018 at 9:30 a.m., Per  
Order Entered 5/10/2018 (XX) - td (5/10/2018)**

**Tentative Ruling:**

**September 10, 2015**

Discovery Cut-off Date: Jan. 15, 2016

Deadline to Attend Mandatory Mediation: Mar. 11, 2016

Pretrial Conference Date: Apr. 14, 2016 at 9:30  
a.m. (XX)

Deadline to Lodge Joint Pretrial Stipulation: Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**August 17, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... Margaret Allen Rawson Chapter 7

Continue status conference to Dec. 14, 2017 at 9:30 a.m. with updated status report due Nov. 30, 2017; any further pretrial motion(s) must be filed in time for reserved hearing date of November 16, 2017 at 2:00 p.m. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Continue hearing to January 11, 2018 at 2:00 p.m., same date/time as hearing on summary judgment motion. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson	Represented By Sylvia Lew
-----------------------	------------------------------

**Defendant(s):**

DR Rawson, Third Successor	Pro Se
Margaret Allen Rawson, Successor	Pro Se
Margaret Allen Rawson	Pro Se

**Plaintiff(s):**

Richard Marshack	Represented By Misty Perry Isaacson
------------------	--

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Margaret Allen Rawson**

**Chapter 7**

Richard A Marshack (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-12218 Jay Brett Freedman**

**Chapter 7**

Adv#: 8:15-01328 Askew et al v. Freedman

**#5.00** Hearing RE: Order to Show Cause Why Jay Freedman Should Not Be Held in Contempt for Failure to Comply with the Order to Appear for Examination (OSC Issued 4/13/18)

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Defendant/examinee Jay Freedman will be held in contempt of an order of this court if he does not appear for examination on this date.

**Party Information**

**Debtor(s):**

Jay Brett Freedman

Represented By  
Pamela Jan Zylstra

**Defendant(s):**

Jay Brett Freedman

Pro Se

**Joint Debtor(s):**

Tamara Sue Freedman

Represented By  
Pamela Jan Zylstra

**Plaintiff(s):**

David Askew

Represented By  
Benjamin N Flint III  
Benjamin N Flint III

Julianne Askew

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jay Brett Freedman**

Benjamin N Flint III

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-12218 Jay Brett Freedman**

**Chapter 7**

Adv#: 8:15-01328 Askew et al v. Freedman

**#6.00 CON'TD Judgment Debtor Examination of Jay Brett Freedman**

FR: 3-29-18

Docket 77

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

The examinee, Jay Freedman, shall appear in court to be sworn in by the courtroom clerk. The examination shall take place outside the courtroom.  
-----

**May 17, 2018**

Examinee Jay Freedman to appear in court to be sworn in by the court clerk. The examination will thereafter take place outside the courtroom.

**Party Information**

**Debtor(s):**

Jay Brett Freedman

Represented By  
Pamela Jan Zylstra

**Defendant(s):**

Jay Brett Freedman

Pro Se

**Joint Debtor(s):**

Tamara Sue Freedman

Represented By  
Pamela Jan Zylstra

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Jay Brett Freedman**

**Chapter 7**

**Plaintiff(s):**

David Askew

Represented By  
Benjamin N Flint III  
Benjamin N Flint III

Julianne Askew

Represented By  
Benjamin N Flint III

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12253 Pedro Carrillo**

**Chapter 7**

Adv#: 8:16-01199 Nguyen v. Carrillo

**#7.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Challenge Discharge 11  
U.S.C. Section 727(a)(4)(A)

FR: 12-1-16; 3-16-17; 4-13-17; 5-11-17; 6-1-17; 9-21-17; 11-16-17; 2-22-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 9:30 A.M.,  
PER ORDER ENTERED 5/16/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 7/19/18 at 9:30 a.m., Per  
Order Entered 5/16/18 (XX) - td (5/16/2018)**

**Tentative Ruling:**

**December 1, 2016**

Discovery Cut-off Date:	Feb. 1, 2017
Pretrial Conference Date: (XX)	Mar. 16, 2017 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Mar. 2, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**March 16, 2017**

No tentative ruling. Disposition will depend upon the outcome of the hearing re motion to compel set for today's motion to compel. This matter will be trailed to the 10:30am calendar.

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Pedro Carrillo  
April 13, 2017**

**Chapter 7**

At least one party must appear and advise the court re the status of the settlement.  
-----

**May 11, 2017**

Continue as a Status Conference to June 1, 2017 at 10:30 a.m., same date/time as hearing on pending motion to compel.No status report required (XX)

*Special note: The pending motion to compel does not appear to satisfy the requirement of joint stipulation or alternative declaration re movant's drafting of such a joint stipulation and opposing party's refusal to participate in the preparation of the required joint stipulation.*

**Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.**  
-----

**June 1, 2017**

Continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report to be filed by September 7, 2017. (XX)

**Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.**  
-----

**September 21, 2017**

Continue status conference to November 16, 2017 at 9:30 a.m.; updated joint status report must be filed by November 2, 2017. (XX)

*Special note: If Defendant has not complied with a discovery order, it is Plaintiff's responsibility to seek further relief (e.g., contempt) from the court.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

*The court will not grant relief sua sponte.*

***Note: Appearances at this hearing are not required.***  
-----

**November 16, 2017**

Though the parties have apparently entered into an agreement for judgment in favor of Plaintiff only re the 727 action, such agreement appears to be improper. The 727 action can only be "settled" by denying discharge as to all creditors. See e.g., *In re Armond*, 240 B.R. 51, 59 (Bankr.CD. Cal 1999) ("Where a creditor brings claims against a debtor under both § 727 and § 523, the plaintiff may not settle the claims by dismissing the § 727 claim and taking payment individually on the § 523 claim. Such conduct violates the fiduciary duties to the other creditors that the plaintiff has undertaken in asserting the § 727 claim. The fiduciary duty violation and the resulting tainted settlement can only be cured by turning the settlement over to the trustee for distribution to all creditors."). See also *In re Beltran*, 2010 WL 3338533 at \*6 (Plaintiff in 727 action cannot settle the same to benefit only himself when the purpose of the statute inures to the benefit of all creditors).

***Note: Appearance at this hearing is required.***  
-----

**February 22, 2018**

Comments re the Joint Pretrial Stipulation:

1. The sole claim for relief in this adversary proceeding is for denial of discharge under 727(a)(4), i.e., that Debtor knowingly and fraudulently made a false oath, account or claim in connection with this bankruptcy case.
2. It is not clear to the court how admitted fact #s 1, 2, 3 or 5 relate to 727(a)(4)
3. It is not clear to the court how disputed fact #s 1, and 2 in Section B relate to 727(a)(4).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

4. None of the disputed facts set forth a basis for the alleged false oath, or false account or false claim by Debtor.

5. Bottom line: the court is at a loss as to how this Stipulation sets forth the specific facts and issues to be tried as to the 727(a)(4) claim.

6. Why is the motion to compel discovery relevant to 727(a)(4)?

This joint stipulation needs to be modified and thought through more carefully.

***Note: Appearances at this hearing ARE required.***

-----

**May 17, 2018**

No revised pretrial stipulation or updated status report filed by May 3, 2018 as ordered by the court at the previous hearing. Plaintiff's counsel to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Carrillo

Represented By  
Kathleen A Moreno

**Defendant(s):**

Pedro Carrillo

Pro Se

**Plaintiff(s):**

Michelle Nguyen

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Pedro Carrillo**

J.D. Cuzzolina

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

**#8.00** CONT'D STATUS CONFERENCE RE: Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust (Another Summons Issued 12/12/17)

FR: 2-22-18; 5-3-18

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons Issued 3/22/18; New Status Conference Set for 6/14/18 at 9:30 a.m. (xx)

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 3/22/18; New Status Conference Set for 6/14/18 at 9:30 a.m. (xx) - td (3/22/2018)**

**Tentative Ruling:**

**February 22, 2018**

Continue status conference to May 3, 2018 at 9:30 a.m.; updated status report must be filed by April 19, 2018.

*Special Note:* Defendant Haleh Fardi has requested an extension of 30 days to respond to the complaint per "ex parte" motion filed 1/11/18 [order lodged 2/5/18]. Defendant asserts extension was requested from Plaintiff but Plaintiff failed to respond to the request.

**Note: If the parties accept the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.**

**Party Information**

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

**Defendant(s):**

Russell B. Wallace	Pro Se
Tony Redman	Pro Se
Jason Martin	Pro Se
Local Zoom, Inc.	Pro Se
OC Listing, Inc.	Pro Se
Sky Motorsports, Inc.	Pro Se
Haleh Fardi	Pro Se
1Network, Inc.	Pro Se
1Network.Com	Pro Se

**Plaintiff(s):**

Richard A. Marshack	Represented By Rosemary Amezcua-Moll
---------------------	---

**Trustee(s):**

Richard A Marshack (TR)	Represented By Caroline Djang Rosemary Amezcua-Moll
-------------------------	---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01042 Kosmala v. Liebeck et al

**#9.00** STATUS CONFERENCE RE: Complaint: (1) For declaratory relief regarding property of the estate pursuant to 11 U.S.C. §541; (2) For turnover of property of the estate pursuant to 11 U.S.C. §§542 and 543; (3) To avoid and recover fraudulent transfers pursuant to 11 U.S.C. §544(b) and 550, and California Civil Code §§3439.04(a)(1), 3439.07 and 3439.09; (4) To avoid and recover fraudulent transfers pursuant to 11 U.S.C. §§544(b) and 550, and California Civil Code §§3439.04(a)(2), 3439.07 and 3439.09; (5) To avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(A) and 550; (6) To avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; (7) To preserve avoided transfers pursuant to 11 U.S.C. §551; and (8) For injunction pursuant to 11 U.S.C. §105

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 20, 2018
Deadline to Attend Mediation:	n/a
Pretrial Conference Date:	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Defendant(s):**

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

Mark Ziebold

Pro Se

Shaunah Lynn Steelman

Pro Se

Jodi Denise Steelman

Pro Se

Nationwide Life Insurance Company

Pro Se

Nationwide Life and Annuity

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Faye C Rasch

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-15264 Kristina Thi Lin**

**Chapter 7**

Adv#: 8:18-01034 BB West Hollywood, Inc. et al v. Lin

**#10.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4), 523(a)(6) and 523(c)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/26/18 AT 9:30 A.M., Per Order Granting Stipulation to Continue Status Conference and Stay Proceeding Entered 5/16/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 6/26/18 at 9:30 a.m., Per Order Granting Stipulation to Continue Status Conference and Stay Proceedings Entered 5/16/18 - td (5/16/2018)**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Kristina Thi Lin

Represented By  
Jeffrey B Smith

**Defendant(s):**

Kristina Thi Lin

Pro Se

**Plaintiff(s):**

Thanh Tran

Represented By  
Robert K Wing

BB West Hollywood, Inc.

Represented By  
Robert K Wing

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Kristina Thi Lin**

Richard A Marshack

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10760 Mary Helen Leonard**

**Chapter 7**

Adv#: 8:17-01229 Kosmala v. Lippe Wood Company

**#11.00** Hearing RE: Plaintiff's Motion for Default Judgment under LBR 7055-1

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Defendant(s):**

Lippe Wood Company

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10760 Mary Helen Leonard**

**Chapter 7**

Adv#: 8:17-01229 Kosmala v. Lippe Wood Company

**#12.00** CON'TD STATUS CONFERENCE RE: Complaint for Declaratory Relief; Quiet Title; and Avoidance of Transfer

FR: 2-15-18; 4-12-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 15, 2018**

Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed for failure to timely file a status report in this matter.  
-----

**April 12, 2018**

Continue status conference to May 17, 2018 at 9:30 a.m., same date/time as hearing on pending motion for default judgment. Updated status report not required. (XX)

***Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**May 17, 2018**

Take matter off calendar in light of granting of motion for default judgment.

***Note: Appearance at this hearing is not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Mary Helen Leonard**

**Chapter 7**

**Party Information**

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Defendant(s):**

Lippe Wood Company

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11063 Karem Angelica Blair**

**Chapter 7**

Adv#: 8:17-01112 Herrera et al v. Blair

**#13.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Debt to be Nondischargeable (11 USC Section 523)

FR: 9-21-17; 5-3-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/6/18 AT 9:30 A.M., PER ORDER ENTERED 5/14/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 9/6/18 at 9:30 a.m., Per Order Entered 5/14/18 (XX) - td (5/14/2018)**

**Tentative Ruling:**

**September 21, 2017**

Discovery Cut-off Date: Feb. 28, 2018

Deadline to Attend Mediation: Mar. 30, 2018

Pretrial Conference Date: May 3, 2018 at 9:30 a.m. (XX)

Deadline to File Joint Pretrial Stipulation: Apr. 26, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Karem Angelica Blair

Represented By  
Kelly Zinser

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Karem Angelica Blair**

**Chapter 7**

**Defendant(s):**

Karem Angelica Blair

Pro Se

**Plaintiff(s):**

Ethan Herrera

Represented By  
Fritz J Firman

Dylan Herrera

Represented By  
Fritz J Firman

Yvonne Herrera

Represented By  
Fritz J Firman

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kristine A Thagard  
Chad V Haes



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

9:30 AM

8:17-12286 Alejandro Silva Romero

Chapter 7

Adv#: 8:17-01149 Orange County's Credit Union v. Alejandro Silva Romero

#14.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for non-dischargeability of debt pursuant to 11 U.S.C. §523(a)(2) and (a)(6)

FR: 12-14-17; 4-12-18

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Stipulation for Entry of Judgment and Determination of Nondischargeability filed 5/14/18; Stipulated Judgment Entered 5/15/2018

Courtroom Deputy:

**OFF CALENDAR: Stipulation for Entry of Judgment and Determination of Nondischargeability filed 5/14/18; Stipulated Judgment Entered 5/15/2018 - td (5/15/2018)**

Tentative Ruling:

**December 14, 2017**

Discovery Cut-off Date:	Mar. 15, 2018
Pretrial Conference Date: (XX)	Apr. 12, 2018 at 9:30 a.m.*
Deadline to File Joint Pretrial Stipulation:	Mar. 29, 2018*

\*The pretrial conference will go off calendar and the requirement of a joint pretrial statement deemed moot if the matter is settled prior to March 29, 2018.

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Alejandro Silva Romero**

**Chapter 7**

**Debtor(s):**

Alejandro Silva Romero

Represented By  
Astrid C Montealegre  
Michael R Totaro

**Defendant(s):**

Alejandro Silva Romero

Pro Se

**Plaintiff(s):**

Orange County's Credit Union

Represented By  
Brian T Harvey

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 7**

Adv#: 8:18-01041 Financial Services Vehicle Trust, by and through i v. Langford

**#15.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debtor  
[11 U.S.C. Section 523(a)(2)]**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 1, 2018
Deadline to Attend Mediation:	Oct. 5, 2018
Pretrial Conference Date:	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

Jazmine Socorro Langford

Pro Se

**Plaintiff(s):**

Financial Services Vehicle Trust, by

Represented By  
Rebecca A Caley

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jazmine Socorro Langford**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14316 John Paul Marc Z. Escolar-Chua**

**Chapter 7**

Adv#: 8:18-01031 Escolar-Chua v. United States Department of Education et al

**#16.00 STATUS CONFERENCE RE: Second Complaint For: Determination that Student Loan Debt is Dischargeable Pursuant to 11 U.S.C. Section 523(a)(8)**

Docket 6

**Courtroom Deputy:**

**SPECIAL NOTE: Order Approving Stipulation for Discharge of Educational Loan Debt, Dismissal of Certain Defendants, and to Add Educational Credit Management Corporaiton as a Defendant in this Adversary Proceeding Entered 4/24/2018 - td (5/8/2018)**

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 1, 2018
Deadline to Attend Mediation:	Oct. 5, 2018
Pretrial Conference Date:	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

John Paul Marc Z. Escolar-Chua

Represented By  
Christine A Kingston

**Defendant(s):**

Navient Solutions, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... John Paul Marc Z. Escolar-Chua**

**Chapter 7**

Robert S Lampl

WELLS FARGO BANK, N.A.

Represented By  
John H Kim

Educational Credit Management

Represented By  
Scott A Schiff

Wells Fargo Education Financial

Pro Se

University of Southern California

Pro Se

United States Department of

Represented By  
Elan S Levey

**Joint Debtor(s):**

Jacqueline R. Escolar-Chua

Represented By  
Christine A Kingston

**Plaintiff(s):**

Jacqueline Escolar-Chua

Represented By  
Christine A Kingston

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#17.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 140

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/21/18 AT 10:00 A.M.,  
PER ORDER ENTERED 5/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 6/21/18 at 10:00 a.m., Per Order  
Entered 5/15/18 (XX) - td (5/15/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Maricela Diaz and Ruben Diaz**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:16-10710 Christina Platt and Robert L Platt

Chapter 13

#18.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

HSBC BANK USA, N.A.

VS.

DEBTORS

Docket 54

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
5/14/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 5/14/2018 - td (5/14/2018)**

Tentative Ruling:

**Party Information**

**Debtor(s):**

Christina Platt

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Robert L Platt

Represented By  
Julie J Villalobos

**Movant(s):**

HSBC Bank USA, National

Represented By  
Kristin A Zilberstein  
Nancy L Lee

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Christina Platt and Robert L Platt**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-13161 Dae Min Kang and Jaie Yoon Kang**

**Chapter 13**

**#19.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
YORKSHIRE TOWNHOMES HOMEOWNERS ASSOCIATION  
VS.  
DEBTORS

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dae Min Kang

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

Jaie Yoon Kang

Represented By  
James D. Hornbuckle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Dae Min Kang and Jaie Yoon Kang**

**Chapter 13**

**Movant(s):**

Yorkshire Townhomes Homeowners

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTORS

Docket 41

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 10:00 A.M.,  
PER ORDERS ENTERED 5/4/18 AND 5/9/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/19/18 at 10:00 a.m., Per Orders  
Entered 5/4/18 and 5/9/18 (XX) - td (5/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Wayne Ralph Marsh

Represented By  
Andy J Epstein

**Joint Debtor(s):**

Jennifer R. Marsh

Represented By  
Andy J Epstein

**Movant(s):**

The Bank of New York Mellon, as

Represented By  
Christina J O

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12253 Darlene Futrel**

**Chapter 13**

**#21.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant adequate protection order if Debtor is current by the time of the hearing. The parties are ordered to meet and confer re resolution prior to the hearing.

If more time is needed, the parties may request a continuance to May 31, 2018 or June 7, 2018 at 10:00 a.m. at the time of today's calendar roll call.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Darlene Futrel

Represented By  
Christopher J Langley

**Movant(s):**

Bank of America, N.A.

Represented By  
Kelly M Raftery  
Jennifer C Wong  
Nancy L Lee

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Darlene Futrel**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:17-13129 Robert W Hickman

Chapter 7

#22.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTOR

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Robert W Hickman

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Daniel K Fujimoto



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Robert W Hickman**

Caren J Castle

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:17-14925 Christopher Earl Hobson and Aida Ospino Hobson

Chapter 7

#23.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Christopher Earl Hobson

Represented By  
Harlene Miller

**Joint Debtor(s):**

Aida Ospino Hobson

Represented By  
Harlene Miller

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Christopher Earl Hobson and Aida Ospino Hobson  
Austin P Nagel**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:18-10654 Tabitha Marie Chapman

Chapter 7

#24.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORAITON  
VS.  
DEBTOR

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Tabitha Marie Chapman

Represented By  
Alan L. Armstrong

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Tabitha Marie Chapman**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:18-10899 Eriks Alexander Pukke

Chapter 7

#25.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
THE BANK OF NEW YORK MELLON TRUST CO., N.A.  
VS.  
DEBTOR; AIIMEE VACCARELLI, NON-FILING CO-DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

*Special note: According to Debtor's schedules, the property has substantial equity and Movant would appear to be protected by a 38% equity cushion even after costs of sale. However, as Debtor states he has no present interest in the property per a marital dissolution order in 2006 and as the chapter 7 trustee has filed a no-asset report, relief from stay will nevertheless be granted.*

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.**

**Party Information**

**Debtor(s):**

Eriks Alexander Pukke

Represented By  
Richard G Heston

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Eriks Alexander Pukke**

**Chapter 7**

**Movant(s):**

The Bank of New York Mellon Trust

Represented By  
Tyneia Merritt

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:18-11253 Jaime Lazo

Chapter 7

#26.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
WESTERN NATIONAL SECURITIES  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant motion with 4001(a)(3) waiver, but no lock-out prior to June 1, 2018.

*Special Note: Upon entry of the order granting relief from stay, Movant may take all steps under California law necessary to complete the unlawful detainer process such as, among other things, going to trial and obtaining a writ of possession, except that no lock-out may occur before June 1, 2018.*

**Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Movant shall lodge an order consistent with the same.**

**Party Information**

**Debtor(s):**

Jaime Lazo

Pro Se

**Movant(s):**

Western National Securities dba

Represented By  
Scott Andrews



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Jaime Lazo**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11254 Lluille Mary Porter**

**Chapter 7**

**#27.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
OCEAN BREEZE TRAILER LPARK, LLC  
VS.  
DEBTOR

Docket 9

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/27/2018 - td (4/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lluille Mary Porter

Pro Se

**Movant(s):**

Ocean Breeze Trailer Park, LLC

Represented By  
Gregory B Beam

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11286 Lillian Elizabeth Fossa**

**Chapter 13**

**#28.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

YAN PHAM, JOHN DINH

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lillian Elizabeth Fossa

Pro Se

**Movant(s):**

YEN, JOHN PHAM, DINH

Represented By  
Barry L O'Connor

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:18-11363 AJ Yue

Chapter 13

#29.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SHADY CANYON COMMUNITY ASSOCIATION

VS.

DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in the Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

AJ Yue

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 17, 2018

Hearing Room 5A

10:00 AM

8:18-11363 AJ Yue

Chapter 13

#30.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
HOMESTREET BANK  
VS.  
DEBTOR

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in the Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

AJ Yue

Pro Se

**Movant(s):**

Homestreet Bank

Represented By  
Erin M McCartney

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11382 Neil A Johansen**

**Chapter 13**

**#31.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

FOOTHILL FINANCIAL, L.P.

VS.

DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant with 4001(a)(3) and 362(d)(4) relief only. No other extraordinary relief.

Overrule Debtor's objections. First, Debtor has filed no substantive objections to the motion. Second, Debtor's chapter 13 plan does not provide for treatment of Movant's secured claims. Third, Palm Gardens HOA has filed a notice of non-opposition to the Motion. Fourth, although Debtor asserts service issue re Lake Mission, under the circumstances, the court will find notice to be proper -- the circumstances being that the automatic stay will expire in 2 days, i.e., May 19, 2018. See tentative ruling for matter #31.1 on today's calendar.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Neil A Johansen

Represented By  
Derik N Lewis

**Movant(s):**

Foothill Financial, L.P.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Neil A Johansen**

Jeanne M Jorgensen

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11382 Neil A Johansen**

**Chapter 13**

**#31.10** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Deny motion as to all secured creditors;grant as to FTB and unsecured creditors only.

The court cannot find that this case was filed in good faith as to the secured creditors, Foothill Financial, Palm Gardens HOA or Lake Mission as the plan provides for no treatment of such claims -- yet Debtor seeks to the extend the stay as to each of them. As to the senior lienholder, Foothill, there are arrearages of more than \$94,000 on a secured debt that is all due and payable. Debtor has no ability to pay this claim according to Schedules I & J. Similarly, arrearages owed to Palm Gardens HOA are not provided for in the plan. Only the FTB is being paid on its secured claim.

**Party Information**

**Debtor(s):**

Neil A Johansen

Represented By  
Derik N Lewis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11404 Dominador Abdon, Jr.**

**Chapter 13**

**#32.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dominador Abdon Jr.

Represented By  
John Asuncion

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

#33.00 Hearing RE: Chapter 7 Trustee's Motion to Clarify How Debtor's Homestead Funds Should be Distributed

Docket 106

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

This Amended Motion is all over the place and requires further clarification and explanation, to wit:

1. In the first paragraph of the Amended Motion, the Trustee requests permission to pay the homestead exemption "of \$90,000 . . . (and not \$100,000 as the original Motion requested)." However, on page 3 of the Amended Motion, Trustee states "By this Motion, the Trustee is seeking to distribute the \$100,000 directly to the Debtor." (emphasis added). As it appears the Trustee has already distributed \$10,000, the court initially assumed that \$90,000 would be distributed. However, such assumption may be incorrect given the caveat that appears on page 4, lines 16-17, i.e., that the \$10,000 would be considered part of the \$100,000 only if the case is not a surplus one. See para. 2 below for further confusion.

2. On page 4, lines 7-9, in discussing whether this is a surplus case or not, the Trustee represents that "[t]his case *is even more likely to be a surplus case* now that the Debtor has cooperated with the Turnover Order of the Property that was the subject of the Sale Motion . . . ." (emphasis added). However, on the same page at lines 19-20, the Trustee states that he "believes there is a *chance that the case will not result in a surplus* to the Debtor." (emphasis added).

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Anavelia Prado**

**Chapter 7**

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#34.00** Hearing RE: Debtors' Objection to Late-Filed Proof of Claim No. 13-1 of Surindel Muitani

Docket 92

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Sustain objection.

Basis for Tentative Ruling:

*Preliminary note: Claimant makes much of the fact that this court overruled Debtor's first claim objection. The objection was overruled on technical, non-substantive grounds, i.e., for failure to comply with LBR 3011-1(c)(2) (requiring the attachment of the complete proof of claim) and LBR 3011-1(c)(4)(C) (requiring that a copy of the proof of service showing service of the bar date be attached to the objection). The tentative ruling for March 29, 2018 also stated "The Objection will need to be re-filed."*

1. This bankruptcy case was filed on September 13, 2017.
2. On the day of the filing, Claimant's attorney was provided actual notice of the bankruptcy filing. Objection, Exh. 3
3. Notice of the bankruptcy filing and deadline for filing proofs of claim was mailed on September 15, 2017. Claimant's notice was directed to his counsel Stephen J. Mooney at 120 Vantis , Ste 300, Aliso Viejo CA 92656-2677. Objection, Exh. 1
4. The deadline to file proofs of claim in this case was January 16, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 17, 2018

Hearing Room

5A

10:30 AM

CONT... Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

5. Claimant filed his proof of claim on February 6, 2018. Objection, Exh 2.
6. The 9th Circuit's decision in *In re Price* 871 F.2d 97 (9th Cir 1989) is clear that a creditor is adequately informed of the deadline (to file nondischargeability complaint) where his attorney had received actual notice of the existence of the bankruptcy case but not notice of the specific deadlines. More specifically, the 9th Circuit held that:

"Counsel for the appellant in the present appeal was given actual notice of the bankruptcy proceedings in time to file a complaint, or at least to file a timely motion for an extension of time. At that time he was pursuing the same claim in state court that the appellant now seeks to have declared nondischargeable. We hold that under these circumstances notice to counsel constituted notice to the appellant [claimant]." *Id* at 99.

7. Claimant argues that *Price* is distinguishable and refers this court to *Ellett v. Stanislaus* 506 F.3d 775 (9th Cir.2007). However, the language from *Ellett* cited on page 5, lines 11-19 of the Opposition is presented out of context. The quotation is actually from the case of *In re Dewalt*, 961 F.2d 848 (9th Cir. 1992) where the creditor only received notice of the bankruptcy seven days before the deadline for filing a nondischargeability complaint. *Dewalt* held that

"30 days advance knowledge of the case is both necessary and sufficient to satisfy section 523(a)(3)(B). Because the creditor received notice of the bankruptcy filing only seven days prior to the bar date, its complaint should not have been dismissed."

Here, Claimant had notice of the bankruptcy nearly four months in advance of the deadline to file a proof of claim.

*Ellett* is distinguishable because in that case the taxing authority had been given an incorrect social security number for the debtor taxpayer and therefore could not connect the debtor to an unpaid debt.

The *Gregory* case cited by Claimant does not involve an untimely proof of claim, which is the basis for the claim objection here.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

8. The court disagrees that *Price* is distinguishable. *Price* is factually similar to this case and is binding on this court.

9. The court incorporates by reference herein Debtor's analysis at pp. 4 - 7 of the Objection.

10. *Re Fogel v. Zell*, 21 F.3d 955 (7th Cir. 2000), cited by Claimant, the case is not binding on this court. *Mullane v. Central Hanover Bank & Trust Co*, 339 US 306 (1950) and *City of New York v. New York Haven and Hartford RR*, 344 US 293 (1953) were not even decided under the current Bankruptcy Code (1978).

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10021 Zeena Sheriff Jackson**

**Chapter 7**

**#35.00** CON'TD Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

FR: 3-29-18

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Debtor's counsel ordered to do the following no later than April 19, 2018: 1) file a 2016(b) statement for this case and serve the same upon the U.S. Trustee; and 2) submit to the U.S. Trustee any state court or bankruptcy retainer agreements and any attorney client ledger. This hearing will continued to May 17, 2018 at 10:30 a.m. Any supplemental pleadings by Movant shall be filed by April 26, 2018, any response by May 3, 2018, and any reply by May 10, 2018. (XX)

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall lodge an order consistent with the same within 7 days.***

-----

**May 17, 2018**

2016 Statement filed 4/19/18. No additional pleadings filed by Movant. Movant to advise court re status of his position.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Zeena Sheriff Jackson**

**Chapter 7**

**Debtor(s):**

Zeena Sheriff Jackson

Represented By  
Amid Bahadori

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10180 Amalia Ramirez Luna**

**Chapter 13**

**#36.00** CON'TD Hearing RE:Motion of United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

FR: 4-5-18

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Grant Motion. Any agreement between Counsel and the Debtor for payment of any fees in this case is cancelled and that the Debtor has no further obligation to Counsel for any services he performed. In addition, Counsel is ordered to do the following by or before April 19, 2018: (1) file a 2016 Statement, and (2) Submit to the Office of the United States trustee any state court retainer agreements, bankruptcy retainer agreement and attorney client ledger. This hearing is continued to May 17, 2018 at 10:30 a.m. for the purposes of a) determining whether the fees set forth in the 2016 statement are excessive and should be disgorged to the Debtor, and b) determining whether Counsel has fully complied with (1) and (2) above. (XX)

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. Movant to lodge an order consistent with the same.***

-----

**May 17, 2018**

2016 Statement filed 4/19/18. No additional pleadings filed by Movant. Movant to advise court re status of his position.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Amalia Ramirez Luna**

**Chapter 13**

**Party Information**

**Debtor(s):**

Amalia Ramirez Luna

Represented By  
Daniel A DeSoto

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11103 Zafer Yuroagul**

**Chapter 7**

**#37.00** Hearing RE: Order to Show Cause For Failure to Comply with 11 U.S.C. Section 109(h) [Insufficient Grounds (OSC Issued 4/17/18)]

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Dismiss case for failure of Debtor to comply with Bankruptcy Code Section 109(h) -- credit counseling.

*Special note: This ruling moots Debtor's pending motion to dismiss this case filed on May 14, 2018*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Zafer Yuroagul

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11233 Vitacore Holdings, LTD**

**Chapter 7**

**#38.00** Hearing RE: Order to Show Cause Why this Case Should Not be Dismissed Due to Failure to Comply with Local Bankruptcy Rule 911-2(a) (OSC Issued 4/12/18)

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Substitution of attorney filed -- vacate OSC

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vitacore Holdings, LTD

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 17, 2018**

**Hearing Room 5A**

2:00 PM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

**#39.00** Hearing RE: Plaintiff's Motion for Summary Judgment, or in the Alternative, for Summary Adjudication of Issues

Docket 27

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/31/18 AT 2:00 P.M. ON COURT'S OWN MOTION. See Notice of Continuance of Plaintiff's Motion filed 5/10/18, Document #42 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/31/18 at 2:00 p.m. on Court's own Motion; See Notice of Continuance of Plaintiff's Motion filed 5/10/2018, Document #42 - td (5/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Monday, May 21, 2018**

**Hearing Room 5A**

9:00 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

**#1.00 FINAL EVIDENTIARY Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]**

TROJAN CAPITAL INVESTMENTS, LLC

VS.

DEBTOR

FR: 1-11-18; 2-1-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Joseph Ruffner

Pro Se

**Movant(s):**

Trojan Capital Investments LLC

Represented By  
Rafael R Garcia-Salgado

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

9:00 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

**#1.00** CONT'D FINAL EVIDENTIARY Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

TROJAN CAPITAL INVESTMENTS, LLC

VS.

DEBTOR

FR: 1-11-18; 2-1-18; 5-21-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Pro Se

**Movant(s):**

Trojan Capital Investments LLC

Represented By  
Rafael R Garcia-Salgado

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

11:00 AM

**8:18-11686 Kathy Washington**

**Chapter 13**

**#2.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
(OST ENTERED 5/16/18)**

LAL PUNWANEY

VS.

DEBTOR

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Washington Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-11035 Emmanuel Lopez

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/24/2018 - td (5/4/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Emmanuel Lopez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10981 Dorian Ignacio Gomez Horta**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/9/2018 - td (4/9/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dorian Ignacio Gomez Horta Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10947 Jean A Butler-Boren**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 15

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/9/2018 - td (4/9/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jean A Butler-Boren

Represented By  
Thomas J Polis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10945 Ivette Marie Gonzaga**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Amended Chapter 13 Plan**

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ivette Marie Gonzaga

Represented By  
Benjamin A Yrungaray

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10904 Antony Henry Carniglia and Wendy Ann Carniglia**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Antony Henry Carniglia	Pro Se
------------------------	--------

**Joint Debtor(s):**

Wendy Ann Carniglia	Pro Se
---------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10866 Denise Jeanette Kelly**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denise Jeanette Kelly

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10843 Robert Neil Phillips**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert Neil Phillips

Represented By  
Yelena Gurevich

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10841 Joaquin Rene Nolet**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joaquin Rene Nolet

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

**8:18-10830 Laura Lynn Clayton**

**Chapter 13**

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with  
Restrictions (11 U.S.C. §109(g)(2) and 1307(b) Entered 4/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request  
for Voluntary Dismissal of Chapter 13 with Restrictions (11 U.S.C. §109  
(g)(2) and 1307(b) Entered 4/16/2018 - td (4/16/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Laura Lynn Clayton Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10810 Gregory P. Sorensen

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 3/14/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 3/14/2018 - td (5/4/2018)**

Party Information

**Debtor(s):**

Gregory P. Sorensen

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10785 Nadia M Atalah

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal of  
Case for Failure to File Initial Petition Documents Entered 3/14/2018

Courtroom Deputy:

OFF CALENDAR: Order of Dismissal of Case for Failure to File Initial  
Petition Documents Entered 3/14/2018 - td (5/4/2018)

Party Information

**Debtor(s):**

Nadia M Atalah

Represented By  
Scott Kosner

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10773 Michael Feng Wong**

**Chapter 13**

**#13.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Feng Wong

Represented By  
Daniel King

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10759 Colleen Hime

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/23/2018 - td (5/4/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Colleen Hime

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10754 Karin Marcum**

**Chapter 13**

**#15.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karin Marcum

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10744 Jose Luis Murillo and Maria M Murillo**

**Chapter 13**

**#16.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Luis Murillo

Represented By  
Luis G Torres

**Joint Debtor(s):**

Maria M Murillo

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10730 Leonard De Silva**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leonard De Silva

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10727 Mark Douglas Holland

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/20/2018.  
Order Granting Motion to Vacate Dismissal Entered 3/29/2018.  
Confirmation Hearing Reset for 6/19/2018 at 1:30 p.m. (xx)

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/20/2018. Order Granting Motion to  
Vacate Dismissal Entered 3/29/2018. Confirmation Hearing Reset for  
6/19/2018 at 1:30 p.m. (xx) - td (4/19/2018)**

Party Information

**Debtor(s):**

Mark Douglas Holland

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10720 Vincent Lopez**

**Chapter 13**

**#19.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincent Lopez

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10695 Jay C. Taylor**

**Chapter 13**

**#20.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay C. Taylor

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10679 Arden Jeffrey Kirkpatrick

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failrue to File Schedules, Statement, and/or Plan Entered 3/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failrue to File Schedules,  
Statement, and/or Plan Entered 3/19/2018 - td (3/20/2018)**

Party Information

Debtor(s):

Arden Jeffrey Kirkpatrick Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

8:18-10657 David Flores

Chapter 13

#22.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/19/2018 - td (3/20/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Flores

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, May 22, 2018

Hearing Room 5A

1:30 PM

**8:18-10639 Vincente Van Dinh**

**Chapter 13**

**#23.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 3/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 3/16/2018 - td (5/4/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincente Van Dinh Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10587 Michael Craig Burmaster**

**Chapter 13**

**#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Craig Burmaster

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10522 Janet M. Bosteter**

**Chapter 13**

**#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Janet M. Bosteter

Represented By  
Kelly Zinser

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10482 Javier Mendoza**

**Chapter 13**

**#27.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 4-24-18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Javier Mendoza

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10450 Jorge D. Muniz and Aida A. Muniz**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jorge D. Muniz

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Aida A. Muniz

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10408 Deborah Ambrose**

**Chapter 13**

**#29.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

FR: 4-24-18

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Deborah Ambrose

Represented By  
Todd B Becker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10338 Josephine V. Valenzuela**

**Chapter 13**

**#30.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Josephine V. Valenzuela

Represented By  
Raymond J Seo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10298 Leonard Stanford Marceyes**

**Chapter 13**

**#31.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR:: 4-24-18

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leonard Stanford Marceyes

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10297 Maria A Sellers**

**Chapter 13**

**#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria A Sellers

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10171 Douglas Robert Redding and Dana Marie Redding**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 3-27-18

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Douglas Robert Redding

Represented By  
Sunita N Sood

**Joint Debtor(s):**

Dana Marie Redding

Represented By  
Sunita N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10150 Carol S. Berry**

**Chapter 13**

**#34.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 3-27-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Carol S. Berry

Represented By  
Timothy S Huyck

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#35.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14785 Valerie E. LaHaye**

**Chapter 13**

**#36.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 2-27-18; 3-27-18

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Valerie E. LaHaye

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14768 Edgar Guzman**

**Chapter 13**

**#37.00 CON'TD Hearing RE:Confirmation of Amended Chapter 13 Plan**

FR: 2-27-18; 3-27-18

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14762 James Hilyer, IV and Fiona Hilyer**

**Chapter 13**

**#38.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 2-27-18; 4-24-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Hilyer IV

Represented By  
Shawn Dickerson

**Joint Debtor(s):**

Fiona Hilyer

Represented By  
Shawn Dickerson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#39.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 1-23-18; 3-27-18

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#40.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BRIAN PARISCAN

VS.

DEBTOR

FR: 2-22-18; 3-27-18

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Movant(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14383 Santiago Munoz and Maria Gloria Munoz**

**Chapter 13**

**#41.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 1-23-18; 2-27-18; 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Santiago Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Joint Debtor(s):**

Maria Gloria Munoz

Represented By  
Anthony Obehi Egbase  
W. Sloan Youkstetter

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13650 Giuseppe Galietta and Heldia F. De Galietta**

**Chapter 13**

**#42.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-21-17; 1-23-18; 2-27-18; 4-24-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Giuseppe Galietta

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Heldia F. De Galietta

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-13051 Scott David Carlton**

**Chapter 7**

**#43.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Case Converted to  
Chapter 7 3/28/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Case Converted to Chapter 7 3/28/2018 - td (5/4/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Scott David Carlton

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
D Edward Hays  
Laila Masud

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#44.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 3-27-18; 4-24-18

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12253 Darlene Futrel**

**Chapter 13**

**#45.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darlene Futrel

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10986 Mian K. Taufique**

**Chapter 13**

**#46.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case**

FR: 2-27-18; 3-27-18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mian K. Taufique

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10908 Rafael Carbajal and Laura Carbajal**

**Chapter 13**

**#47.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments**

FR: 4-24-18

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rafael Carbajal

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Laura Carbajal

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14972 Dzung Anh Pham**

**Chapter 13**

**#48.00** CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 4-24-18

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Dzung Anh Pham

Represented By  
Shakeal Masoud  
Matthew R. Clark III

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14474 Christine Chi Kim Luu**

**Chapter 13**

**#49.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christine Chi Kim Luu

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

2:30 PM

8:16-12808 John Anthony Telesio

Chapter 13

#50.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 4-24-18

Docket 55

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 5/15/2018

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 5/15/2018 - td (5/15/2018)**

Party Information

Debtor(s):

John Anthony Telesio

Represented By  
Halli B Heston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12084 Tovas Martinez**

**Chapter 13**

**#51.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 4-24-18

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tovas Martinez

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14636 Eric Anthony Perez**

**Chapter 13**

**#52.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eric Anthony Perez

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14202 Mary L. Pesce**

**Chapter 13**

**#53.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 1-23-18; 2-27-18; 3-27-18; 4-24-18

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary L. Pesce

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12630 Vanessa Frazier Elrousan**

**Chapter 13**

**#54.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

FR: 2-27-18; 4-24-18

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vanessa Frazier Elrousan

Represented By  
Eliza Ghanooni

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-12563 Veronica D Acosta**

**Chapter 13**

**#55.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 73

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Veronica D Acosta

Represented By  
Joshua L Sternberg

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, May 22, 2018

Hearing Room 5A

2:30 PM

8:14-12215 Kenneth Bruce Longo and Emilia Gina Longo

Chapter 13

#56.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default on a Plan Provision

Docket 55

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 4/30/2018

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 4/30/2018 - td (4/30/2018)

Party Information

**Debtor(s):**

Kenneth Bruce Longo

Represented By  
Sunita N Sood

**Joint Debtor(s):**

Emilia Gina Longo

Represented By  
Sunita N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16950 John Bernal and Natalie Bernal**

**Chapter 13**

**#57.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Bernal

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Natalie Bernal

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#58.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 3-27-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, May 22, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-23337 Mark D. Vargas**

**Chapter 13**

**#59.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case Due to Material Default**  
FR: 10-24-17; 12-22-17; 1-23-18; 3-27-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mark D. Vargas

Represented By  
Bruce D White

**Movant(s):**

Amrane (SA) Cohen (TR)

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

9:00 AM

**8:18-11475 Amos Herrera**

**Chapter 13**

**#1.00** Hearing RE: Amended Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 24, 2018**

Comments re the Motion:

-- In light of the recent substitution of counsel and conversion to chapter 7, as well as Debtor's stated intent to reaffirm the debt to Honda, is there any remaining purpose for this Motion?

-- The court notes that the Motion is not supported by Debtor's declaration.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amos Herrera

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room 5A

9:00 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

#1.10 **EVIDENTIARY HEARING** RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]

FR: 11-30-17, 2-1-18; 3-8-18; 3-29-18

Docket 62

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to Continue Hearing and Order to be Lodged per James Hornbuckle, Attorney for Debtor (witness got called out of town) - td (5/23/2018 12:52 PM)**

**Tentative Ruling:**

**November 30, 2017**

Continue hearing to February 1, 2018 at 10:30 a.m. to allow responding party to obtain appraisal report. Responding party must file supplemental opposition with appraisal report and supporting declaration no later than January 18, 2018; any reply by Movant must be filed no later than January 25, 2018. (XX)

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

Set evidentiary hearing on the value of the subject property. Declarants must be present for cross examination.

Available hearing dates: April 26, 2018 at 9:00 a.m. or May 24, 2018 at 9:00 a.m.

***Note: If the parties agree on an evidentiary hearing date prior to the***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

9:00 AM

**CONT... Darryl L. Cazares and DeAnna J. Cazares Chapter 13**  
***hearing, the parties may so notify the courtroom clerk during the calendar roll call.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room 5A

10:30 AM

8:01-16577 California Power Exchange Corp

Chapter 11

#2.00 CONT'D Hrg. re: Post Confirmation Status Conference

FR: 08/11/05; 9-8-05; 12-15-06; 4-20-06; 10-12-06; 4-12-07; 10-18-07; 4-17-08;  
10-16-08; 4-16-09; 10-15-09; 4-8-10; 4-7-11 (rescheduled from 4/6/12); 4-5-12;  
4-4-13; 5-8-14; 5-7-15; 5-5-16; 5-4-17; 5-10-18

Docket 0

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/31/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION. See Court Notice Filed 3/15/18, Document  
#1584 (XX)

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 5/31/18 at 10:30 a.m. on  
Court's Own Motion; See Court's Notice Filed 3/15/18, Document #1584  
(XX) - td (3/15/2018)**

**Tentative Ruling:**

11/20/03

Continue hearing to January 22, 2004 at 10:30am. Counsel for  
Reorganized Debtor, Marc Cohen, was not served with the status  
conference notice re this hearing.  
Updated status report due January 12, 2004.

-----  
---1/22/04

Continue status conference to July 8, 2004 at 10:30 a.m. Updated  
status report shall be filed by June 28,2004

If there are no outstanding U. S. Trustee issues, appearances at  
today's hearing are waived.

-----  
---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... California Power Exchange Corp**

**Chapter 11**

7/8/04

Continue status conference to December 9, 2004 at 10:30 a.m. Updated status report shall be filed by November 29, 2004.

If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.

-----  
12/9/04

Continue status conference to July 14, 2005 at 10:30 a.m. Updated status report shall be filed by July 5, 2005.

If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.

-----  
7/14/05\*

Continue status conference to December 15, 2005 at 10:30am; updated status report shall be filed by December 5, 2005.

**Note: If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.**

\*The court appreciates the detailed report submitted on behalf of the Reorganized Debtor.

-----  
12/15/05

If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, continue hearing to June 8, 2006, 2006 at 10:30 a.m. **at the Santa Ana Courthouse**; updated status report due April 6, 2006.

-----  
**April 20, 2006**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

Continue status conference to October 12, 2006 at 1030 a.m. ; updated status report due October 2, 2006. Debtor to indicate in October status report whether the case is ready for the entry of a final decree.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**October 12, 2006**

Per the most recently filed status report, this matter appears to be progressing satisfactorily. Continue status conference to April 12, 2007 at 1030 a.m. ; updated status report due April 2, 2007.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**April 12, 2007**

Continue status conference to October 18, 2007 at 1030 a.m. ; updated status report due October 4, 2007. The status report for the October 18 hearing should advise court why a final decree should not be entered and the case closed, as substantially consummated. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
---  
**October 18, 2007**

Continue status conference to April 17, 2008 at 1030 a.m. ; updated status

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 24, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp  
report due April 7, 2008. (XX)

Chapter 11

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**April 17, 2008**

Continue status conference to October 16, 2008 at 1030 a.m. ; updated status report due October 6, 2008.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**October 16, 2008**

Continue status conference to April 16, 2009 at 10:30 a.m. ; updated status report due April 6, 2009. The April 6, 2009 status report should include only updated information and need not include a repetition of the history of the case. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**April 16, 2009**

Continue status conference to October 15, 2009 at 10:30 a.m.; updated status report to be filed by October 5, 2009.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room 5A

---

10:30 AM

CONT... California Power Exchange Corp  
October 15, 2009

Chapter 11

Continue status conference to April 8, 2010 at 1030 a.m. ; updated status report due March 25, 2010. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**April 8, 2010**

Continue status conference to **April 7, 2011 at 10:30 a.m.** ; updated status report to be filed by **March 28, 2011.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**April 7, 2011**

Continue status conference to **April 6, 2012 at 10:30 a.m.** ; updated status report to be filed by **March 23, 2012.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**April 5, 2012**

Continue status conference to **April 4, 2013 at 10:30 a.m.** ; updated status report to be filed by **March 21, 2013.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**May 2, 2013**

Continue status conference to **May 8, 2014 at 10:30 a.m.** ; updated status report to be filed by **April 24, 2014** (XX)

***Note: Appearance at this hearing is excused.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

**May 8, 2014**

Continue status conference to May 7, 2015 at 9:30 a.m.; updated report to be filed by April 23, 2015.

Comments re Status Report:

The current status report is essentially a "cut and paste" of the prior May 2, 2013 postconfirmation report. The court has previously requested that the Reorganized Debtor limit its report to updated activity in the case that has occurred since the prior status conference. Instead, the same report is continually filed. The court should not have to comb through repetitive reports line by line to determine the current status.

Sanctions will be imposed against counsel for the Reorganized Debtor in an amount of not less than \$100 if the 2015 report is not limited to new information.

***Note: Appearance at today's hearing is not required***

**May 7, 2015**

Continue status conference to May 5, 2016 at 10:30 a.m.; updated report to be filed by April 21, 2016. (XX)

**May 5, 2016**

Continue status conference to May 4, 2017 at 10:30 a.m.; updated report to be filed by April 20, 2017. (XX)

***Note: Appearance at today's hearing is not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... California Power Exchange Corp**

**Chapter 11**

**May 4, 2017**

Continue status conference to May 10, 2018 at 10:30 a.m.; updated report to be filed by April 26, 2018 (XX)

***Note: Appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

California Power Exchange Corp

Represented By  
Joseph A Eisenberg  
Philip S Warden  
Ashleigh A Danker  
Alan Z Yudkowsky  
Marc S Cohen  
Julie A Belezzuoli  
Alicia Clough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**8:03-19407 Imperial Credit Industries Inc**

**Chapter 7**

**#3.00 CON'TD STATUS CONFERENCE RE: Status of Case**

(Set Per Order Entered 2/10/2016)

FR: 3-29-16; 9-15-16; 9-22-16; 11-10-16; 5-11-17; 11-9-17

Docket 0

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/31/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice filed 3/15/18, Document  
#936 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 5/31/18 at 10:30 a.m. on  
Court's Own Motion; See Court's Notice filed 3/15/18, Document # 936  
(XX) - td (3/15/2018)**

**Tentative Ruling:**

**March 29, 2016**

Continue status conference to September 15, 2016 at 10:30 a.m.; updated status report to be filed by September 1, 2016. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**September 22, 2016**

Trustee to appear and advise the court regarding the status of the IRS' response. Waiting three years for a response is unprecedented. How many more years is the Trustee prepared to wait?  
-----

**November 10, 2016**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

As of the posting of this tentative ruling (11/9/16 at approx. 3:15 p.m.), no amended proof of claim had been filed by the IRS.

***Note: Appearance at this hearing is required.***  
-----

**May 11, 2017**

Continue status conference to November 9, 2017 at 10:30 a.m.; updated status report to be filed by October 26, 2017. (XX)

*Special Note: The updated report should only cover developments since today's hearing -- a summary of the history of the case is not required.*

***Note: Appearance at this hearing is not required.***  
-----

**November 9, 2017**

Continue status conference to May 24, 2018 at 10:30 a.m.; updated status report to be filed by May 10, 2018. (XX)

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

Jeffrey M. Reisner  
Mike D Neue  
William N Lobel  
Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#4.00 CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

FR: 8-17-17; 11-16-17; 2-1-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/31/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice filed 3/15/18, Document  
#78 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 5/31/18 at 10:30 a.m. on  
Court's Own Motion; See Court's Notice filed 3/15/18, Document #78  
(XX) - td (3/15/2018)**

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date: Oct. 23, 2017 (notice by 8/21/17)

Deadline to file Plan/Discl. Stmt: Nov. 1, 2017

Continued Status Conference: Nov. 16, 2017 at 10:30 a.m.;

updated  
by 11/2/17  
stmt has been  
case the no  
filed and the  
continued to

status report to be filed  
unless the plan/discl.  
timely filed, in which  
status report need be  
status conference will be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 24, 2018

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

the date of the discl.

stmt hearing. (XX)

***Note: If Debtor accepts the foregoing tentative ruling and is in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***

-----

**November 16, 2017**

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.* (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

**Party Information**

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-12957 Carla Lee Johnston-Mueller**

**Chapter 7**

Adv#: 8:16-01228 Noe v. Johnston-Mueller

**#5.00 ORAL RULING RE: TRIAL RE:** (1) To Except Debts from Discharge for Transferring Property Within One Year of Filing Bankruptcy Pursuant to 11 U.S.C. Section 727(a)(2)(A); (2) To Except Debts from Discharge for Attempting to Gain an Advantage by Forbearing Certain Debts Pursuant to 11 U.S.C. Section 727(a)(4) (C); (3) To Except Debts from Discharge for Making False Oaths in Connection with 11 U.S.C Section 727(a)(4)(A) (4) To Except Debt from Discharge for False Pretenses, False Representation, and/or Actual Fraud Pursuant to 11 U.S.C. Section 523(a)(2);

(Set at PTC held 11-2-17)  
FR: 3-28-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/28/18 AT 2:00 P.M. ON COURT'S OWN MOTION. Kushner Carlson, Attorneys for Plaintiff will Provide Notice (XX)**

**Courtroom Deputy:**

**CONTINUED: Oral Ruling Continued to 6/28/18 at 2:00 p.m. on Court's Own Motion; Parties Notified; Kushner Carlson, Attorneys for Plaintiff will Provide Notice (XX) - td (5/2/2018)**

**Tentative Ruling:**

**March 28, 2018**

EVIDENTIARY RULINGS

I. Plaintiff's Evidentiary Objections to Declaration of Carla Johnston

Presumably, the reference to "Section" means "Paragraph."

Objection #

Ruling

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Carla Lee Johnston-Mueller**

**Chapter 7**

1 (para 2)	Sustained
2 (para 3)	Sustained
3 (para 4)	Overruled
4 (para 6)	Overruled
5 (para 11)	Overruled
6 (para 12)	Overruled
7 (para 15)	Overruled
8 (para 22)	Sustained

II. Plaintiff's Evidentiary Objections to Declaration of Ramin Rahminpour

Objection # 1                      Ruling

Entire Declaration              Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

III. Plaintiff's Evidentiary Objections to the Declaration of Tami Ralston

Objection #                      Ruling

Entire Declaration              Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

**Party Information**

**Debtor(s):**

Carla Lee Johnston-Mueller

Represented By  
Joseph M Tosti

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 24, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Carla Lee Johnston-Mueller**

**Chapter 7**

**Defendant(s):**

Carla Lee Johnston-Mueller

Pro Se

**Plaintiff(s):**

Cynthia A Noe

Represented By  
Michael B Kushner

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, May 25, 2018**

**Hearing Room 5A**

1:00 PM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

**#1.00** CONT'D FINAL EVIDENTIARY Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

TROJAN CAPITAL INVESTMENTS, LLC

VS.

DEBTOR

FR: 1-11-18; 2-1-18; 5-21-18

Docket 10

**Judge:**

**January 11, 2018**

*Appearances: Andrews for D; Atty for movant*

NOTES: Atty for debtor produced late filed document that seems to show a possible release of the lien by the predecessor in interest National City Bank

**RULING: CONTINUED TO FEBRUARY 1, 2018 AT 10:00 A.M. TO RESOLVE ISSUE OF LIEN RELEASE (XX)**

SPECIAL NOTE TO COURTROOM DEPUTY/LAW CLERK:

-----  
**February 1, 2018**

*Appearances: Attorney for d; Garcia for Trojan Capital*

NOTES:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, May 25, 2018

Hearing Room 5A

1:00 PM

CONT... Michael Joseph Ruffner

Chapter 7

**RULING: CONTINUE HEARING OVER FOR FINAL EVIDENTIARY HEARING ON MAY 21, 2018 AT 9:00AM (FULL DAY) AND MAY 22, 2018 AT 9:00AM (HALF DAY UNTIL NOON); SUPPLEMENTAL DECLARATIONS AND EVIDENCE AS FOLLOWS: MOVING PARTY MAY SUBMIT ANY SUPPLEMENTAL PLEADINGS (INCLUDING EVIDENCE) BY OR BEFORE APRIL 23, 2018; DEBTOR MAY SUBMIT SUPPLEMENTAL EVIDENCE BY MAY 8, 2018 AND REPLY BY MOVANT BY MAY 15, 2018 (XX)**

SPECIAL NOTE TO COURTROOM DEPUTY/LAW CLERK:

-----  
**May 21, 2018**

*Appearances:*

NOTES:

**RULING: CONTINUED TO MAY 25, 2018 AT 1:00 P.M. (XX)**

SPECIAL NOTE TO COURTROOM DEPUTY/LAW CLERK:

-----  
**May 25, 2018**

*Appearances:*

NOTES:

**RULING: EVIDENTIARY HEARING CONCLUDED. GRANT MOTION UNDER 362(d)(1) AND 362(d)(2) WITHOUT 4001 (a)(3)(A) AND WITHOUT PROSPECTIVE RELIEF REQUESTED.**

SPECIAL NOTE TO COURTROOM DEPUTY/LAW CLERK:

**Courtroom Deputy:**

- NONE LISTED -



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, May 25, 2018

Hearing Room 5A

1:00 PM

CONT... Michael Joseph Ruffner

Chapter 7

**Tentative Ruling:**

**January 11, 2018**

Grant with 4001(a)(3) waiver; deny request for 180-day prospective relief due to insufficient grounds stated for such extraordinary relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**February 1, 2018**

**[THIS TENTATIVE RULING HAS BEEN UPDATED SINCE ITS ORIGINAL POSTING]**

Set matter for evidentiary hearing re the status of the subject loan.

The court notes that its hard copy of the \$95,000 payable to National City is legible (more legible than the copy that appears on the electronic version. Further, the reply refers to an Exhibit A purporting to be a copy "real" National City correspondence. Exhibit A is of insufficient evidentiary value without an accompanying declaration of a knowledgeable person. The court cannot make determination as to which side is telling the truth. The court would like to see the originals of all documents relating to the loan and its assignment.

Available dates for an evidentiary hearing: February 28, 2018 at 9:30 a.m.; February 29, 2018 at 9:30 a.m.; April 26, 2018 at 9:30 a.m.; April 27, 2018 at 9:30 a.m.

**Note:** Overrule objection of Debtor.

Debtor's opposition is overruled for the following reasons:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, May 25, 2018

Hearing Room 5A

1:00 PM

CONT... **Michael Joseph Ruffner**

**Chapter 7**

1. The non-judicial foreclosure of Debtor's property took place prior to the bankruptcy filing. In addition, an unlawful detainer judgment was entered prior to bankruptcy following a trial in which debtor did not prevail. Debtor's legal and equitable interests in the property was terminated prior to the bankruptcy.

2. The deed of trust signed by Debtor includes the following provision: "Borrower [debtor] understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right to exercise any or all of those interests, including but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender . . . ." Exhibit B to Opposition: Deed of Trust at page 3.

2. The court is not persuaded by the legal argument presented by Debtor and finds the case law cited in Debtor's opposition either non-binding or inapplicable. This court is more persuaded by, and therefore follows, the following case authority:

-- *In re Pantoja v. Countrywide Home Loans, Inc.*, 640 F. Supp. 2d 1177, 1186. ("Under California law, there is no requirement for the production of an original promissory note prior to initiation of a nonjudicial foreclosure." Cal. Civ.Code § 2924 (repealed 2006); see *Putkkuri v. Recontrust Co.*, No. 08cv1919, 2009 WL 32567, at \*2 (S.D.Cal. Jan. 5, 2009); *Candelo v. NDex West, LLC*, No. CVF 08-1916, 2008 WL 5382259, at \*4 (E.D.Cal. Dec. 23, 2008). Therefore, the absence of an original promissory note in a nonjudicial foreclosure does not render a foreclosure invalid. *Neal v. Juarez*, No. 06cv0055, 2007 WL 2140640, at \*8 (S.D.Cal. July 23, 2007) (citing *R.G. Hamilton Corp. v. Corum*, 218 Cal. 92, 97, 21 P.2d 413 (1933) and *California Trust Co. v. Smead Inv. Co.*, 6 Cal.App.2d 432, 435, 44 P.2d 624 (Ct.App.1935)).

3. A motion for relief from stay is a summary proceeding and is not an appropriate proceeding for deciding the validity of prepetition foreclosure or unlawful detainer judgment. See *In re Aniel*, 427 B.R. 811, 816

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, May 25, 2018

Hearing Room 5A

1:00 PM

CONT... **Michael Joseph Ruffner** Chapter 7

(Bankr.ND.Cal. 2010) (In this circuit, relief from stay hearings are “limited to issues of the lack of adequate protection, the debtor's equity in the property, and the necessity of the property to an effective reorganization. Hearings on relief from the automatic stay are thus handled in a summary fashion.” Johnson v. Righetti (In re Johnson), 756 F.2d 738, 740 (9th Cir.1985) (overruled on other grounds by Travelers Cas. & Sur. Co. v. Pac. Gas & Elec. Co., 549 U.S. 443, 127 S.Ct. 1199, 167 L.Ed.2d 178 (2007)). The validity of the claim or contract underlying the claim is not litigated during the hearing.” Johnson, 756 F.2d at 740 (emphasis added).

See also, *In re Lopez*, 446 B.R. 12 (Bankr. Mass.2011) (a relief from stay hearing should not involve a full adjudication of the merits of claims, but merely a determination of “whether a creditor has a colorable claim to property of the estate.); *In re Luz Intern., Ltd*, 219 B.R. 837, 842 (9th Cir. BAP 1998) (Given the limited grounds for obtaining a motion for relief from stay, read in conjunction with the expedited schedule for a hearing on the motion, most courts hold that motion for relief from stay hearings should not involve an adjudication of the merits of claims, defenses, or counterclaims, but simply determine whether the creditor has a colorable claim to the property of the estate).

In this matter, the moving party has satisfactorily establish it has a colorable claim entitling it to bring the motion for relief from the stay. Debtor has provided no evidence to refute such claim.

5. Debtor is free to pursue any claims she believes she has against the foreclosing entity in state court.

***Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Pro Se

**Movant(s):**

Trojan Capital Investments LLC

Represented By  
Rafael R Garcia-Salgado

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, May 25, 2018**

**Hearing Room 5A**

---

1:00 PM

**CONT... Michael Joseph Ruffner**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#1.00 PRE-TRIAL CONFERENCE RE: Complaint for: 1. Quiet Title to Real Property;  
2. Declaratory Relief; 3. Objection to Claim; and 4. Avoidance of Unperfected  
Lien; 5. Recovery of Avoided Transfer

FR: 11-2-17

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/21/18 AT 9:30 A.M.,  
PER ORDER ENTERED 5/7/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 6/21/18 at 9:30 a.m., Per  
Order Entered 5/7/18 (XX) - td (5/8/2018)**

**Tentative Ruling:**

**November 2, 2017**

Discovery Cut-off Date:	Mar. 1, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	Apr. 6, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

**Note: If all parties agree with the foregoing schedule, appearances at  
today's hearing are waived and Plaintiff shall serve/lodge a scheduling  
order consistent with the same.**

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge [Demand for Jury]

FR: 11-3-16; 4-13-17; 5-11-17; 6-15-17; 10-19-17; 12-14-17; 3-22-18; 3-29-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 10:30 A.M. AS A STATUS CONFERENCE, PER ORDER SIGNED 5/17/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 7/19/18 at 10:30 a.m. as as Status Conference, Per Order Signed 5/17/18 (XX) - td (5/17/2018)**

**Tentative Ruling:**

**November 3, 2016**

Discovery Cut-off Date:	2/15/17
Pretrial Conference Date:	4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	3/30/17

Deadline for Plaintiff to file Brief With Legal Authority/Analysis re Asserted Right to a Jury Trial	3/30/17
--	---------

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of "Section 828(a)(2) . . . of Title 11 of the United States Code." There is no Section 828 in the Bankruptcy Code.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne  
April 13, 2017**

**Chapter 7**

Impose sanctions in the amount of \$100 as to Plaintiff's and Defendant's counsel for failure to timely file a joint pretrial stipulation. The court further notes that Plaintiff did not file a brief in support of his alleged right to a jury trial and the court assumes Plaintiff is no longer demanding a jury trial.

Plaintiff's counsel filed a late unilateral pretrial statement on April 11, 2017 but does not include a declaration stating why a joint pretrial stipulation was not filed -- Defendant's counsel did not sign off on the statement filed on April 11, 2017. Instead the declaration appears to be an improper "motion" to re-open discovery. Such a request can only be made by a properly noticed motion pursuant to LBR 9013-1.

***Note: Appearances at this hearing are required.***  
-----

**May 11, 2017**

Continue pretrial conference to June 15, 2017 at 10:30 a.m., same date/time as hearing on pending motion to re-open discovery. (XX)

Comments re the Joint Pretrial Stipulation:

1. Though Section III (Issues of Law) refers to 523(a)(2)(A), Section II (Disputed Facts) of the JPS does not reference 523(a)(2)(A) or any disputed facts relevant to the elements of fraud.
2. Though Section refers to disputed facts relevant to 523(a)(6), Section III does not refer to issues of law re 523(a)(6).
3. The court does not understand the issue of law implicated by Section III(2) of the JPS.
4. Paragraph 9 of the Complaint refers to 523(a)(2)(B) but there is no reference to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability been abandoned by Plaintiff?



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

5. Disputed facts relevant to the elements of slander *per se* are not set forth in the JPS.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required. Though an amended JPS is not required for the 6/15/17 hearing, the parties are advised to heed the court's comments re the JPS for purposes of any amended JPS filed in the future.***

-----

**June 15, 2017**

Continue pretrial conference to October 19, 2017 at 9:30 a.m.; amended joint pretrial stipulation must be filed by October 5, 2017. (XX)

In preparing the joint pretrial stipulation, the parties should take in to consideration the court's comments above re the May 11, 2017 hearing.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**October 19, 2017**

No tentative ruling as disposition will depend upon the outcome of the Motion to Compel set on today's 10:30 a.m. calendar. This matter will be trailed to the 10:30 a.m. calendar.

-----

**December 14, 2017**

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of pretrial stipulation must be filed by March 8, 2018. Deadline for filing pre-trial motions is January 18, 2018. February 22, 2018 at 2:00 p.m. shall be reserved for such motions. Pretrial motions not filed by January 18, 2018 will

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**      **Stephen J Haythorne**  
be deemed waived. (XX)

**Chapter 7**

Comments re the Amended JPS filed 12/1/17:

1. Section II(2) should be modified to add "in a writing" after the phrase "misrepresented his financial condition."
2. All references to "Section 523(a)(b) shall be revised to correctly identify the statutes as 523(a)(2)(A) and 523(a)(2)(B).
3. Typos in Section II(16), line 11 ("filing") and Section III(2) ("Plaintiff") should be corrected.
4. The 12/1/17 version of the JPS does not include the list of witnesses and exhibits as represented therein.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

The separately filed pretrial stipulations are both deficient and do not address issues previously identified by the court. The parties will be allowed one final opportunity to file a proper joint pretrial statement and severe monetary sanctions of not less than \$1000 will be imposed on the party who has not participated in the preparation of the final pretrial statement in good faith and in a timely manner.

If the parties cannot agree that a particular fact is undisputed, then it automatically goes into the disputed section of the statement -- one side cannot unilaterally decide that a disputed matter is undisputed.

The parties will be required to meet in person to work on the joint pretrial statement and should be thinking about a time/place to do so prior to today's hearing.

Comments re the Unilateral Pretrial Statements:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

1. The sender and receiver of the wired funds of \$232,557.66 should not be a disputed matter. For example, if wire documents indicate that Defendant was the sender, then Defendant should not be disputing that fact. If on the other hand, the sender of the wire was Gadzinski V in N Out Fund ("Gadzinski Fund"), then Plaintiff should include that fact as undisputed. Same the the identity of the recipient -- Plaintiff or Stellar Capital, Inc. ("Stellar")
2. The relationship between Defendant and Gadzinski Fund, if any, should be set forth as either a undisputed or disputed fact. Same re the relationship, if any, between Stellar and/or Plaintiff or Defendant.
3. The fact that a check in the amount of \$5,000 was paid on November 17, 2014 appears to be undisputed. Is there a dispute that the check was drawn on the account of Salt Creek Realty, Inc? What is the relationship, if any, between Salt Creek and Defendant?
4. Re Plaintiff's Sections I(I) and (J), what is the relevance of the rental to the 523 and 727 claims? If it has no bearing on such claims, it should be deleted.
5. Re Plaintiff's Sections I(L) - (V) -- why are these facts relevant to the 523 and 727 claims? If they have no bearing on such claims, they should be deleted.
6. The parties to the alleged agreement and the terms thereof appear to be in dispute and should be listed in the joint pretrial statement as a facts in dispute.
7. Re whether Defendant misrepresented his financial condition, both parties have failed to include the necessary requirement under 523(a)(2)(B) that such misrepresentation be **in writing**. The court has previously pointed out this deficiency. If there is no writing, then the 523(a)(2)(B) claim must be dismissed as a matter of law.
8. The reference in both pretrial statements to "523(a)(2)(A)(B)" is facially defective as no such statute exists. It is either 523(a)(2)(A) or 523(a)(2)(B).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

CONT...

**Stephen J Haythorne**

**Chapter 7**

9. No facts relating to 523(a)(2)(A) are set forth in either pretrial statement. If there are no such facts, this claim should be dismissed as a matter of law.

10. Certain elements of fraud are missing from the issues of fact/law, e.g., intent to deceive, damages as a result of reliance on misrepresentations.

11. What is the relevance of Plaintiff contacting Defendant's parents for repayment to either the 523 or 727 claims? If not relevant, it should be deleted.

12. Re Plaintiff's Section II(15) -- a time frame needs to be added that is consistent with the applicable 727 subsection. Same re Section II(16). Plaintiff appears have lumped several allegations together without any time frames that fall within the applicable 727 subsection.

13. Plaintiff's Exhibits: re "Wells Fargo Documents:" need to better identify the documents. Are they bank statements or something else? Re "letters" and "emails" -- need to identify sender/recipient re each, such as Defendant has done in his exhibit list.

14. Re Plaintiff's Witness List: Re witness #s 9, 10, 11, 12, 13 -- there is no indication of the time period. for example, David Williams will be testifying about a commission paid to Defendant when? "When" makes a difference of purposes of whether the transaction should have been listed on Defendant's schedules or statement of financial affairs.

*Special Note: Over the course of this adversary, this court has spend hours correcting issues on what should have been a straightforward joint pretrial statement. The court is concerned that the parties are not being thoughtful in the preparation of the pretrial statement. For example the court cannot even determine whether there are any facts to be litigated under 523(a)(2)(A) or 523(a)(2)(B) based on what currently appears in Plaintiff's pretrial statement.*

**Note: Appearances at this pretrial conference are MANDATORY.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Richard A Jones

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

8:16-14201 Edward Mark Bobinski

Chapter 7

Adv#: 8:17-01019 Naylor v. Lyster et al

**#3.00** CONT'D STATUS CONFERENCE RE: Complaint for: 1) Avoidance of Actual Fraudulent Transfer [11 USC Section 548(a)(1)(A)]; 2) Avoidance of Constructive Fraudulent Transfer [11 USC Section 548(a)(1)(B)]; 3) Recovery of Avoided Transfer [11 USC Section 550]; 4) Declaratory Relief; And 5) Turnover [11 USC Section 542(a)]

FR: 4-20-17; 9-7-17; 11-9-17; 5-31-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation for Dismissal filed 5/29/18; Order Approving Stipulation for Dismissal Lodged in LOU on 5/29/18, Order #5618669 - td (5/29/2018)**

**Tentative Ruling:**

**April 20, 2017**

Discovery Cut-off Date:	June 15, 2017
Deadline to Attend Mediation:	July 28, 2017
Pretrial Conference Date:	Sept. 7, 2017 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Aug. 24, 2017

*Special Note: As Defendant has not consented to this court entering a final judgment, the court will enter proposed findings and conclusions for consideration by the District Court.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edward Mark Bobinski**

**Chapter 7**

**May 31, 2018**

Take matter off calendar in light of settlement.

*Special Note: If the settlement has not been fully consummated and Plaintiff wishes to further continue this status conference, Plaintiff may appear at the hearing and request a continued hearing date of September 13, 2018 at 9:30 a.m. during the calendar roll call by the court clerk*

**Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edward Mark Bobinski

Represented By  
William B Skinner

**Defendant(s):**

Susan Lyster

Pro Se

Edward Mark Bobinski

Pro Se

**Plaintiff(s):**

Karen Sue Naylor

Represented By  
William M Burd

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

8:17-10359 Fantasy Aces LP

Chapter 7

Adv#: 8:17-01103 Marshack v. Frisina et al

#4.00 PRE-TRIAL CONFERENCE RE: Complaint for Breach of Officers' & Directors' Duties of Care and Equitable Indemnity or Contribution

FR: 8-31-17

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/28/18 AT 9:30 A.M.,  
PER ORDER ENTERED 2/20/18 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 6/28/18 at 9:30 a.m., Per Order Entered 2/20/18 (XX) - td (2/20/2018)**

Tentative Ruling:

**August 31, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Fantasy Aces LP**

**Chapter 7**

**Defendant(s):**

Tom Frisina Pro Se

Bryan Frisina Pro Se

Trent Frisina Pro Se

**Plaintiff(s):**

Richard A. Marshack Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Matthew Grimshaw  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#5.00 STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17, 4-12-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 9:30 A.M., Per Amended Order Entered 4/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 7/19/18 at 9:30 a.m., Per Amended Order Entered 4/30/18 (XX) - td (4/30/2018)**

**SPECIAL NOTE: Order Approving Woodlawn Colonial, L.P.'s Motion to Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal Entered 1/24/18 - td (1/24/2018)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----

**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date: Jan. 18, 2018

Deadline to File Pretrial Motions: Feb. 1, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Chad Paul Delannoy Chapter 7**

Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference:	Apr. 12, 2018 at 9:30 a.m.
(XX)	
Deadline to File Pretrial Stipulation	Mar. 29, 2018

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

9:30 AM

**8:17-11895 Damian Robert Kutzner**

**Chapter 7**

Adv#: 8:17-01222 Federal Trade Commission v. Kutzner

**#6.00** PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt Owed to Federal Trade Commission

FR: 2-1-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/21/18 AT 2:00 P.M.,  
PER ORDER ENTERED 4/23/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 6/21/18 at 2:00 p.m., Per Order Entered 4/23/18 (XX) - td (4/23/2018)**

**Tentative Ruling:**

**February 1, 2018**

Discovery Cut-off Date:	Apr. 13, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	May 17, 2018

*Special Note: The parties are not precluded from filing pretrial motions during the discovery period.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Damian Robert Kutzner

Represented By  
Peter L Nisson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Damian Robert Kutzner**

**Chapter 7**

**Defendant(s):**

Damian Kutzner

Pro Se

**Plaintiff(s):**

Federal Trade Commission

Represented By  
Katherine Johnson  
Thomas Syta

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#7.00** PRE-TRIAL CONFERENCE RE: Complaint for: 1. Determination of Non-Dischargeability of Debt Under 11 U.S.C. Section 523(a)(2)

FR: 8-31-17; 10-19-17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Continue Status Conference to Oct. 19, 2017 at 9:30 a.m.; updated status report to be filed by Oct. 5, 2017 unless a motion for default judgment has been filed by such date. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Farhad Naderi

Chapter 7

**October 19, 2017**

Discovery Cut-off Date:	April 5, 2018
Deadline to Attend Mediation:	April 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 31, 2018**

Court's Comments:

1. No party filed a timely joint or unilateral pretrial stipulation. See LBR 7016-1(c) and 7016-1(e)(2).
2. Plaintiff filed an untimely unilateral pretrial statement which appears to be incomplete. The default judgment does not include any indication that the judgment was based on the fraud in the second amended complaint. For example, no punitive damages were awarded. Because the second amended complaint includes dischargeable causes of action such as negligence and breach of contract, the judgment *could* have been rendered on such claims without consideration of the fraud causes of action. Accordingly, claim and/or issue preclusion would appear to not be applicable. One of the elements for collateral estoppel or res judicata is that a particular issue or claim must have necessarily been decided. As previously noted, the default judgment gives no indication that the fraud claim was decided. For that reason, the pretrial stipulation must set forth all facts, disputed and undisputed, that establish the elements of fraud.
3. Defendant filed an improper "objection" to Plaintiff's unilateral pretrial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

statement and did not file a unilateral pretrial statement that complies with LBR 7016-1(e)(2).

4. Defendant complains that Plaintiff has not complied with FRCP 26 but fails to address whether *he* has complied with the same. Rule 26 requires that "*a party, without awaiting a discovery request*" provide certain information "*that the disclosing party may use to support its claims or defenses*". . . . (emphasis added). Compliance with Rule 26 is not limited to plaintiffs. Moreover, it appears that Plaintiff has complied with Rule 26 by making disclosures to Defendant's prior attorney on October 31, 2017. See Reply of Plaintiff filed May 25, 2018 [Docket #35].

5. Any disputes re FRBP 7026 must be addressed strictly in accordance with LBR 7026-1(c).

6. Attorney of record, in the court's view, includes all attorneys working for a law firm -- in this case the Law Offices of Edward C. Ip & Associates. Both Ms. Bhupinder Malik and Ms. Jenny Zhao appear on the firm's website. Even if Ms. Zhao no longer works at the firm, she was apparently associated with the firm at some point during the pendency of this adversary proceeding as evidenced by the fact that Defendant's current counsel, Mr. Cohen, served Ms. Zhao (via NEF) with his substitution of attorney. See Docket #26, proof of service: "jenny@lawyer4property.com"

7. The parties are encouraged to ratchet down the querulous rhetoric and start working together in a civil manner. This court expects no less.

6. Due to Defendant's own failure to comply with Rule 26 and LBR 7016-1(e)(2), and possibly LBR 7026-1(c)(1)-(3), the court will not dismiss this adversary proceeding at this time.

***Note: Appearances at this hearing are required.***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

*Special note: The court is aware that Defendant filed a motion to dismiss on 5/22/18; however such motion does not relieve Defendant from complying with LBR 7016-1(e)(2).*

**Note: Appearances at this hearing are required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Bin Hao

Represented By  
Chi L Ip

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-13073 Aileen Merrill Schlissel**

**Chapter 7**

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

**#8.00 STATUS CONFERENCE RE: Amended Adversary Complaint to Discharge Student Loan**

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Discovery Cut-off Date:	Oct. 1, 2018
Deadline to Attend Mandatory Mediation:	Nov. 16, 2018
Pretrial Conference Date:	Dec. 20, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 6, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aileen Merrill Schlissel	Pro Se
--------------------------	--------

**Defendant(s):**

Educational Credit Management	Represented By Scott A Schiff
-------------------------------	----------------------------------

**Plaintiff(s):**

Aileen Schlissel	Pro Se
------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Aileen Merrill Schlissel**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14626 Leon Laird**

**Chapter 7**

Adv#: 8:18-01056 On the Mark, Inc. v. Laird et al

**#9.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/26/18 AT 9:30 A.M.,  
PER ORDER ENTERED 5/23/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 6/26/18 at 9:30 a.m., Per  
Order Entered 5/23/18 (XX) - td (5/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Leon Laird

Represented By  
Dianna M Heck

**Defendant(s):**

Leon E Laird

Pro Se

MaryJo Laird

Pro Se

**Joint Debtor(s):**

MaryJo Laird

Represented By  
Dianna M Heck

**Plaintiff(s):**

On the Mark, Inc.

Represented By  
Ryan A. Ellis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:14-17041 Derek George Leason

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

PMT NPL FINANCING 2014-1

VS.

DEBTOR

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver and all other relief requested except relief request #11.

Re RR #11: This court does not grant *in rem* relief in perpetuity.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Derek George Leason

Pro Se

**Movant(s):**

PMT NPL Financing 2014-1

Represented By  
Christopher O Rivas

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Derek George Leason**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:15-10411 Renee Esther Teasta

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 97

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Renee Esther Teasta

Represented By

Misty A Perry Isaacson

**Movant(s):**

The Bank of New York Mellon., et al

Represented By

S Renee Sawyer Blume

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Renee Esther Teasta**

**Chapter 13**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:17-10022 Andrew P. Oldfield

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FIRST INVESTORS FINANCIAL SERVICES  
VS.  
DEBTOR

Docket 38

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Stipulation for Adequate  
Protection RE Section 362 Stay filed 5/22/18; Order Granting Motion for  
Relief from the Automatic Stay (Settled by Stipulation) Entered 5/23/18

Courtroom Deputy:

**OFF CALENDAR: Stipulation for Adequate Protection RE Section 362  
Stay filed 5/22/18; Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 5/23/18 - td (5/23/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Andrew P. Oldfield

Represented By  
James D. Hornbuckle  
Derik N Lewis

**Movant(s):**

First Investors Financial Services, as

Represented By  
Jennifer H Wang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:17-12972 Brian E. Bruce

Chapter 13

#13.00 CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

THE BANK OF NEW YORK MELLON AS TRUSTEE FOR CWABS, INC.

VS.

DEBTOR

FR: 3-29-18

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Deny motion without prejudice in light of pending trial loan modification agreement.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required. Alternatively, Movant may withdraw the Motion.***

**May 31, 2018**

Movant to appear and advise the court re the status of the loan modification process.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Brian E. Bruce**

**Chapter 13**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:18-10737 John Thompson

Chapter 7

#14.00 Hearing RE: Motion for relief from automatic stay  
ACTIO IN NON-BANKRUPTCY FORUM

LINDA ROGERS, TRUSTEE OF THE ROBERT AND SHIRLEY THOMPSON  
FAMILY TRUST

VS.

DEBTOR

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver, except that any awards for damages or attorneys fees against debtor are subject to applicable bankruptcy discharge provisions.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

John Thompson

Represented By  
Michael D Franco

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... John Thompson**

**Chapter 7**

**Movant(s):**

Linda Rogers

Represented By  
Martina A Slocomb

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:18-10879 Rosemary Hernandez

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
PARTNERS FEDERAL CREDIT UNION  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Continue hearing to June 21, 2018 at 10:00 a.m. to allow Movant to correct defective service -- Debtor's attorney of record was not served with the Motion as required by LBR 4001-1(c)(1)(C)(i). Service must be completed by 5/31/18 for 6/21/18 hearing date.

Tentative ruling for 6/21/18 hearing (if unopposed): Grant with 4001(a)(3) waiver

**Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.**

**Party Information**

**Debtor(s):**

Rosemary Hernandez

Represented By  
Rex Tran

**Movant(s):**

Partners Federal Credit Union

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Rosemary Hernandez**

Yuri Voronin

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11085 Guillermo Enrique Furlong and Vivian Carolina Martinez Chapter 7**

**#16.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
MERCEDES-BENZ FINANCIAL SERVICES USA LLC  
VS  
DEBTORS

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Guillermo Enrique Furlong

Represented By  
Marlin Branstetter

**Joint Debtor(s):**

Vivian Carolina Martinez De

Represented By  
Marlin Branstetter

**Movant(s):**

Mercedes-Benz Financial Services

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Guillermo Enrique Furlong and Vivian Carolina Martinez  
Jennifer H Wang**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11465 Orson Benn**

**Chapter 7**

**#17.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
METROPOLIS GARDENS, LLC  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Orson Benn

Pro Se

**Movant(s):**

METROPOLIS GARDENS, LLC

Represented By  
Scott Andrews

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:00 AM

8:18-11480 Nicholas Aaron Gunritz

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

THE GOLDEN 1 CREDIT UNION

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Nicholas Aaron Gunritz

Represented By  
D Justin Harelik

**Movant(s):**

The Golden 1 Credit Union

Represented By  
Brian T Harvey

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nicholas Aaron Gunritz**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11883 Jeanette Lucille Johnson-Rodney**

**Chapter 7**

**#18.10** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
**(OST ENTERED 5/25/18)**

RESIDENCE INN BY MARRIOTT HUNTINGTON BEACH/FOUNTAIN VALLEY

VS.

DEBTOR

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

If service is proper pursuant to the Court's order shortening time, grant motion under Section 362(d)(1) and 362(d)(4) with waiver of FRBP 4001(a)(3), as well as prospective relief in any future bankruptcy cases involving this property for 180 days from entry of the order granting the motion for relief from stay. Deny relief requested under Section 362(d)(4) as that section only applies to section only applies to a creditor whose "claim is secured by an interest in . . . real property." Here creditor is the owner of the property.

**Party Information**

**Debtor(s):**

Jeanette Lucille Johnson-Rodney

Pro Se

**Movant(s):**

Residence Inn by Marriott

Represented By  
Charles R Grebing

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Jeanette Lucille Johnson-Rodney**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:01-16577 California Power Exchange Corp**

**Chapter 11**

**#19.00** CONT'D Hrg. re: Post Confirmation Status Conference

FR: 08/11/05; 9-8-05; 12-15-06; 4-20-06; 10-12-06; 4-12-07; 10-18-07; 4-17-08;  
10-16-08; 4-16-09; 10-15-09; 4-8-10; 4-7-11 (rescheduled from 4/6/12); 4-5-12;  
4-4-13; 5-8-14; 5-7-15; 5-5-16; 5-4-17; 5-10-18; 5-24-18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

11/20/03

Continue hearing to January 22, 2004 at 10:30am. Counsel for Reorganized Debtor, Marc Cohen, was not served with the status conference notice re this hearing.  
Updated status report due January 12, 2004.

-----  
---1/22/04

Continue status conference to July 8, 2004 at 10:30 a.m. Updated status report shall be filed by June 28,2004

If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.

-----  
---  
7/8/04

Continue status conference to December 9, 2004 at 10:30 a.m. Updated status report shall be filed by November 29, 2004.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... California Power Exchange Corp**

**Chapter 11**

If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.

-----  
----

12/9/04

Continue status conference to July 14, 2005 at 10:30 a.m. Updated status report shall be filed by July 5, 2005.

If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.

-----  
----

7/14/05\*

Continue status conference to December 15, 2005 at 10:30am; updated status report shall be filed by December 5, 2005.

**Note: If there are no outstanding U. S. Trustee issues, appearances at today's hearing are waived.**

\*The court appreciates the detailed report submitted on behalf of the Reorganized Debtor.

-----  
12/15/05

If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, continue hearing to June 8, 2006, 2006 at 10:30 a.m. **at the Santa Ana Courthouse**; updated status report due April 6, 2006.

-----  
**April 20, 2006**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

---

10:30 AM

CONT... **California Power Exchange Corp** **Chapter 11**

Continue status conference to October 12, 2006 at 1030 a.m. ; updated status report due October 2, 2006. Debtor to indicate in October status report whether the case is ready for the entry of a final decree.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----

**October 12, 2006**

Per the most recently filed status report, this matter appears to be progressing satisfactorily. Continue status conference to April 12, 2007 at 1030 a.m. ; updated status report due April 2, 2007.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----

**April 12, 2007**

Continue status conference to October 18, 2007 at 1030 a.m. ; updated status report due October 4, 2007. The status report for the October 18 hearing should advise court why a final decree should not be entered and the case closed, as substantially consummated. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----

**October 18, 2007**

Continue status conference to April 17, 2008 at 1030 a.m. ; updated status report due April 7, 2008. (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.**

-----  
**April 17, 2008**

Continue status conference to October 16, 2008 at 1030 a.m. ; updated status report due October 6, 2008.

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.**

-----  
**October 16, 2008**

Continue status conference to April 16, 2009 at 10:30 a.m. ; updated status report due April 6, 2009. The April 6, 2009 status report should include only updated information and need not include a repetition of the history of the case. (XX)

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.**

-----  
**April 16, 2009**

Continue status conference to October 15, 2009 at 10:30 a.m.; updated status report to be filed by October 5, 2009.

**Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.**

-----  
**October 15, 2009**

Continue status conference to April 8, 2010 at 1030 a.m. ; updated status

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp  
report due March 25, 2010. (XX)

Chapter 11

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payments of quarterly fees, appearances at today's hearing are waived.***

-----  
**April 8, 2010**

Continue status conference to **April 7, 2011 at 10:30 a.m.** ; updated status report to be filed by **March 28, 2011.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**April 7, 2011**

Continue status conference to **April 6, 2012 at 10:30 a.m.** ; updated status report to be filed by **March 23, 2012.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**April 5, 2012**

Continue status conference to **April 4, 2013 at 10:30 a.m.** ; updated status report to be filed by **March 21, 2013.** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**May 2, 2013**

Continue status conference to **May 8, 2014 at 10:30 a.m.** ; updated status report to be filed by **April 24, 2014** (XX)

***Note: Appearance at this hearing is excused.***

-----  
**May 8, 2014**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... California Power Exchange Corp**

**Chapter 11**

Continue status conference to May 7, 2015 at 9:30 a.m.; updated report to be filed by April 23, 2015.

Comments re Status Report:

The current status report is essentially a "cut and paste" of the prior May 2, 2013 postconfirmation report. The court has previously requested that the Reorganized Debtor limit its report to updated activity in the case that has occurred since the prior status conference. Instead, the same report is continually filed. The court should not have to comb through repetitive reports line by line to determine the current status.

Sanctions will be imposed against counsel for the Reorganized Debtor in an amount of not less than \$100 if the 2015 report is not limited to new information.

***Note: Appearance at today's hearing is not required***

-----

**May 7, 2015**

Continue status conference to May 5, 2016 at 10:30 a.m.; updated report to be filed by April 21, 2016. (XX)

-----

**May 5, 2016**

Continue status conference to May 4, 2017 at 10:30 a.m.; updated report to be filed by April 20, 2017. (XX)

***Note: Appearance at today's hearing is not required.***

-----

**May 4, 2017**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp Chapter 11

Continue status conference to May 10, 2018 at 10:30 a.m.; updated report to be filed by April 26, 2018 (XX)

***Note: Appearance at today's hearing is not required.***

-----  
**May 31, 2018**

Continue status conference to May 30, 2019 at 10:30 a.m.; updated report to be filed by May 16, 2019

***Note: Appearance at today's hearing is not required.***

**Party Information**

**Debtor(s):**

California Power Exchange Corp

Represented By  
Joseph A Eisenberg  
Philip S Warden  
Ashleigh A Danker  
Alan Z Yudkowsky  
Marc S Cohen  
Julie A Belezzuoli  
Alicia Clough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

**8:03-19407 Imperial Credit Industries Inc**

**Chapter 7**

**#20.00** CON'TD STATUS CONFERENCE RE: Status of Case

(Set Per Order Entered 2/10/2016)

FR: 3-29-16; 9-15-16; 9-22-16; 11-10-16; 5-11-17; 11-9-17; 5-24-18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2016**

Continue status conference to September 15, 2016 at 10:30 a.m.; updated status report to be filed by September 1, 2016. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**September 22, 2016**

Trustee to appear and advise the court regarding the status of the IRS' response. Waiting three years for a response is unprecedented. How many more years is the Trustee prepared to wait?

-----  
**November 10, 2016**

As of the posting of this tentative ruling (11/9/16 at approx. 3:15 p.m.), no amended proof of claim had been filed by the IRS.

***Note: Appearance at this hearing is required.***

-----  
**May 11, 2017**

Continue status conference to November 9, 2017 at 10:30 a.m.; updated

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

status report to be filed by October 26, 2017. (XX)

*Special Note: The updated report should only cover developments since today's hearing -- a summary of the history of the case is not required.*

***Note: Appearance at this hearing is not required.***

-----  
**November 9, 2017**

Continue status conference to May 24, 2018 at 10:30 a.m.; updated status report to be filed by May 10, 2018. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**May 31, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 1, 2018.

***Note: Appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

Jeffrey M. Reisner  
Mike D Neue  
William N Lobel  
Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#21.00** CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapidis

**[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ,  
CHAPTER 7 TRUSTEE]**

FR: 7-13-17; 10-12-17; 12-14-17

Docket 172

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/2/18 AT 10:30 A.M.,  
PER ORDER ENTERED 5/16/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 8/2/18 at 10:30 a.m., Per Order  
Entered 5/16/18 (XX) - td (5/16/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

**#22.00** CON'TD Post Confirmation Status Conference RE: Trustee's Chapter 11 Plan of Reorganization for SUNCAL EMERALD MEADOWS, LLC (Dated May 1, 2017)

(Set at Ch 11 Plan Conf. hrg. held 6-15-17)  
FR: 12-14-17

Docket 5270

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

A post-confirmation status report was due November 30, 2017 per the Confirmation Order entered June 28, 2017 [docket #5285]. Impose sanctions of \$100 against Reorganized Debtor's counsel for failure to do so; court to issue OSC why the case should not be dismissed for failure to prosecute.

***Note: Appearance at this hearing is required.***

-----

**May 31, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 1, 2018.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#23.00 Hearing RE: Chapter 7 Trustee's Motion Objecting to Claim No. 23-1 of The Wall Law Office, APC

Docket 815

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Chapter 7 Trustee's Voluntary Dismissal/Withdrawal of Notice of Motion and Motion Objecting to Claim No. 23-1 of The Wall Law Office, APC [Docket No. 815], filed 5/2/018

Courtroom Deputy:

OFF CALENDAR: Chapter 7 Trustee's Voluntary Dismissal/Withdrawal of Notice of Motion and Motion Objecting to Claim No. 23-1 of The Wall Law Office, APC [Docket No. 815], filed 5/2/018 - td (5/3/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

Trustee(s):

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-11464 Sandra Elisabeth Johnson**

**Chapter 7**

**#24.00** Hearing RE: Chapter 7 Trustee's Motion Objection to Claim No. 23-1 of The Wall Law Office, APC

Docket 817

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Sustain objection.

While the court is not unsympathetic to Claimant's position, there is no legal basis for allowing the claim and the court finds Section 105(a) unavailing. The court incorporates by reference here the Trustee's analysis in her objection and reply pleadings.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-19538 John M. Fanelli and Tracy A. Fanelli**

**Chapter 13**

**#25.00** Hearing RE: United States Trustee's Motion for Escrow Account Reconciliation Statement including Waiver or Unnoticed Escrow Charges or Refund of Escrow Surplus in Response to Nationstar Mortgage LLC's Failure to File any Notices of Mortgage Payment Change

Docket 40

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/21/18 AT 10:30 A.M.,  
PER ORDER ENTERED 5/17/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing is Continued to 6/21/18 at 10:30 a.m., Per Order  
Entered 5/17/18 (XX) - td (5/17/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John M. Fanelli

Represented By  
Tate C Casey

**Joint Debtor(s):**

Tracy A. Fanelli

Represented By  
Tate C Casey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-10779 Jason H Hong**

**Chapter 7**

**#26.00** Hearing RE: Debtor's Motion to Dismiss Voluntary Petition

Docket 107

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 6/26/18 AT 10:30 A.M.,  
PER ORDER ENTERED 5/29/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 6/26/18 at 10:30 a.m., Per Order  
Entered 5/29/18 (XX) - td (5/29/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jason H Hong

Represented By  
Thinh V Doan

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Erin P Moriarty



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11577 Cristhian Contador and Paige Contador**

**Chapter 11**

**#27.00** Hearing RE: Debtors' Motion for Final Decree Closing Bankruptcy Case

Docket 196

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant motion re entry of final decree; deny request to allow case to later be reopened without filing a motion to re-open and separate motion for entry of discharge.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cristhian Contador

Represented By  
Arnold P Peter

**Joint Debtor(s):**

Paige Contador

Represented By  
Arnold P Peter

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

**#28.00** CON'TD Hearing RE: Debtor's Motion for Reconsideration of Order Overruling Objections of Debtor Thomas J . Smith, III to Proof of Claim #1 Filed by by Kimberly Amaral, Casey Swindell and Patrick Swindell

FR: 3-8-18

Docket 93

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation for Continuance of Hearing on Motion filed 5/30/18; Order Granting Continuance of Hearing to 6/26/18 at 10:30 a.m. Lodged in LOU on 5/30/18, Order #5628963 - td (5/30/2018)**

**Tentative Ruling:**

**March 8, 2018**

Deny Motion.

Basis for Tentative Ruling:

By way of background, on September 17, 2016, Thomas J. Smith, III ("Debtor") filed a voluntary Chapter 7 petition. Jeffrey I. Golden was duly appointed the Chapter 7 trustee (the "Trustee"). Debtor received his discharge on January 9, 2017. The deadline for filing claims was April 14, 2017. Debtor's 341(a) meeting of creditors has been continued to March 21, 2018. The Trustee commenced an adversary proceeding against Kyle Patric Mount on December 22, 2016 (the "Golden Adversary"), Adv. No. 16-01263, which is ongoing.

On January 9, 2017, Kimberly Amaral, Casey Swindell, and Patrick Swindell (the "Creditors" or the "Claimants") filed a proof of claim ("POC # 1") asserting an unsecured claim in the amount of \$350,000.00, and listed the basis of said claim as "Debtor fraudulently took money while acting as

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

trustee." See POC #1. Meanwhile, Claimants commenced an adversary proceeding on December 30, 2016, Adv. No. 16-01269, for nondischargeability, turnover, and fraudulent transfer (the "Adversary Proceeding").

Debtor filed the objection to POC #1 on June 25, 2017 (the "Objection"). The court entered its order overruling the Objection without prejudice on August 3, 2017, on the basis that the pending Adversary Proceeding eclipsed the same substantive issue the Objection raised. The court did not address the merits of any of the substantive factual or legal issues raised. Subsequently, the court issued an Order to Show Cause (the "OSC") in the Adversary Proceeding, which was set for October 19, 2017 and ultimately resulted in dismissal of the Adversary Proceeding for failure to prosecute on December 5, 2017.

On September 22, 2017, Debtor filed his first motion for reconsideration. The hearing was set for October 19, 2017, and continued to November 30, 2017 to allow Debtor to serve the motion on Claimants directly due to their attorney's ineligibility to practice law as of September 1, 2017.

At the November 30, 2017 hearing the court noted on the record that POC #1 is an unliquidated claim, involving purely state law issues, and that the only way to liquidate the claim would be to decide these state law issues. Notably, Claimants have not sought relief from stay. Counsel for Debtor sought a continuance to try to reach a global settlement when he asked: "Can you give me an opportunity to speak with Mr. Casey and see if we can wrap everything up?" [per FTRgold recording at November 30, 2017, at 11:30:31AM]. This court explicitly informed Debtor's counsel that: "My tentative is going to be the same for the next hearing, just so you know" [per the FTRgold recording at November 30, 2017, 11:35:37AM]. In other words, the court intended to overrule the claim objection/deny the motion on the merits, and the tentative ruling for November 30 reflected the same. Accordingly, this matter was continued as a status conference to be heard at the same time as the status conference in the Golden Adversary, which was heard on January 17, 2018 at 9:30am.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

Without the court's express authorization, Debtor filed a series of documents and pleadings. See Docket Nos. 68-87. In turn, the court issued the following tentative ruling for January 17, 2018:

**January 17, 2018**

Deny motion.

Same tentative as for 11/30/17. See above.

There is no substantive difference between an objection to claim and disallowance of a claim. The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018.

The following colloquy took place at the hearing on January 17, 2018:

Counsel: Many of my bases for having this claim allowed have arisen since August 3rd, and even since October 19th, they arose when these people...

The Court: Then it sounds like you need to file a new motion.

Counsel: That's right. That's exactly what I think I have to do.

The Court: Okay.

[...]

The Court: For the record, I am, because this is the original motion and that's the only thing that got continued, for the reasons stated on my November 30, 2017 tentative ruling, I am denying this motion for reconsideration. It is without prejudice, okay. So if you feel that there have been events that have come up, you now need to file a new something, then you can file that. Make sure that you properly serve it and I'll take it up in due course.

[per the FTRgold recording at January 17, 2018, 10:22 AM]

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Ultimately, the court entered the order denying Debtor's motion for reconsideration on January 29, 2018. See Docket No. 92. The court's November 30, 2017 tentative ruling, which was adopted therein, is attached as Exhibit M to Docket No. 93.

Admittedly, the court anticipated the filing of a new "something" by Debtor, given the purported developments alluded to by Debtor's counsel that took place since the filing of the original Objection. As a result, Debtor filed the instant motion for reconsideration (the "Motion") on January 29, 2018. Docket No. 93.

Notice

Claimants did not disclose an address to which notices should be served in Part 1 of their POC #1, and their counsel at the time of filing POC #1 has since been found ineligible to practice law. Debtor served Claimants directly at individual mailing addresses. See Docket No. 94, Proof of Service.

Applicable Legal Standard

11 U.S.C. § 502(j) provides that a claim that has been allowed or disallowed by the court may be reconsidered for cause "according to the equities of the case." FRBP 3008 provides that "[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate. The court after a hearing on notice shall enter an appropriate order." Additionally, there is no time limit for bringing a Rule 3008 motion. See *In re Levoy*, 182 B.R. 827, 831–32 (B.A.P. 9th Cir. 1995).

As a threshold matter, while federal courts generally do not recognize a "Motion for Reconsideration," the Ninth Circuit has long noted that "nomenclature is not controlling". See *Ranch Association v. California Coastal Zone Conversation Comm 'ns* 537 F.2d 1058, 1061 (9th Cir. 1976). However, as the court observed in *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991), that "case illustrates the dangers of filing a self-styled 'motion to reconsider.'" *Id.* This court is faced with a similar situation here where Debtor filed a motion for reconsideration without explicitly stating

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room**

**5A**

---

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

whether he seeks relief under FRCP 59 or FRCP 60. Instead, Debtor refers to 11 U.S.C. 502(j) and FRBP 3008, and cites to a treatise, which states the standard as follows:

"[C]ourts have generally held that regardless of title, a motion filed within ten days of the entry of judgment is treated as a motion to alter or amend under FED. R. CIV. P. 59(e), while one filed more than ten days after the entry of judgment is treated as a motion seeking relief from the judgment under FED. R. CIV. P. 60(b)." Mot., p. 3:17-21.

Other than the amendment to allow for 14 rather than 10 days, that standard is accurate.

Here, Debtor states that his first motion for reconsideration "was brought under Fed R Civ P 60(b)6) which allows reconsideration for any reason that justifies relief." Mot., p.6:1-2. This makes sense given that the order overruling Debtor's Objection was entered on August 14, 2017 [Docket No. 52], and Debtor's first motion for reconsideration was filed more than 14 (previously 10) days after on September 22, 2017 [Docket No. 55].

As noted above, the order denying Debtor's first motion for reconsideration was entered on January 29, 2018. In bringing this latest motion for reconsideration on the same date, the court has discretion to consider this Motion as one for reconsideration under FRBP 9023, since it was filed within 14 days of entry of the order. Accordingly, the court considers the merits of this Motion under FRCP 59(e).

Merits Under FRCP 59(e)

There are four basic grounds upon which a Rule 59(e) motion may be granted. First, (1) the judgment is based upon manifest errors of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) amendment is necessary to prevent manifest injustice; and (4) there is an intervening change in the controlling law. *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999)(citing 11 Charles Alan Wright et. al., Federal Practice and Procedure §2810.1 (2d ed. 1995).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Since specific grounds for an FRCP 59(e) motion are not listed in the rule, the court has considerable discretion in granting or denying the motion. However, reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.2000).

As explained above, Debtor's counsel alluded to developments since the October 19, 2017 hearing and agreed with the court that he needed to file a new motion. It was unclear whether Debtor would be filing a new objection or a new motion for reconsideration. Nevertheless, the motion now before this court is another motion for reconsideration, which presumably seeks reconsideration of the overruling of the original Objection on the merits, as disposed of by the order entered on January 29, 2018 that adopted the court's tentative ruling of November 30, 2017. Therefore, the basis for reconsideration under FRCP 59(e) that appears most applicable is the second of the four noted above, namely that "there is newly discovered or previously unavailable evidence."

*A. Part II of Debtor's Motion, "Statement of the Case Subsequent to Initial Filing of Objection and Interim Order," Includes Substantive Arguments that are Unavailing*

1. Claimants' Attorney, Mr. Hutchens, Was Found Ineligible to Practice Law

First, as Debtor states, this court's ruling at the hearing on October 19, 2017 was to continue the hearing to allow Debtor to serve the motion directly on Claimants due to their attorney of record's ineligibility to practice law as of September 1, 2017. Mot., p.6:6-9; see Docket No. 60. Thus, this information would not qualify as newly discovered or previously unavailable evidence, as it was taken into account by the time issued its tentative ruling on November 30, 2017.

Second, as to Debtor's reason for highlighting Mr. Hutchens's ineligibility to practice law, Debtor states "The Relevance of Mr. Hutchens'

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Misconduct to This Motion for Reconsideration is With the Equities of the Case and the Court's Duty to Manage Litigation According to 11 USC §502 (j) *supra* a reconsidered claim may be allowed or disallowed according to the equities of the case." Mot., p.6:10-14. Debtor goes on to cite the case of *In re Gilbreath*, 395 B.R. 356, 358–59 (Bankr. S.D. Tex. 2008), and points out that there had been "serial filings of creditor's proofs of claim on accounts" which only included the last four digits of the account number and attachments representing that the accounts had been assigned to the claimant. Mot., p.6:17-21. Already, Debtor's reliance on this non-binding case is misplaced. POC #1 in this instant case is not a "serial filing" of proofs of claim.

Moreover, *In re Gilbreath* dealt with issues brought about by creditors' purported assignee, ECast Settlement Corporation (eCast), and deficiencies with amended proofs of claim. Here, no amended claims are at issue. In addition, the claims at issue in *In re Gilbreath* were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular for claims based on a writing such as a credit card agreement, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. Debtor's attempt to pin down the insufficiency of POC #1 here has already been addressed by the court's tentative ruling from November 30, 2017. See Mot., Ex. M, ¶4. Specifically, this court stated:

Seventh, Debtor complains that failing to attach certain exhibits to the proof of claim renders it invalid. As a matter of law, this is incorrect. The failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). Rather, if the claim is based entirely on a writing and the writing is not attached the presumption of validity may not apply. Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Thomas J Smith, III**

**Chapter 7**

See Mot., Ex. M, ¶4.

As a result, Debtor's attempt to analogize the case of *In re Gilbreath* to the instant case fails. Debtor overlooks that POC #1 is not entirely based on a writing, and even if it were, a failure to attach documentation does not result in outright disallowance of a claim.

Mr. Hutchens' ineligibility to practice law does little to affect the equities of the case. Debtor has not shown that this constitutes newly discovered or previously unavailable evidence, which would be cause for reconsideration of the merits of his Objection to POC #1. As reiterated by the court at multiple hearings, and explicitly in the November 30, 2017 tentative ruling, "POC #1 is an unliquidated claim that has not yet been adjudicated by any court and is based entirely on state law." (emphasis in original). Mot., Ex. M, ¶4.

2. Debtor Contends Claimants "Should Be Held  
Accountable For Perpetuating Inequities Greatly  
Disfavoring Debtor in This Case"

Debtor points out that despite direct service of all pleadings and notices in this case,

Claimants have continuously failed and refused to prosecute the Swindell Adversary case, repeatedly failed to oppose the Objection, failed to respond to the OSC, and they have not appeared at hearings in this action, whether In Pro Per or by counsel, since their attorney disappeared. This shirking of responsibility for significant litigation they initiated should not be permitted.

See Mot., p.7, ¶F.1.

Debtor offers no persuasive legal authorities or analysis in support of that position, let alone an explanation for how this court could find that to be a ground for reconsideration under FRCP 59.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Based on the foregoing, these initial arguments stated in Part II of Debtor's Motion do not demonstrate bases for reconsideration of the court's earlier denial of motion for reconsideration, which in turn overruled Debtor's Objection to POC #1.

*A. Debtor Attempts to Respond to the Court's Ruling on Merits of the Objection*

Debtor acknowledges that this court encouraged Debtor's counsel to focus on the detailed tentative ruling from November 30, 2017 when he states: "Debtor's counsel has been advised to carefully review this Tentative." Mot., p.8:4-5. In turn, the bulk of Debtor's Motion proceeds to provide "Responses for reconsideration" to the court's tentative ruling from November 30, 2017, which was adopted by the court in the order overruling the Objection, entered on January 29, 2018 [Docket No. 92]. Specifically, Part III of Debtor's Motion begins with subsection "A" at page 8 and goes through "J" at page 25. The court analyzes each of Debtor's responses thereto as follows here in sub-subsections 1 through 10.

1. The Court Was Inclined to and Did Dismiss the Swindell Adversary for Lack of Prosecution

It is undisputed that the court dismissed the Adversary Proceeding brought by the Claimants against Debtor. The dismissal of that adversary proceeding allowed this court to consider the merits of Debtor's Objection to POC #1. Debtor's response is that "[i]t may have been the court's perception that dismissal of the adversary would permit Debtor to receive a discharge of POC #1. This is not the case." Mot., p.8:13-15. First, the order of discharge was entered on January 9, 2017. Docket No. 22. Even if it is the case that the debt underlying POC #1 is not discharged, the fact remains that Debtor has not succeeded in having Claimants' claim disallowed. Based on the Notification of Asset Case filed by the Trustee on January 9, 2017 [Docket No. 23], and the pending Golden Adversary filed by the Trustee for fraudulent conveyance there may very well be assets to administer in this case. These facts do not speak to the merits of disallowance of POC #1, let alone reconsideration of this court's overruling of Debtor's Objection. Similarly, when Debtor asserts "[i]t is not

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

Chapter 7

economically feasible for both [Debtor's attorney and the Trustee's attorney] to become engaged in litigation at a combined rate of \$1,110/hr that will be unnecessary once POC #1 is disallowed," Debtor seems to presume disallowance when that is in fact not a guarantee, and unlikely based on this Motion.

2. A Proof of Claim is Deemed Allowed Unless a Party in Interest Objects, and if Executed and Filed in Accordance With Rule 3001 Shall Constitute Prima Facie Evidence of the Validity and Amount of the Claim

Apart from agreeing that Debtor's Objection is the equivalent of a Motion for Disallowance of Claim, Debtor's addition response is: "In respect to execution and filing in accordance with Rule 3001, there are deficiencies that defeat the presumption of a prima facie valid claim. This shifts the burden of proof back to Creditors." Mot., p.9:21-23.

As already noted above with regard to the case of *In re Gilbreath*, the claims at issue there were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. This court can only reiterate what it already stated in the November 30, 2017 tentative ruling, which is that as a matter of law, the failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). More importantly, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto. See Mot., Ex. M, ¶ 4.

3. To overcome the presumption of validity created by a timely filed proof of claim, the objecting party must present sufficient counter evidence sufficient to rebut the presumption.

Debtor's maintains that he has provided "abundant evidence to rebut the presumption" and therefore the case is distinguishable from *In re*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

*Garner*. Mot., p.10:17-20. In *Garner*, the Ninth Circuit BAP noted that "[t]he difficulty in this instance is that appellant proffered no evidence whatsoever, choosing instead to stand on a mere formal objection that the proofs of claim were not good enough." *In re Garner*, 246 B.R. 617, 623 (B.A.P. 9th Cir. 2000). Although Debtor is correct that here, he did not stand *only* on a mere formal objection that POC #1 is not good enough, his proffered declarations and exhibits along with the arguments in his Objection did not sufficiently rebut the presumption.

Now, Debtor requests this court to reconsider certain evidence "excerpted from the Objection." Mot., p.10:27-28. The evidence Debtor refers to is predominantly the substantive arguments that this court already considered in denying his earlier motion. Pages 11 through 20 of the Motion includes reproductions (in whole or in part) of the Objection at pages 5-10, 11, 13-18. See Mot. pp.11-20, *cf.* Obj. Docket No. 93-8, originally filed as Docket No. 43. These passages from the Objection contain headings such as "There is Confusion Between the Casey and Swindell Trusts" [Mot., p.12:15], "There is no Cause of Action for 'Illegal Billing'" [Mot., p.13:22], "There is no Cause of Action for 'Illegal Transfer'" [Mot., p.14:9], "There is no Cause of Action for 'Illegal Commingling'" [Mot., p.14:26], all of which appear to be substantive arguments on the merits of the pending probate action in Orange County Superior Court. This court's November 30, 2017 already addressed such arguments when it stated: "In this matter, Debtor's objections are presented in a "shot-gun" approach, i.e., several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. These substantive arguments involve state law issues that the probate court has apparently yet to adjudicate. Thus, Debtor has offered no viable basis for reconsideration of the merits of this court's denial of the first motion for reconsideration.

4. The Debtor Conflates Dischargeability Issues Into His Arguments Countering The Merits of the Claim

The November 30 tentative ruling noted Debtor's conflation of dischargeability issues, and now Debtor concedes that conflating the dischargeability issues "has proven counterproductive." Mot., p. 16:4-5. As

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

noted above, the Claimants' Adversary Proceeding has already been dismissed as of January 9, 2018. Even so, Debtor's Motion goes on to insist that "[w]hile it is unfortunate that §IV of the Objection entails arguments that Claimants' state claims are pre-empted by 11 USC, this section still speaks to the underlying claims of misconduct [...]" and that "[t]he material remains apposite to the Debtor's defense and should therefore be reconsidered." Mot., p.16:9-13. The court had already noted that these theories of defense are presented in a manner that undermines the goal of rebutting the presumption of POC #1's validity. Repeating them in the current motion does not change this court's finding.

Debtor's Motion at pages 16-20 refers to California Probate Codes §§ 850, 859, and 789.3 and includes headings such as "The State Law Claim for an Order to Account Should be Dismissed," "The State Law Claim Pursuant to Cal Civil Code §789.3 [...] Should Be Dismissed" which are arguments more appropriately made to the probate court that would decide the pending matter in Orange County Superior Court. In other words, these arguments go to the merits of the unliquidated claim.

Although Debtor's Motion has includes strikethroughs of most references to preemption and the Dischargeability Complaint (see Mot., pp.12:12, 16:24-25, 17:6, 17:21, 18:11), pages 19-20 continue retained arguments under preemption. This court already noted the following in the November 30 tentative ruling:

Sixth, while on the one hand arguing that state law is "preempted" by federal bankruptcy law, Debtor cites several California statutes in support of the objection. In this regard, Debtor maintains that Cal Prob Code 850, Cal Prob 859 and Cal Civil Code 789.3 are all preempted by bankruptcy without presenting any persuasive legal analysis in support of that position.

Mot., Ex., M, ¶4.

Debtor may have inadvertently retained these "preemption" arguments, but as was the case in the original motion, this court need not find that these

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**      **Thomas J Smith, III**  
arguments merit reconsideration.

**Chapter 7**

Notably, Debtor inserts the following unsubstantiated statement: "All Claims for Misconduct and Penalties Were Decided Adversely to Creditors in Their Adversary Pursuant to the Order Dismissing." Mot., p.19:27-28. To the extent Debtor is claiming that the dismissal of Claimant's Adversary Proceeding was actually a decision on the merits in Debtor's favor, the court declines to make such a finding. The Adversary Proceeding was dismissed for failure to prosecute. See §E.4 below.

Thus, Debtor has not shown grounds upon which reconsideration may be granted under FRCP 59, for newly discovered or previously unavailable evidence, or otherwise.

5. Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid.

Debtor's response repeats his assertion that "the state court petition does not meet the initial burden for Claimants to enjoy the presumption of validity imposed by Fed R Bankr P 3001(f)." Mot., pp.2023-21:3. Debtor repeats the requirements under FRBP 3001(c) and adds a reference to the case of *In re DePugh*, 409 B.R. 84, 96–97 (Bankr. S.D. Tex. 2009), which purports to explain the reasoning for requiring that writings be attached to proofs of claim.

This again seems to miss the point the POC #1 is not like the claims in *In re DePugh*, or the claims in *In re Gilbreath* already discussed above under §A.1. In fact, the court in *DePugh* references *Gilbreath* because apparently the claimants in those cases were represented by the same counsel of record, who again filed proof of claims with no documents attached to them. *In re DePugh*, 409 B.R. at 90. Again, the claims in those issues centered around consumer credit card debt (claims based on a writing such as a credit card agreement) and the issue of assignments from creditors to assignees. This is distinct from POC #1 in this case. As the November 30 tentative ruling stated:

Here, it is apparent that POC #1 is not based entirely on

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto.

See Mot., Ex. M, ¶4.

Thus, Debtor's emphasis on the requirements under FRBP 3001 is misplaced in light of the other bases for POC #1.

Similarly, to the extent Debtor attempts to draw a finding of bad faith here, his statement "The Element of Attorney Bad Faith Was Raised in Respect to the Practice of Filing Proofs of Claim Without Required Documents" is not persuasive. See Mot., pp.21:27-22:5. The Bankruptcy Court in *DePugh* was dealing with counsel of record that apparently did not get around to reading its ruling in *Gilbreath* before filing proof of claims with no documents attached to them in *DePugh*. Counsel apparently admitted to not making an attempt to comply with FRBP 3001, and in turn the court found that such "self-professed ignorance of applicable law and [that] Court's Notice and Order can only be described as 'willful ignorance,' which constitutes bad faith." *In re DePugh*, 409 B.R. at 104. Consequently, the court in *DePugh* did not permit creditor to amend its deficient claims. This case is factually and procedurally dissimilar from *DePugh* and as a result, this court cannot make the same findings as the court there.

6. The Complaint That Failing to Attach Exhibits to the Proof of Claim Renders it Invalid Is Incorrect as a Matter of Law

This appears to be a continuation of Debtor's argument in the immediately preceding subsection titled "Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid." See §B.5 above. Debtor's response here is that "Failure to Attach Exhibits Obviates the Prima Facie Validity of a Proof of Claim." Mot., p.22:9-10. He goes on to cite the case of *In re Sheedy*, 567 B.R. 597, 598 (Bankr. W.D. Wash. 2017), which also refers to *In re Richter*, 478 B.R. 30, 45-46 (Bankr. D. Colo. 2012). Ultimately, *In re Sheedy* adopts the Ninth Circuit BAP's holding in *In re Heath*, which this court has already referenced for the principle that a failure to attach sufficient documentation is not a basis for

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... **Thomas J Smith, III**

Chapter 7

disallowance of a claim. Therefore, this response does not provide a basis for disallowance, let alone a ground for reconsideration of this court's overruling Debtor's Objection to POC #1.

7. The Court Finds That POC #1 is Not Based Entirely on a Writing But Also on California Probate and Civil Codes

As in the above subsections, Debtor's response reiterates the applicability of *In re Heath*, but does not advance a tenable argument for why this court's overruling of the Objection should be disturbed. Specifically, Debtor contends that he "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection." Mot., p.23:3-4. This is in apparent reliance on the passage Debtor cites from *In re Heath*, which include the phrase, "If the debtor thinks that every one of the challenged claims is overstated [...] she may investigate fully her theories and raise every viable claim or defense that she has." See Mot., p.23:5-8. Debtor's narrow reading of this passage is misplaced.

First, Debtor fails to account for the kind of claim at issue there, again apparently based on consumer credit card debt. POC #1 here is not that kind of claim. Second, that quote is actually taken from the case of *In re Shank*, 315 B.R. 799, 815 (Bankr. N.D. Ga. 2004), where the court there was deciding whether to require claimants to amend their proofs of claim for credit card and other consumer account debt, and in the context of a debtor whose sworn statement in her schedules showed that what was actually at issue was the amount owed where claimants filed for amounts less than the debtor showed in her schedules. Moreover, the BAP in *In re Heath* discusses a creditor's "obligation to respond to formal or informal requests for information" [*In re Heath*, 331 B.R. at 437] and "the failure to provide supporting documentation in terms of, for example, "the past twelve months' credit card statements" [331 B.R. at 436]. Here, Claimants may not be able to provide that kind of documentation where the claim is based on an unliquidated state court claim, for which a judgment would presumably only come after the probate court has decided the merits of the matter pending before it.

In addition, the remainder of the passage from *In re Heath* states that



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

If the debtor requires documentation to make a good faith inquiry into the existence or amount of any liability and a claimant refuses a legitimate request to produce it, an objection that asserts her good faith challenge and requests disallowance of the claim due to inadequate documentation would be appropriate and could well result in entry of an order disallowing the claim or requiring its amendment.

See Mot., p.23:8-14 (citing *In re Heath*, 331 B.R. at 437).

Again, taken in context, the BAP was only dealing with supporting documentation for a claim based on a writing, whereas this court has already found that: "Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Therefore, to the extent Debtor relies on the notion that inadequate documentation "could well result in entry of an order disallowing the claim or requiring its amendment," the would be applicable in the kind of claims dispute contemplated by the BAP in *In re Heath*. Consequently, Debtor's having "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection" [Mot., p.23:3-4] is inapposite. Such an exposition should be presented to the probate court.

8. There is No Legal Basis For Procedural Irregularities  
Invalidating the Proof of Claim

According to Debtor, "[t]here was no request to invalidate POC #1 by reason of Hutchens' persistent incompetence and violation of court rules described in the initial Objection." Mot., p.23:26-27. Instead, according to Debtor, "[i]t was appropriate to document the early signs of what can now be seen as an established pattern of misconduct" because "[t]here was legitimate cause for concern." Mot., p.24:1-2. Specifically, Debtor again incorrectly focuses on Claimant's counsel's "failure to attach exhibits to pleadings and/or file them with the court and the failure to attach documents on which the proof of claim is based" and classifies them as "not honest mistakes." *Id.* at Ins. 2-4. This is problematic because "documenting early signs" of misconduct is not a basis for disallowance of a proof of claim, and

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

neither is Debtor's purported "cause for concern."

Debtor concludes his response to this part of the November 30th ruling, stating: "Debtor's Objection incorporating this conduct is one clear path to total disallowance of POC #1. [see, eg citations to *Sheedy* and *Heath*, supra]," and that "Hutchens' misconduct in earlier stages of this litigation remains relevant to other arguments for relief as well." Mot., p.24:4-7. This court has already addressed Debtor's apparent misapplication of *Sheedy* and *Heath* above. An attempt to document conduct of Claimant's counsel who is no longer eligible to practice is not a "clear path to total disallowance of POC #1." Thus, Debtor's response here also does not show a basis for reconsideration, such a newly discovered evidence. Moreover, §A.1. above addresses Debtor's arguments regarding Mr. Hutchens having been found ineligible to practice law.

9. There is No Legal Basis for Disallowing POC #1  
Arising From the Ch 7 Trustee's Unrelated Fraudulent  
Conveyance Adversary Against a Third Party

First, the court notes that what the ruling actually states is: "Fifth, Debtor refers the court to an unrelated adversary proceeding for fraudulent conveyance commenced by the chapter 7 trustee against Debtor and a third party as a basis for disallowing POC #1, again without any legal support." (emphasis added). Mot., Ex. M, ¶4.

In response, Debtor points out that he is not a named defendant in the Golden Adversary, "but his 50% equitable interest [in the residence] is at stake." Mot., p.24:13. Setting aside the inclusion of Debtor in that part of the ruling does not overcome the absence of legal support in the Objection for claim disallowance. Debtor's response also sidesteps the issue of legal support when he again refers to "[t]he impact of Hutchens' procedural irregularities and dishonesty" and his opinion that this has "spread to the fraudulent conveyance adversary, which is in fact very closely related to Debtor's interests in the bankruptcy case." Mot., p.24:13-15. These are more factual assertions by Debtor rather than basis for reconsideration of merits of the overruled Objection.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Debtor then references §V(B)(1) of the Objection [Obj., p.20], without explaining how looking at that part of the Objection and essentially reconsidering what this court has already reviewed is warranted. Nevertheless, the court reviews that section of the Objection and finds Debtor's already rejected allegations of procedural confusion. If in fact there has been a combination of petitions under one case number, then that would appear to be an issue for the probate court to resolve.

Finally, Debtor explains that the Golden Adversary involves his home, and contends that the only parties who stand to benefit from the sale of Debtor's home are the Claimants, the Chapter 7 Trustee and the Trustee's attorney. He also states that he has been told that there have been fees and costs incurred by the Trustee's attorney amounting to approximately \$48,000.00. See Mot., pp.24:20-25:8. These statements remain detached from a substantive basis for reconsideration, let alone disallowance of POC #1.

10. The Bankruptcy Guarantee of a "Fresh Start" is Not  
a Basis for Disallowance of POC #1

Debtor's response relies on the case of *In re Neiheisel*, 32 B.R. 146, 157 (Bankr. D. Utah 1983). However, that case discussed the "fresh start doctrine" and the three fundamental tenets quoted by Debtor, in the context of objections to *claimed exemptions*. This is an entirely separate issue (addressing a debtor's claim of exempt property under 11 U.S.C. § 522(d)) from the issue of objections to claim or motions to disallow claim under 11 U.S.C. § 502. Debtor's reliance on this case is misplaced, and therefore this court's ruling on that issue should stand. In other words, Debtor has not shown that a "fresh start" is a basis for disallowance of a claim. Moreover, citing to inapplicable case law is not a basis for reconsideration.

Finally, Debtor concludes with a subsection intended to address the part of the November 30th ruling that state: "assuming the adversary proceeding is dismissed, Debtor will receive a discharge regardless of the allowance of POC #1." Mot., Ex. M, ¶4. In response, Debtor states: "This

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

is incorrect. Given the special circumstances explained herein, a discharge does not alleviate the effect of allowance of POC #1." Mot., p.26:4-5. Debtor has misconstrued the court's point. Even if a "fresh start" was a basis for disallowance as proposed by Debtor, which this court has already stated it is not under 11 U.S.C. § 502, Debtor would receive a discharge. Here, Debtor did in fact receive his discharge on January 9, 2017. This is distinct from having a claim disallowed. Debtor has not shown that a "fresh start" necessarily means disallowance of claims like POC #1. Again, Debtor fails to show a basis for reconsideration.

Debtor follows up the abovementioned "responses" to the court's November 30th tentative ruling, with a section titled "Conclusion For Case Summary and Debtor's Response to Tentative." Mot., p.26:6-23. There, he contends that he has articulated sufficient counter evidence in his Objection to rebut the claim. Reiterating what he believes he has done rings hollow. First, Debtor has not shown a sufficient basis for reconsideration under FRCP 59. Second, his attempt to respond to the November 30th tentative ruling that this court adopted in overruling his Objection lacks merit.

*C. Debtor's "Supplemental Points and Authorities Incorporating Recent Events" Does Not Meet the Standards for Newly Discovered or Previously Unavailable Evidence*

According to Debtor, §V. of this Motion is meant to "provide more complete details of Debtor's rebuttal evidence and coverage of events that occurred after the initial Objection was filed." Mot., p.26. The original Objection was filed on June 25, 2017 [Docket No. 43]. This court was well-aware of Mr. Hutchen's ineligibility to practice law when it issued its October 19, 2017 ruling to continue the hearing to November 30 to allow Debtor to serve the Claimants directly due to their attorney of record's ineligibility to practice law as of September 1, 2017 (per the website of California State Bar). Debtor's main argument in this section of the Motion is that "Hutchens' Conduct Has Saddled Debtor With Inequity." Mot., p.27:1. An argument for inequity seems to diverge from what should be the basis for reconsideration under FRCP 59(e) that there is newly discovered or previously unavailable evidence. Nevertheless, the court

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

considers Debtor's six sub-arguments.

1. Debtor Contends that Hutchens' Disrepute as an Attorney Serves to Disqualify Him From Execution and Filing of POC #1

Other than highlighting the fact that the State Bar website showed that Mr. Hutchens appeared to have defaulted in his disciplinary case as of September 25, 2017, and a petition for disbarment was filed on January 5, 2018, Debtor does not explain how this would constitute newly discovered or previously unavailable evidence that warrant reconsideration of the merits of this court's overruling the Objection.

Debtor also "respectfully request[s] that each of the Creditors be required to sign POC #1 in Hutchens' stead if they wish to proceed." Mot., p.27:9-10. Debtor offers neither legal authority for this request, nor an explanation for whether such a request is properly brought before this court within a motion for reconsideration.

Finally, Debtor contends that he "has pleaded Hutchens' myriad instances of failure to perform with competence in this litigation, and there is good cause to doubt his honesty." Mot., p.27:20-21. First, focusing on Mr. Hutchens's actions, or lack thereof, misses the point that this court is faced with an unliquidated claim that has not been resolved by the probate court. Whether Claimants proceed on their own in probate court or retain other counsel is not this court's concern. Second, Debtor's opinion that "there is good cause to doubt [Mr. Hutchens's] honesty" is of no help. Other than Mr. Hutchens's disciplinary issues, Debtor has not identified events since the original Objection was filed, let alone events that are germane to the merits of reconsideration.

1. Debtor's Argument Regarding Bad Faith is Unavailing

Next, Debtor proffers that "There Was Bad Faith in Attorney Hutchens' Presentation of Proof of Claim #1." Mot., p.27:27. Debtor's citations to an unpublished opinion from the Fifth Circuit, *Burnsed Oil Co. v. Grynber*, 320 F. App'x 222, 230 (5th Cir.), supplemented, 323 F. App'x 344 (5th Cir. 2009), and the Supreme Court of Texas, *Citizens Bridge Co. v.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

*Guerra*, 152 Tex. 361, 365, 258 S.W.2d 64, 66–67 (1953)) describe "bad faith" as construed in those jurisdictions. It is unclear how these cases are supposed to support Debtor's request for reconsideration.

Debtor goes on to explain how Claimant's "based their claim on a state court petition." Mot., p.28:10. The fact that the petition was missing certain exhibits referred to therein is, again, of no consequence to the matter pending before this court. Debtor already brought up these missing exhibits in the original Objection. The argument was unavailing then, and it is no more persuasive now. Moreover, this is not newly discovered or previously unavailable evidence.

2. Mr. Hutchens's Purported Failure to Provide  
Documentation to Support the Amount of the Claim

First, this court has already addressed the issue of documentation in support of a proof of claim. See *e.g.* §§B.5, 6, 7 above. Second, the arguments in this part of the Motion are supposed to highlight developments that have taken place since the filing of the original Objection. Instead, Debtor spends two paragraphs discussing an email exchange from January 30, 2017. None of this speaks to a basis for reconsideration of the court's overruling the Objection.

In addition, the court notes that Debtor is inappropriately taking liberties with his interpretation of the communications between Debtor's counsel and Mr. Hutchens. Specifically, Debtor states that "Hutchens admitted that \$350,000 is an arbitrary figure. [Worthington Decl ¶18, 8:20-25]." Mot., p.29:1. The declaration at issue is found at the end of the original Objection [Docket No. 43, and re-filed as part of Docket No.93-8], signed June 24, 2017. Paragraph 18 of that declaration is on page 8, and after reviewing that paragraph, including lines 20-25, as well as the paragraph that follows, it appears Debtor's counsel is merely repeating his belief that "Hutchens admitted that \$350,000 is an arbitrary figure." Even when this court reviews the emails at Exhibit E of the Objection, it finds *no such admission* from Mr. Hutchens. Instead, at Exhibit E-3, Debtor's counsel is the one that states "the \$350,000 proof of claim is a random amount." At Exhibit E-4, Mr. Hutchens's email states that based on Debtor's counsel's

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

responses "[Debtor and his counsel] would like to go forward with the motion for relief from stay so that [the parties] get an order to make [Debtor] account then go forward." Obj., Ex. E-4. This appears to be the crux of the issue. It would be more helpful to have the probate matter resolved, including but not limited to the sorting out of the accounting, which would inform the parties of the correct claim amount that forms the basis of POC #1. Only then would this court be able to rule on the merits of an Objection. Until then, Debtor's fixation on Mr. Hutchens is futile.

3. Hutchens Curtailed Document Disclosure and instead Conditioned Voluntary Dispute Resolution on First Obtaining an Order for Debtor to Account

Most of the analysis above in §C.3 applies here. Again, Debtor unnecessarily focuses on Mr. Hutchens's purported failures. Debtor has not shown how this is newly discovered or previously unavailable evidence. No other basis for reconsideration has been shown.

5. Debtor Argues that He is Entitled to Have the Creditors' Documentary Evidence Excluded From Evidence or to Monetary Sanctions

Here, Debtor refers solely to FRBP 3001(c)(2)(D). Again, Debtor has veered from the requirements for a motion for reconsideration. Moreover, FRBP 3001(c)(2)(D) applies when "the holder of a claim fails to provide any information required by this subdivision (c)." Subdivision (c) addresses claims based on writing, and claims based on an open-end or revolving consumer credit agreement, for example. This court already found that "[h]ere, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Even if POC #1 was based on some writing, this pending motion is one for reconsideration. Debtor has not shown how notice and a hearing have been afforded to Claimants on the issue of precluding omitted information. Rather, both parties are waiting for a judgment in probate court, which would presumably impact the claims allowance process here. In other words, even if Claimants provided documentary evidence that Debtor requested, such documentation

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... **Thomas J Smith, III**

Chapter 7

would not definitively determine the appropriate claim amount. Again, the probate court would adjudicate that issue.

6. Debtor States that Claimants Are Also Responsible for Their Attorney's Delay

Finally, Debtor concludes this section that is supposed to be about developments since the original Objection with a discussion of delay. In an overly broad statement, Debtor states that "[a]ccording to the Supreme Court's decision in *Link v. Wabash R.R. Co.*,[...] the Claimants are responsible for delays caused by Hutchens." Mot., p.30: 2-3. A review of that case shows that the Court was dealing with a district court's dismissal of an action for failure to prosecute, which was affirmed by the appellate court. In affirming, the Supreme Court announced that where the district court considered the absence of the attorney at the pretrial conference, in addition to the history of that litigation and "all the circumstances surrounding counsel's action in the case," then "[t]his obviously amounts to no broader a holding than that the failure to appear at a pretrial conference may, in the context of other evidence of delay, be considered by a District Court as justifying a dismissal with prejudice." *Link v. Wabash R. Co.*, 370 U.S. 626, 635 (1962). Therefore, to the extent Debtor attempts to impute Mr. Hutchens's failings on Claimants, the argument is misplaced in the context of this motion for reconsideration. Debtor is not directing this court to newly discovered or previously unavailable evidence that shows cause for reconsideration of the Objection.

Similarly, Debtor's citation to the unpublished case of *Antabian v. Wells Fargo Bank, N.A.* is inapposite. The issue in that case was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. *In re Antabian*, No. AP 2:15-AP-01339-ER, 2016 WL 7404667, at \*6 (B.A.P. 9th Cir. Dec. 21, 2016). This court has already noted previously that the Adversary Proceeding between Debtor and Claimants has been dismissed. Debtor's references to dismissal for lack of prosecution demonstrate a possible misunderstanding of where this case is procedurally. Dismissal of Debtor's objection and motions for reconsideration does not mean automatic disallowance of the underlying



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

claim. As repeated above, POC #1 is an unliquidated claim that has not yet been adjudicated and based entirely on state law. See Mot., Ex. M, ¶4. To the extent that what is delaying that adjudication is the automatic stay, Debtor may wish seek relief from stay to proceed in that non-bankruptcy forum. In the meantime, qualms Debtor may have about Mr. Hutchens or Claimants' ability to prosecute the probate matter are unlikely to be resolved in this court, let alone in a motion for reconsideration that was supposed to be based on developments since the filing of the original Objection.

*D. Debtor's Remaining Argument Is More Appropriately Brought Before the Probate Court*

Debtor concludes the final section of his Motion stating, "[i]n addition to the above, Debtor has rebutted the allegations of POC #1 as follows." What follows are a series of substantive legal arguments that appear to be geared towards arguing the merits of the matter that is pending in probate court. See Mot., pp.30:14-35:9. For example, Debtor begins §B on page 33 of the Motion stating, "[w]ith respect to Hutchens' allegation in the State Court Petition..." which is clearly not about a basis for reconsideration of the Objection that was before this court. Ultimately, Debtor took the time to review the November 30th tentative ruling that this court adopted. However, Debtor failed to show cause for reconsideration under FRCP 59.

*E. Debtor Filed a Reply Despite the Absence of an Opposition*

Claimants did not file a timely opposition, so there was no pleading to which Debtor needed to reply. To the extent Debtor is supplementing the Motion filed on January 29, 2018 with any new arguments, this court need not consider them since Claimants are not afforded the opportunity to respond.

This is reminiscent of Debtor's "Supplemental Memorandum of Points and Authorities" filed on January 5, 2018 [Docket No. 82], in advance of the status conference set on January 17, 2018 at 9:30am. The court's tentative ruling stated: "The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018." Here, the reply is timely, but any new arguments therein are not. The court considers each of the arguments set forth in the reply, but ultimately the outcome remains the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

same, namely, the motion should be denied.

1. Debtor's Status Update

Debtor begins his reply with a "Status Update" highlighting the fact that Claimants have not filed an opposition to the instant motion. "Debtor has been left alone to litigate the subject Objection to Proof of Claim ("Objection") with non-appearing, not prosecuting and non-opposing parties." Reply, p.1:23-25. The lack of opposition in the context of the original Objection did not prevent this court from overruling Debtor's Objection. The court adopted its November 30th tentative ruling, which overruled the Objection on the merits, and said among other things: "Debtor's objections are presented in a "shot-gun" approach, i.e, several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. Debtor may wish to shift his focus to obtaining a judgment in the probate court matter, since POC #1 is an unliquidated claim that needs to be adjudicated and is based entirely on state law.

2. Mr. Hutchens's Eligibility to Practice Law

This court has already addressed, in §A.1, §C.1 and §C.3 above, how Mr. Hutchens's ineligibility to practice law is not a basis for reconsideration of this court's overruling Debtor's Objection.

At the outset, Debtor's heading "The Disbarment of Claimants' Attorney Invalidates Proof of Claim #1" is inaccurate in more than one respect. See Reply, p. 2. First, Mr. Hutchens has not been disbarred yet. A review of the California State Bar website shows that as of March 6, 2018 he is not eligible to practice law in California, and that this designation was effective as of September 1, 2017. See CA State Bar Website (printout). Second, the POC #1 has not been invalidated as a result of Mr. Hutchens's unavailability, the fact that he signed the proof of claim when it was originally filed or for any of the other reasons Debtor proposes. In any event, these arguments do not show cause for reconsideration under FRCP 59.

Debtor refers to FRBP 3001(b), and asserts that "[t]he signature is a

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

requirement for a valid proof of claim." Reply, p. 2:8-9. However, FRBP 3001(b) simply addresses who may execute a proof of claim, and it says: "A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005." At the time POC #1 was executed on January 8, 2017, Mr. Hutchens signed the proof of claim and checked the box for "creditor's attorney or authorized agent." Obj., Ex. A. This meets the minimal requirement of FRBP 3001(b), regardless of Mr. Hutchens's eligibility to practice law in California as 8 months later.

Next, Debtor cites to *Smyth v. City of Oakland (In re Brooks-Hamilton)*, 329 B.R. 270, 283 (B.A.P. 9th Cir. 2005), but the Panel's discussion of sanctions under FRBP 9011 is not relevant to the matter pending before this court. There are procedural requirements that a movant has to satisfy before bringing a sanctions motion, not least of which is giving adequate notice of an attorney's alleged misconduct. In diverging from the motion at hand, Debtor is not showing cause for reconsideration of the merits of the Objection. Therefore, Debtor's further musings that "Hutchens is clearly unavailable and not accountable for his non-compliance with Fed R Bankr 9011(b)," are likewise misplaced, as is his contention that "[i]t is incumbent on Claimants to sign the POC in place of Hutchens." Reply, p.2:17-19.

Similarly, Debtor's quotation from *In re Ganas*, 513 B.R. 394, 412 (Bankr. E.D. Cal. 2014) does not fit squarely within the issues in this motion for reconsideration. One of the bankruptcy court's holdings there was that debtors' claims for negligence, fraud, misrepresentation, breach of contract, and conversion, all of which were based on secured creditor's preparation, filing, and/or prosecution of its proof of claim, were preempted by the Bankruptcy Code and its remedial schemes. Those kinds of claims are not what are pending before the probate court in the Superior Court of Orange County. The court in *In re Ganas* was, first of all, dealing with an adversary complaint in which Chapter 13 debtors were objecting to the proof of claim filed by secured creditor Wells Fargo Bank. Based on the parties' representations in this case, the claim here is purportedly not a secured claim. Moreover, as this court has found, POC #1 is an unliquidated claim that has not yet been adjudicated. Thus, Debtor's reliance on *In re Ganas* is inapt. Furthermore, his concluding sentence that "[g]iven the Claimants'

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

Chapter 7

failure get another attorney, to appear, prosecute their claims or oppose this contested matter since Hutchens was ineligible to practice (circa 09/01/17), the court may disallow the POC for lack of authorized signature," does not follow from any of the above. Debtor's argument is conclusory and unsupported by the case law he cites because the procedural posture and facts in this case are dissimilar.

3. Debtor Alleges that "There is Evidence of Creditor Fraud in the Claim Under Cal Civ Code 789.3"

At this point in his reply, Debtor narrates a series of supposed inconsistencies and certain communications between Debtor and one of the Claimants, all of which are connected to the state court issues that this court has already noted have not yet been adjudicated. In §D above, this court explained that Debtor's arguments directed at the merits of the Claimants' state court petition in probate court are not for this court to decide in the context of a motion for reconsideration of the court's overruling Debtor's Objection. Again, Debtor fails to show cause for reconsideration under FRCP 59 because these assertions are not newly discovered or previously unavailable evidence.

4. Whether The Claimants May Be Treated As Defaulting Parties

It is unclear why Debtor brings up arguments pertaining to the already dismissed adversary proceeding between Claimants and Debtor. Debtor contends that as a consequence of his obtaining a dismissal of that adversary for lack of prosecution "Claimants have lost their claim for non-dischargeability on the merits." Reply, p.4:16-17. At an earlier hearing, this court emphasized that dismissal was not on the merits.

Debtor improperly relies on a footnote from *In re Walker* (Bankr.D.Nev. 2005) 332 B.R. 820, 825, fn. 2. The court there was dealing with a motion for relief from stay and the court specifically entered an order denying "with prejudice for failure to prosecute." This is not what happened in the Adversary Proceeding here; it was a straight dismissal. Moreover, Debtor's reliance on FRCP 41(b) needs to be viewed in the context of FRBP

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III  
7041, which provides that

Chapter 7

Rule 41 F.R.Civ.P. applies in adversary proceedings, except that a complaint objecting to the debtor's discharge shall not be dismissed at the plaintiff's instance without notice to the trustee, the United States trustee, and such other persons as the court may direct, and only on order of the court containing terms and conditions which the court deems proper. (emphasis added).

Again, the order dismissing the Adversary Proceeding is a straight dismissal, with no other terms or conditions, or indication that it was a dismissal on the merits See Adv. Docket No. 26. Finally, as this court noted above in §C.6, the issue in *In re Antabian* was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. A closer look at that case shows that the bankruptcy court made explicit findings and conclusions and provided a detailed explanation of how it weighed the five factors for such a dismissal. *In re Antabian* involved a much longer litigation involving the sale of real property, and an adversary proceeding instituted *by debtor* essentially to try to avoid or delay such a sale. In addition, the bankruptcy court did not impose an immediate dismissal of the adversary proceeding in its order. Instead, the bankruptcy court afforded Debtor an additional month to negotiate with Wells Fargo before its order dismissing the adversary proceeding would become final. *In re Antabian*, at \*11. In any event, this court need not go deeper into a discussion of the already dismissed Adversary Proceeding because it bears little connection to the pending motion for reconsideration.

Debtor again offers only a conclusory argument that "[f]or the foregoing reasons, all of Claimants' state statute, breach of fiduciary duty and misconduct claims in the POC should be disallowed." Reply, p.5:3-4. Debtor appears to be reaching the merits of the petition in probate court. To the extent those are claims asserted in probate court, they are not for this court to adjudicate. Debtor cannot circumvent the fact that POC #1 remains unliquidated because the parties have yet to resolve that probate court matter. Thus, Debtor again fails to show how reconsideration under FRCP

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**  
59 is warranted.

**Chapter 7**

5. Finally, Debtor Asserts that Claimants Have No Documentary Evidence and No Testimony to Prevail on the Merits of their Claim

At the outset, based on this court's review of the Objection and reconsideration, the merits of the claim turn on the adjudication of the probate court matter. Only then will Debtor *and* Claimants have evidence for the appropriate amount of the claim, if in fact it can be reduced to a certain amount. Debtor's arguments based on Claimants' alleged non-participation in the claims objection proceedings or the reconsideration motions thereafter, are not enough to overcome the fact that the state law issues remain to be determined in probate court.

With regard to Debtor's concluding argument that Claimants have failed to carry their burden of proof, this fails to take into account that even with only the petition as part of POC #1, this court was nevertheless able to overrule Debtor's Objection on the merits. Debtor has not come forward with newly discovered or previously unavailable evidence that shows cause for reconsideration. Moreover, Debtor's submission that POC #1 should be disallowed in its entirety "or that specific findings and conclusions be provided to support an estimated amount for allowance despite Debtor's evidence" further highlights Debtor's misplaced focus. This court cannot estimate the amount of allowance for an unliquidated claim that the probate court has yet to determine.

Conclusion

In adopting its November 30, 2017 tentative ruling, this court overruled the Objection on the merits. Among other reasons, the court noted that Debtor's "shot-gun" approach of several theories of defenses were presented in a matter that undermines the goal of rebutting the presumption of validity created by a timely filed proof of claim. Debtor's counsel represented that there had been developments since the filing of the original Objection. Presumably, Debtor's subsequent motion would therefore focus on such newly discovered or previously unavailable evidence. Instead,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Debtor spends much of this pending motion attempting to address the November 30th ruling. Ultimately, Debtor has not shown cause for reconsideration under FRCP 59. Debtor's focus on Mr. Hutchens and his ineligibility to practice law may have distracted Debtor from the basis of this court's overruling the Objection. To wit, POC #1 remains an unliquidated claim that has not yet been adjudicated by the probate court. To the extent relief from stay is necessary to proceed in that non-bankruptcy forum, Debtor may wish to proceed down that path rather than focusing on Claimants' or their counsel's inaction.

-----

**May 31, 2018**

In light of possible settlement, continue hearing to June 26, 2018 at 10:30 a.m.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14655 Complete Apparel Solutions LLC**

**Chapter 7**

**#29.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]**

Docket 73

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Complete Apparel Solutions LLC

Represented By  
Matthew Grimshaw  
David Wood

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14655 Complete Apparel Solutions LLC**

**Chapter 7**

**#30.00** Hearing RE: First and Final Application for Fees and Reimbursement of Expenses [June 14, 2017 through April 5, 2018]

**[THE LAW OFFICE OF THOMAS H. CASEY, INC., ATTORNEY FOR  
CHAPTER 7 TRUSTEE]**

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Complete Apparel Solutions LLC

Represented By  
Matthew Grimshaw  
David Wood

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14655 Complete Apparel Solutions LLC**

**Chapter 7**

**#31.00** Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from January 12, 2018 through April 9, 2018

**[HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR TRUSTEE]**

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Complete Apparel Solutions LLC

Represented By  
Matthew Grimshaw  
David Wood

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#32.00** Hearing RE: Motion by United States Trustee to Dismiss or Convert Case Pursuant to 11 U.S.C. Section 1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing

Docket 145

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant motion to dismiss case; judgment in favor of UST for any outstanding quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#33.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-17-17; 11-16-17; 2-1-18; 5-24-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date: Oct. 23, 2017 (notice by  
8/21/17)

Deadline to file Plan/Discl. Stmt: Nov. 1, 2017

Continued Status Conference: Nov. 16, 2017 at 10:30 a.m.;

updated  
by 11/2/17

status report to be filed  
unless the plan/discl.  
stmt has been  
timely filed, in which  
case the no  
status report need be  
filed and the  
status conference will  
be continued to  
the date of the discl.  
stmt hearing. (XX)

***Note: If Debtor accepts the foregoing tentative ruling and is in***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

***substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***  
-----

**November 16, 2017**

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.* (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**May 31, 2018**

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the court shall issue an order to show cause why this case should not be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

dismissed or converted due to Debtor's inability to timely propose a plan of reorganization or file a disclosure statement. The hearing on the OSC shall also be held on July 19, 2018 at 10:30 a.m.

Basis for Tentative Ruling:

This court previously indicated that no further extensions of the deadline to file a plan and disclosure statement beyond May 1, 2018 would be granted. Debtor and its counsel apparently view the court's deadlines as mere suggestions. Nothing in Debtor's current status report justifies any further extensions. Debtor has basically "parked" itself for approximately one year in this noncomplex chapter 11 case and cavalierly intends to remained parked for at least 17 months without filing a plan and disclosure statement. This will not happen.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13483 Justin W Cordova**

**Chapter 7**

**#34.00** CON'TD Hearing RE: Debtor's Motion to Reopen Bankruptcy Case Pursuant to 11 U.S.C. 350(b), 11 U.S.C. 524(c), and F.R.B.P. Rule 4008(a)

FR: 4-12-18

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue the hearing to May 31, 2018 at 10:30 a.m. to allow Movant/Debtor to submit supplemental evidence consistent with the requirements of 11 U.S.C. 365(p)(2) by or before May 10, 2018. (XX)

Basis for Tentative Ruling

The court will not re-open a case where to do so would be futile. Here Debtor is seeking to assume an automobile lease agreement following the entry of discharge and closing of his case but has not provided evidence sufficient to show satisfaction of the requirements for assumption of the lease.

Lease assumption by a chapter 7 debtor is governed by 11 U.S.C. 365(p)(2) (A). Section 365(p)(2) requires that

A. Debtor notify the creditor in writing that he wishes to assume the lease and creditor notifies Debtor it agrees to the assumption.

B. Not later than 30 days after notice is provided under (A), Debtor notifies the creditor that the lease is assumed.

The motion to re-open provides no evidence re the communications between

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Justin W Cordova**

**Chapter 7**

Debtor and Cab West which would support a finding of compliance with 365(p)(2). See, *In re Mortensen*, 444 B.R. 225 (Bankr.E.D. NY 2011) (motion to re-open granted where the debtor had satisfied all requirements of 365(p)(2).

The court strongly suggests that Debtor's counsel review *In re Mortensen* prior to the hearing.

***Note: If Debtor agrees that more evidence is required, the hearing will be continued. If Debtor disagrees with the tentative ruling, appearance at the hearing is required.***

-----

**May 31, 2018**

Counsel for Debtor to appear and address the following matters:

1. Why counsel waited until nearly a month after the last hearing to send the notice to the auto finance company.
2. Whether the auto finance company has responded.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Justin W Cordova

Represented By  
Adriana E Reza

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:17-13894 Gregory A Moore and Edith A Moore

Chapter 11

#35.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 11-30-17

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO JUNE 21, 2018 PER  
ORDER APPROVING STIPULATION ENTERED 4/25/18 (XX)**

**Courtroom Deputy:**

**CONTINUE: Order Approving Stipulation with US Trustee to Continue  
Hearing Entered 4/25/18 (Liz) 4/25/18(XX)**

**Tentative Ruling:**

**November 30, 2017**

Claims bar date: Mar. 1, 2018

Deadline to file plan/discl. stmt: May 15, 2018

Continued status conference: May 31, 2018 at 10:30 a.m. (XX)

Deadline to file updated status report: May 17, 2018\*

\*If Debtors timely file a plan and disclosure statement by May 15, 2018, the requirement of filing an updated status report will be waived and the status conference will likely be continued to the same hearing date/time as approval of the disclosure statement.

***Note: Appearances are not required if Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee. It is Debtors' responsibility to confirm such compliance with the UST in advance of the hearing.***

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14536 Thavy Tanksley**

**Chapter 7**

**#36.00** Hearing RE: U.S. Trustee's Motion to Show Cause ("OSC") Why Attorney Alon Darvish Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts of the Central District of California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3,1 of the Local Rules of the Central District of California

Docket 26

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/31/18 AT 10:30 A.M.,  
PER ORDER ENTERED 5/30/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/31/18 at 10:30 a.m., Per Order  
Entered 5/30/18 (XX) - td (5/30/2018)**

**Tentative Ruling:**

**May 31, 2018**

Per movant's request, continue hearing to July 31, 2018 at 10:30 a.m.

***Note: Appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#37.00** CON'TD FINAL Hearing RE: Emergency Motion for Interim and Final Order Authorizing Debtor and Debtor in Possession to Use Cash Collateral Under 11 U.S.C. Section 363(e) (OST Entered 1/19/18)

FR: 1-25-18; 3-8-18; 4-17-18

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

The U.S. Trustee to advise the court re his position in light of supplemental memorandum and late-filed monthly operating report (filed 3/5/18).  
-----

**May 31, 2018**

No supplemental pleadings filed by the May 17, 2018 deadline. Debtor to appear and advise the court re the status of this motion.

**Party Information**

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#38.00 Hearing RE: Chapter 13 Trustee's Objection to Claims of Exemption

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:18-10288 Kevin Mark Axner

Chapter 13

#39.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 35

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Per Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. §329 Entered 4/11/2018

Courtroom Deputy:

**OFF CALENDAR: Per Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. §329 Entered 4/11/2018 - td (4/11/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Mark Axner

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#40.00 Hearing RE: Creditor Rainbow Ridge Community Association's Objection to Claims of Exemption

Docket 53

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Movant's Notice of Withdrawal of Objection to Claims of Exemption filed 5/14/2018

**Courtroom Deputy:**

**OFF CALENDAR: Movant's Notice of Withdrawal of Objection to Claims of Exemption filed 5/14/2018 - td (5/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#41.00** Hearing RE: Debtor's Objection to Mitchell B. Hannah's Proof of Claim Number 2

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

The court is inclined to postpone the hearing on this objection to August 2, 2018 at 2:00 p.m. and to grant limited relief from stay to permit the Claimant to obtain an order in state court regarding the appellate attorneys fees/costs.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#42.00** Hearing RE: Debtor's Objection to Education Credit Management Corporation's Proof of Claim Number 4

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

There is a service issue with this objection. Pursuant to LBR 9009-1(b)(4), regarding court-approved forms, "[r]egardless of whether a court-approved form is mandatory or optional, no language or provisions may be altered or deleted from a form, whether a form is filed or lodged." Proof of Service of Documents are one such mandatory form.

Here, Debtor's Notice of Objection includes a Proof of Service Document (Form F 3007-1.1.NOTICE.OBJ.CLAIM), which begins with the phrase "I am over the age of 18 and *not a party to this bankruptcy case* or adversary proceeding." (emphasis added). However, Debtor signed this form despite the fact that she *is* a party to this bankruptcy case. See Docket No. 107, p.2.

Debtor's Objection to claim includes a Proof of Service Document (Form F 9013-3.1.PROOF.OF.SERVICE), *which has been modified* in violation of LBR 9009-1(b)(4), to only say "I am over the age of 18. My business address is..." See Docket No. 105, p.13.

Therefore, service needs to be corrected to comply with the exact language of the mandatory court form re the proof of service. Stated otherwise, someone other than Debtor needs to serve the Notice and the Objection. In addition, the Notice and Objection should be served on Claimant's attorney of record, Scott A. Schiff, 16255 Ventura Blvd., Suite 706, Encino CA 91436.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

The court notes that this objection seems to be either in part or in whole duplicative of a pending adversary proceeding -- Adv. #18-01071 in which Education Credit Management Corporation is the defendant. If this is the case, perhaps Debtor should consider withdrawing this objection and proceeding solely with the adversary proceeding.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10557 Clayton Maurice Saunders**

**Chapter 7**

**#43.00** Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate, Requiring Vacating of Premises, and Allowing Trustee to Exercise all Legal Remedies to Obtain Possession

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

The disposition of this matter will depend upon the outcome of #44 on today's calendar. If the motion to convert to chapter 13 is granted, this motion will be denied. Conversely, if the motion to convert to chapter 13 is denied, this motion will be granted.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Clayton Maurice Saunders

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10557 Clayton Maurice Saunders**

**Chapter 7**

**#44.00** Hearing RE: Debtor's Motion to Convert Case Under 11 U.S.C. Sections 706(a) or 1112(a)

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

This court has the following concerns about this motion:

1. Debtor's apparent lack respect for the rules and requirements re the administration of the chapter 7 bankruptcy case which he voluntarily filed. Upon the filing of the chapter 7 case, the law requires that the chapter 7 trustee take control over all assets of the estate. Indeed, the Trustee has a duty to collect assets of the estate and to liquidate the assets. Bankruptcy Code Section 704(a)(1).
2. Debtor's refusal and the refusal of his real estate broker to de-list the residence upon the filing of the bankruptcy case and after being asked to do so by the chapter 7 trustee.
3. Debtor's apparent continued operation of coin laundry business in violation of the Bankruptcy Code. The only party who can operate a business in a chapter 7 case is the chapter 7 trustee after obtaining approval by the bankruptcy court to do so. Bankruptcy Code Section 721.
4. Debtor's failure to maintain business and other financial records regarding the coin laundry business, which is an asset of the estate.
5. In the Ninth Circuit, *pro se* litigants are not excused from compliance with the rules. *Warrick v. Birdsell*, 278 B.R. 182, 187 (9th Cir. BAP 2002).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, May 31, 2018

Hearing Room

5A

10:30 AM

CONT... Clayton Maurice Saunders

Chapter 7

Ignorance of court rules does not constitute excusable neglect, even if a litigant appears *pro se*. *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 381 (9th Cir.1997) (quoting *Swimmer v. IRS*, 811 F.2d 1343, 1345 (9th Cir.1987)); *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987) 814 F.2d 565, 567 (9th Cir.1987), overruled on other grounds by *Lacey v. Maricopa Cnty.*, 693 F.3d 896 (9th Cir.2012) ("Pro se litigants must follow the same rules of procedure that govern other litigants.")

Notably, if the case is converted to chapter 13, Debtor will still have to provide financial information regarding the business to the chapter 13 trustee.

5. Debtor apparently has not filed tax returns for 2017. The filing of tax returns for the 4 years preceding the year of the bankruptcy filing is mandatory in chapter 13 cases. Bankruptcy Code Section 1308.

6. Debtor has no disposable income with which to fund a chapter 13 plan. If the real property cannot be sold promptly, there apparently is no "Plan B."

7. Because Debtor has not proceeded in good faith with the chapter 7 trustee, the court is concerned about Debtor's ability to act in good faith in a chapter 13 case where he will have to cooperate with the requirements of the chapter 13 trustee.

8. The U.S. Supreme Court in *Marrama v. Citizens Bank of Massachusetts*, 549 U.S. 365 (2007) held that Bankruptcy Code Section 706(a) does not necessarily provide a chapter 7 debtor with an absolute right to convert to chapter 13 or 11 and that a conversion may be denied if there would be cause to re-convert the case under Section 1307(c), including lack of good faith.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Clayton Maurice Saunders

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Clayton Maurice Saunders**

Erin P Moriarty

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:18-10783 Ricky Patrick Miller

Chapter 7

#45.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 19

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 4/10/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 4/10/2018 - td (5/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ricky Patrick Miller

Pro Se

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10965 Fari Shady Canyon, LLC**

**Chapter 11**

**#46.00 STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and (2)  
Requiring Report on Status of Chapter 11 Case**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/12/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/12/2018 - td (4/12/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fari Shady Canyon, LLC

Represented By  
Michael Jones



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, May 31, 2018

Hearing Room 5A

10:30 AM

8:18-11024 Deborah Best

Chapter 11

#47.00 STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: See D'Best Beverages Inc., Case No. 8:18-bk-11273-ES; Order for Joint Administration Entered 4/12/18; Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES

Courtroom Deputy:

OFF CALENDAR: See D'Best Beverages Inc., Case No. 8:18-bk-11273-ES;  
Order for Joint Administration Entered 4/12/18; Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES - td (4/16/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Best

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11273 D'Best Beverages, Inc.**

**Chapter 11**

**#48.00 STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case  
(Order for Joint Administration Entered 4/12/18;  
Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES)**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Claims bar date:	Aug. 1, 2018; notice by Jun. 1, 2018
Deadline to file plan/DS:	Sep. 6, 2018*
Continued Status Conference:	Sep. 20, 2018; updated status report must be filed by Sep. 6, 2018 unless a plan & DS has been filed by such date, in which case the requirement of an updated status report will not be required.

\*Debtors have stated no good reason for filing a plan and disclosure statement in January 2019, nine months after the filing of this noncomplex case.

***Note: If Debtors accept the foregoing tentative ruling, and Debtors are in substantial compliance of the requirements of the U.S. Trustee after the confirming the same with the UST prior to the hearing, appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... D'Best Beverages, Inc.**

**Chapter 11**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11716 Brett John Kacura**

**Chapter 7**

Adv#: 8:17-01107      BAI LIMITED v. Kacura et al

**#49.00**      Hearing RE: Plaintiff's Motion For Summary Judgment

Docket      15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant motion for summary adjudication as to the First Claim for Relief -- Fraud under 523(a)(2). As the complaint includes additional claims under 523(a)(4) and 523(a)(6), the court cannot grant summary judgment absent Plaintiff's consent to dismissal of the latter claims.

Basis for Tentative Ruling:

The court incorporates by reference herein the analysis set forth in the Motion and Reply.

All of the requirements for issue preclusion under California law have been satisfied. The arguments set forth in the Opposition and related declaration are not persuasive. First, the operative document is the January 8, 2018 State Court Judgment ("Judgment") itself, *not the minute order*. Second, the Judgment clearly states that the court ruled in favor of Plaintiff on all causes of action including fraud. Though the Judgment was prepared by Plaintiff's counsel, Judge Fell could have modified the language if she felt it did not reflect her actual ruling. Third, the court is not persuaded that there are material inconsistencies between the non-operative minute order and the Judgment. The minute order *generally* states that the court found in favor of Plaintiff and the Judgment specifies the basis for that finding -- all causes of actions pled. Further, the fact that punitive damages were not awarded is not evidence that fraud was not determined. Fourth, the fact that the Judgment

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, May 31, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Brett John Kacura**

**Chapter 7**

does not indicate that punitive damages were denied does not create any inconsistency with the minute order. The Judgment does not award punitive damages and, therefore, it is self-evident that punitive damages were denied.

The fact that a motion to vacate the Judgment has been filed does not, as a matter of law, make the Judgment less final. Should Defendants prevail on the motion to vacate, they can seek reconsideration of today's ruling based on changed circumstances.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Defendant(s):**

Brett John Kacura

Represented By  
Douglas A Crowder

Denise Marie Kacura

Represented By  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Plaintiff(s):**

BAI LIMITED

Represented By  
Steven P Chang

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/2/18 AT 9:30 A.M., PER  
ORDER ENTERED 5/31/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 8/2/18 at 9:30 a.m., Per  
Order Entered 5/31/18 (XX) - td (5/31/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By

David Wood

Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/2/18 AT 9:30 A.M., PER  
ORDER ENTERED 5/31/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 8/2/18 at 9:30 a.m., Per  
Order Entered 5/31/18 (XX) - td (5/31/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29 , 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

*notice of the continued hearing date/time.*

-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#3.00 STATUS CONFERENCE RE: First Amended Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust**

(Advanced from 6-14-18)

Docket 47

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 9:30 A.M.,  
PER HEARING HELD 5/3/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 7/19/18 at 9:30 a.m., Per  
Hearing Held 5/3/18 (XX) - td (5/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network.Com

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

Adv#: 8:18-01061 Kosmala v. The Nazareno Family Trust et al

**#4.00** STATUS CONFERENCE RE: Complaint for Avoidance of Fraudulent Transfer (11 U.S.C. §548, §544); Declaratory Rerlief Determining Estate's INterest in Real Property; Turnover and Possession of Real Property (11 U.S.C. §542); and Injunctive and Ancillary Relief

(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to September 6, 2018 at 2:00 p.m., the same date/time set for hearing on the pending motion for summary judgment; updated status report not required.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**Defendant(s):**

The Nazareno Family Trust

Pro Se

Bryson S Nazareno

Pro Se

Christopher Nazareno

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Bryson N Nazareno**

**Chapter 7**

Elma S Nazareno

Pro Se

Laura Trujillo Nazareno

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11716 Brett John Kacura**

**Chapter 7**

Adv#: 8:17-01107      BAI LIMITED v. Kacura et al

**#5.00**      CON'TD PRE-TRIAL CONFERENCE RE: Bai Limited's Adversary Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2), §523(a)(4), and §523(a)(6)

FR: 9-7-17; 3-8-18  
(Advanced to 6-7-18)

Docket      1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Pre-trial Conference Vacated; status Conference Set for 7/19/18 at 9:30 a.m., Per Order Approving Stipulation RE: Scheduling Order Entered 5/18/18 (XX)**

**Courtroom Deputy:**

**OFF CALENDAR: Pre-trial Conference Vacated; status Conference Set for 7/19/18 at 9:30 a.m., Per Order Approving Stipulation RE: Scheduling Order Entered 5/18/18 (XX) - td (5/18/2018)**

**Tentative Ruling:**

**September 7, 2017**

Discovery Cut-off Date:	Dec. 7, 2017
Deadline to Attend Mediation:	Jan. 25, 2018
Pretrial Conference Date:	Mar. 8, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Feb. 15, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Brett John Kacura**

**Chapter 7**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs

**Defendant(s):**

Brett John Kacura

Pro Se

Denise Marie Kacura

Pro Se

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs

**Plaintiff(s):**

BAI LIMITED

Represented By  
Steven P Chang

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

Adv#: 8:18-01014 Twitty et al v. Ruffner

**#6.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

FR: 4-12-18  
(Advanced to 6-7-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Default Judgment in Favor of Plaintiffs Jay Twitty and Amy Twitty and Against Defendant Michael Joseph Ruffner Entered 5/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Default Judgment in Favor of Plaintiffs Jay Twitty and Amy Twitty and Against Defendant Michael Joseph Ruffner Entered 5/18/2018 - td (5/18/2018)**

**Tentative Ruling:**

**April 12, 2018**

Continue Status Conference to June 14, 2018 at 9:30 a.m. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room 5A

9:30 AM

CONT... Michael Joseph Ruffner

Chapter 7

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Joseph Ruffner

Represented By  
Brian C Andrews

**Defendant(s):**

Michael Joseph Ruffner

Pro Se

**Plaintiff(s):**

Jay Twitty

Represented By  
Andrew A Smits

Amy Twitty

Represented By  
Andrew A Smits

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#7.00**      STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2)(A) and §523(a)(6)

(Advanced from 6/14/18)

Docket      1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m., same date/time set for hearing on Plaintiff's motion for default judgment. Updated status report not required.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Defendant(s):**

Edgar Guzman

Pro Se

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edgar Guzman**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10097 Daphne Alt**

**Chapter 13**

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#8.00** STATUS CONFERENCE RE: Complaint for: 1. Breach of Contract; 2. Cancellation of Note; 3. Usury; 4. Wrongful Foreclosure; 5. Fraud; 6. Derogatory Relief; 7. Unfair Business Practices

(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to June 26, 2018 at 2:00 p.m., same date/time as hearing on pending motion to dismiss adversary. Updated status report not required.

***Note: If all parties accept the foregoing tentative ruling, appearances at this status conference is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Defendant(s):**

Premier Home Solutions, Inc.

Pro Se

Angel Leilani Santiago

Pro Se

Total Lender Solutions

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Daphne Alt**

**Chapter 13**

**Plaintiff(s):**

Daphne Alt

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12253 Darlene Futrel**

**Chapter 13**

**#9.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]**

BANK OF AMERICA, N.A.

VS.

DEBTOR

FR: 5-17-18

Docket 47

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation)/APO Entered  
6/6/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation)/APO Entered 6/6/18 - td (6/6/2018)**

**Tentative Ruling:**

**May 17, 2018**

Grant adequate protection order if Debtor is current by the time of the hearing.  
The parties are ordered to meet and confer re resolution prior to the hearing.  
If more time is needed, the parties may request a continuance to May 31, 2018 or  
June 7, 2018 at 10:00 a.m. at the time of today's calendar roll call.  
-----

**June 7, 2018**

Movant to advise the court re the status of this matter.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Darlene Futrel**

**Chapter 13**

**Debtor(s):**

Darlene Futrel

Represented By  
Christopher J Langley

**Movant(s):**

Bank of America, N.A.

Represented By  
Kelly M Raftery  
Jennifer C Wong  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14626 Leon Laird and MaryJo Laird**

**Chapter 7**

**#10.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

SETERUS, INC.

VS.

DEBTORS

FR: 5-3-18

Docket 45

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order approving  
Stipulation re Adequate Protection Entered on 6/4/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order approving Stipulation re Adequate Protection  
Entered on 6/4/18 -- eas/td**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Leon Laird

Represented By  
Dianna M Heck

**Joint Debtor(s):**

MaryJo Laird

Represented By  
Dianna M Heck

**Movant(s):**

SETERUS, INC. as the authorized

Represented By  
James F Lewin  
Renee M Parker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Leon Laird and MaryJo Laird**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 7, 2018

Hearing Room 5A

10:00 AM

8:18-11092 Lydia Tejada

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA INC.  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

**Tentative Ruling:**

**June 7, 2018**

Grant with 4001(a)(3) waiver and annulment.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Lydia Tejada

Represented By  
Sunita N Sood

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Sheryl K Ith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Lydia Tejada**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11212 Desmond Cooper and Dara C Cooper**

**Chapter 7**

**#12.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA INC.  
VS.  
DEBTORS

Docket 10

**Courtroom Deputy:**

**Tentative Ruling:**

**June 7, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Desmond Cooper Pro Se

**Joint Debtor(s):**

Dara C Cooper Pro Se

**Trustee(s):**

Richard A Marshack (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11465 Orson Benn**

**Chapter 7**

**#13.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

DCO 3033 WILSHIRE LLC

VS.

DEBTOR

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 5/31/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 5/31/2018 - td (6/1/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Orson Benn

Pro Se

**Movant(s):**

Todd Brisco

Represented By  
Todd A Brisco

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:03-19407 Imperial Credit Industries Inc**

**Chapter 7**

**#14.00** Hearing RE: Motion of Chapter 7 Trustee for Order Authorizing Sale of Certain Assets of the Debtor's Estate Free and Clear of Liens, Claims, Interests, and Encumbrances,

Docket 945

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Court's comments re the Motion:

1. Non-compliance with LBR 6004-1(f) -- posting of notice of sale on court's website.
2. No explanation or justification for the initial overbid which are nearly twice as much as the original purchase amount. This seems antithetical to maximizing the sale price.
3. No incremental bidding amount is provided (following the initial bid).

**Party Information**

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

Jeffrey M. Reisner  
Mike D Neue  
William N Lobel  
Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room 5A

10:30 AM

8:12-11721 Moisey Fridman and Rosa Fridman

Chapter 7

#15.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KARL T. ANDERSON, CHAPTER 7 TRUSTEE]**

Docket 584

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Moisey Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Andrew Edward Smyth

Sherilyn L ODell

**Joint Debtor(s):**

Rosa Fridman

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Moisey Fridman and Rosa Fridman**

**Chapter 7**

Michael Jones  
Laily Boutaleb  
Michael Galang David  
Sherilyn L ODell

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Thomas J Polis  
Juliet Y Oh  
Todd A Frealy  
Carmela Pagay  
Lindsey L Smith  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room 5A

10:30 AM

8:12-11721 Moisey Fridman and Rosa Fridman

Chapter 7

#16.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses

**[LEVENE, NEALE, BENDER, YOO & BRILL L.L.P, ATTORNEYS FOR  
KARL T. ANDERSON, CHAPTER 7 TRUSTEE]**

Docket 571

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Moisey Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Andrew Edward Smyth

Sherilyn L ODell

**Joint Debtor(s):**

Rosa Fridman

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Moisey Fridman and Rosa Fridman**

**Chapter 7**

Michael Jones  
Laily Boutaleb  
Michael Galang David  
Sherilyn L ODell

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Thomas J Polis  
Juliet Y Oh  
Todd A Frealy  
Carmela Pagay  
Lindsey L Smith  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-11721 Moisey Fridman and Rosa Fridman**

**Chapter 7**

**#17.00** Hearing RE: Application by Accountant for Chapter 7 Trustee for First and Final Compensation for the Period March 22, 2016 through September 23, 2017

**[KARL T. ANDERSON, CPA, INC., ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]**

Docket 553

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Moisey Fridman

Represented By

Michael Jones

Laily Boutaleb

Michael Galang David

Andrew Edward Smyth

Sherilyn L ODell

**Joint Debtor(s):**

Rosa Fridman

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Moisey Fridman and Rosa Fridman**

**Chapter 7**

Michael Jones  
Laily Boutaleb  
Michael Galang David  
Sherilyn L ODell

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Thomas J Polis  
Juliet Y Oh  
Todd A Frealy  
Carmela Pagay  
Lindsey L Smith  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-11464 Sandra Elisabeth Johnson**

**Chapter 7**

**#18.00** Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LORRAINE HOWELL, ESQ., ATTORNEY FOR DEBTOR]**

Docket 770

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Deny fees and expenses as Applicant was never employed to represent Debtor in the chapter 11 case.

Basis for Tentative Ruling:

The court incorporates by reference herein the legal analysis set forth in the United States Trustee's Opposition to the application.

***Note: If Applicant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Sandra Elisabeth Johnson**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-11492 The Tulving Company Inc**

**Chapter 7**

**#19.00** Hearing RE: Motion of Chapter 7 Trustee for Order Authorizing Sale of Certain Assets of the Debtor's Estate Free and Clear of Liens, Claims, Interests, and Encumbrances and Related Relief

Docket 743

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Court's comments re the Motion:

1. Non-compliance with LBR 6004-1(f) -- posting of notice of sale on court's website.
2. No explanation or justification for the initial overbid which are nearly twice as much as the original purchase amount. This seems antithetical to maximizing the sale price.
3. No incremental bidding amount is provided (following the initial bid).

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Linda F Cantor ESQ

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-12082 Joseph J. Munoz, MD, Inc.**

**Chapter 11**

**#20.00** CON'TD Post Confirmation Status Conference RE: Debtor-in-Possession's Chapter 11 Plan Dated July 1, 2015

(Set at Ch 11 Plan hrg. held 7/28/16)  
FR: 3-2-17; 3-9-17; 9-7-17; 3-8-18  
(Advanced from 6-14-18)

Docket 177

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 9, 2017**

Continue postconfirmation status conference to September 7, 2017 at 10:30 a.m.; updated status report must be filed by August 24, 2017 unless the case has been closed by such date. (XX)

Debtor may seek entry of closing of case and/or final decree by independent motion (LBR 9013-1(o) is acceptable).

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**September 7, 2017**

Continue status conference to March 8, 2018 at 10:30 a.m.; updated status report must be filed by February 22, 2018 unless the case is closed by such date. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Joseph J. Munoz, MD, Inc.**

**Chapter 11**

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 8, 2018**

Appearance at this hearing is required. The Status Report states in paragraph that a schedule payments as of July 2017 is attached. No schedule is attached to the Status Report and query as to why Debtor is only providing a schedule of payments as of eight months ago.

-----

**June 7, 2018**

Updated status report not filed. Motion for final decree not filed. Debtor's counsel shall appear and advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-15557 Helen Nguyen**

**Chapter 7**

**#21.00** Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helen Nguyen

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-15557 Helen Nguyen**

**Chapter 7**

**#22.00** Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses [January 29, 2016 through March 20, 2018]

**[BURD & NAYLOR, GENERAL COUNSEL FOR TRUSTEE]**

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helen Nguyen

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-15557 Helen Nguyen**

**Chapter 7**

**#23.00** Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from January 23, 2018 through March 10, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR TRUSTEE]**

Docket 80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helen Nguyen

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-15917 William Gary Call**

**Chapter 13**

**#24.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P., Rule 2017

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Grant motion in the amount of \$1500.00 -- the Firm shall remit said sum to Debtor within 30 days of entry of the order granting the motion.

The court does not believe disgorgement of the entire fee is appropriate. The Firm did provide many of the services covered by the RARA, including preparation of the bankruptcy commencement documents, appearance at confirmation hearings, and obtaining of confirmation of the plan. In other words, this isn't a situation where Debtor was ineligible to be in chapter 13 or where the case was dismissed shortly after filing. Still, Debtor has been disadvantaged by not having the Wells Fargo claim resolved per the court's order so some disgorgement is warranted. One third seems to be a fair disgorgement amount.

***Note: This matter appears to be uncontested. If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

William Gary Call

Represented By  
Derik J Roy III



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... William Gary Call**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14262 Claudia Michel Estrada**

**Chapter 7**

**#25.00** Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. Section 350(b)

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Claudia Michel Estrada

Represented By  
Luis G Torres

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 7, 2018

Hearing Room 5A

10:30 AM

8:17-10760 Mary Helen Leonard

Chapter 7

#26.00 Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing Short Sale of Real Property of the Estate Pursuant to Section 363(b), and Ancillary Relief

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#27.00** Hearing RE: Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing

Docket 81

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion, filed 5/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion, filed 5/4/2018 - td (5/7/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
J. Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#28.00** Hearing RE: Motion by United States Trustee to Dismiss Case or Convert Case to One Under Chapter 7 Pursuant to 11 U.S.C. Section 1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing

Docket 53

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion, filed 5/31/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion, filed 5/31/2018 - td (5/31/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#29.00** CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 3-8-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Chapter 11 Status Report not filed as required by this court's Order entered 1/10/18 [docket #4]. Debtor's counsel to advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

Deadline to file plan/disclosure statement: May 22, 2018  
Claims bar date: May 15, 2018 (notice by 3/15/18)  
Continued Status Conference: Jun 14, 2018 at 10:30 a.m. (XX)  
Deadline to file updated Status Report: May 31, 2018 (waived if plan & disclosure statement are filed)

***Note: Appearance at this hearing is required.***

-----

**June 7, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Tri-Star Construction and Restoration Services, In Chapter 11**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018 unless a plan and disclosure statement have been filed by such date, in which case the requirement of an updated status report will be waived and the status conference will be continued to the date/time set for hearing on approval of the disclosure statement.

***Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the UST prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10131 Dave Lawrence Cravotta**

**Chapter 13**

**#30.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Grant motion to disgorge \$1200.00 payable 30 days following entry of the order granting the motion.

Basis for Tentative Ruling:

1. Counsel states that the chapter 13 case was filed because of scheduled *foreclosure* sale yet asserts that he was unaware of any prepetition arrearages that needed to be provided for in the plan. This assertion strains credulity. By definition, if a foreclosure sale of real property is scheduled, there are arrearages.
2. Despite the obvious existence of arrearages, the initial plan provided payment only to Counsel's firm and the chapter 13 trustee with no distribution to any creditor.
3. The amended plan does not provide for treatment of the arrearages.
4. Though Counsel states in his opposition to the motion that he only received \$750 prior to the filing, this statement is contradicted by 1) Counsel's 2016 statement in which he states under oath that he received \$1200 prepetition, and 2) both the original and amended chapter 13 plan that provide for payment of \$2800 to Counsel through the plan (\$4,000 total fee - \$1200 = \$2800).



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Dave Lawrence Cravotta**

**Chapter 13**

5. Counsel did not appear at the continued 341a meeting or the confirmation hearing, in violation of the RARA. Counsel did not seek to withdraw as attorney of record at any time.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dave Lawrence Cravotta

Represented By  
Bahram Madaen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 7, 2018

Hearing Room 5A

10:30 AM

8:18-10297 Maria A Sellers

Chapter 13

#31.00 Hearing RE: Debtor's Objection to Proof of Claim #11-1 Filed by CACH, LLC

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Sustain Objection.

***Note: This matter appears to be uncontested. Accordingly, no court appearance on behalf of Debtor is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtor's counsel will be so notified.***

**Party Information**

**Debtor(s):**

Maria A Sellers

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11313 Jose Serrano and Estela Vega**

**Chapter 7**

**#32.00** Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(3)

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Serrano Pro Se

**Joint Debtor(s):**

Estela Vega Pro Se

**Trustee(s):**

Karen S Naylor (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#33.00** Hearing RE: Bernard Bros., Inc.'s Motion to Compel Arbitration and Dismiss the Bankruptcy Complaint

(Advanced from 6/14/18)

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Set matter for evidentiary hearing re transmittal of the document containing the arbitration agreement. Available hearing dates (1/2 day): July 27, 2018 at 10:00 a.m.; August 3, 2018 at 10:00 a.m.

Basis for Tentative Ruling

The court has received conflicting written testimony regarding the transmittal and receipt of the document containing the arbitration agreement. Accordingly, an evidentiary hearing must be set. *In re Nicholson*, 435 BR 622, 636 (9th Cir. BAP 2010) (holding that "if a contested matter cannot be decided without resolving a disputed material issue of fact, an evidentiary hearing must be held at which testimony of witnesses is taken in the same manner as testimony is taken in an adversary proceeding . . .").

It is well-established that "[t]he party seeking to enforce an arbitration agreement bears the burden of showing that the agreement exists and that its terms bind the other party." *Alvarez v. T-Mobile USA, Inc.*, 2011 WL 6702424, at \*8 (E.D. Cal. Dec. 21, 2011) (citing *Sanford v. Memberworks, Inc.*, 483 F.3d 956, 962 (9th Cir. 2007)). "If doubts as to the formation of an agreement to arbitrate exist, the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 7, 2018

Hearing Room

5A

2:00 PM

CONT... **Koller Coatings Corporation**

**Chapter 7**

matter should be resolved through an evidentiary hearing or mini-trial.” *Id.* (citing *Sandvik v. Advent Int'l Corp.*, 220 F.3d 99, 104–07 (3d Cir. 2000)). *Keijiro Sakaeda v. Kotobuki-Ya, Inc.*, No. CV1201995GAFJCX, 2012 WL 12896522, at \*4 (C.D. Cal. May 3, 2012).

"When one party disputes 'the making of the arbitration agreement,' the Federal Arbitration Act requires that "the court [ ] proceed summarily to the trial thereof" before compelling arbitration under the agreement. 9 U.S.C. § 4. *Sanford v. Memberworks, Inc.*, 483 F.3d 956, 962 (9th Cir. 2007). Issues regarding the validity or enforcement of a putative contract mandating arbitration should be referred to an arbitrator, but challenges to the existence of a contract as a whole must be determined by the court prior to ordering arbitration. *Id.*

Re *Craig v. Brown & Root, Inc.* 84 Cal App 4th 416 cited by Defendant:

- 1) This non-binding case cites California evidentiary law, not the Federal Evidence Code which is applicable here.
- 2) Even applying California Evidence Code, the appellate court in *Craig* made the following observation, which supports the requirement of an evidentiary hearing:

"If a party proves that a letter was mailed, the trier of fact is required to find that the letter was received *in the absence of any believable evidence. However, if the adverse party denies receipt, the presumption is gone from the case.* [emphasis added]. *The trier of fact must then weigh the denial of the receipt against the inference of receipt arising from the proof of mailing and decide whether or not the letter was received.*" [emphasis in the original]

*Id.* at 821.

EVIDENTIARY OBJECTIONS

Plaintiff's Evidentiary Objections to Declaration of Linda Lospalluto

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Koller Coatings Corporation**

**Chapter 7**

<u>Objection #</u>	<u>Ruling</u>
1	Re entire declaration: OVERRULED. Substantial compliance with USC 1746

All other objections are OVERRULED

Plaintiff's Evidentiary Objections to the Declaration of Ted Gropman

<u>Objection #</u>	<u>Ruling</u>
1	Re entire declaration: OVERRULED. Substantial compliance with USC 1746
2	SUSTAINED. Hearsay
3	OVERRULED. Statement of a party opponent.
4	OVERRULED
5	OVERRULED

Plaintiff's Evidentiary Objections to the Declaration of John Sykes

All objections are overruled.

**Party Information**

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Represented By  
Jeffrey M Goldman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Koller Coatings Corporation**

**Chapter 7**

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#34.00** CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts

FR: 4-12-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue status conference to June 14, 2018 at 2:00 p.m., same date/time as hearing on the pending motion to compel arbitration. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 7, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Koller Coatings Corporation**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 14, 2018

Hearing Room 5A

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Continued Status Conference filed 5/9/18, Document #28 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m.; Matthew Grimshaw, Attorney for Plaintiff will Provide Notice on Court's Own Motion. See Notice of Continued Status Conference filed 5/9/18, Document # 28 (XX) - td (4/16/2018 / 5/9/2018)**

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Revised Notice of Continued Status Conference filed 5/9/18, Document # 29 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m.; See Revised Notice of Continued Status Conference filed 5/9/18, Document # 29 (XX) - td (4/16/2018 / 5/9/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

**Represented By**

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#3.00**    CON'TD PRE-TRIAL CONFERENCE RE: Complaint: 1) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(2)(A); and 2) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(4)

FR: 2-2-17; 8-3-17; 11-9-17, 3-8-18

Docket      1

**\*\*\* VACATED \*\*\*    REASON: CONTINUED TO 10/18/18 AT 9:30 A.M.,  
PER HEARING HELD AND ORDER ENTERED 4/17/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 10/18/18 at 9:30 a.m.,  
Per Hearing Held and Order Entered 4/17/18 (XX) - td (4/17/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 14, 2018

Hearing Room 5A

9:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

**#4.00** STATUS CONFERENCE RE: First Amended Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust

Docket 47

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. Rosemary Amezcua-Moll, Attorney for Plaintiff will Provide Notice (XX). Subsequently Status Conference Scheduled for 6/7/18 at 9:30 a.m. Continued to 7/19/18 at 9:30 a.m., Per Hearing Held 5/3/18 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. on Court's Own Motion. Rosemary Amezcua-Moll, Attorney for Plaintiff will Provide Notice (XX) - td (4/17/2018). Subsequently Status Conference Scheduled for 6/7/18 at 9:30 a.m. Continued to 7/19/18 at 9:30 a.m., Per Hearing Held 5/3/18 (XX) - td (5/4/2018)**

**Party Information**

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... 29 Prime, Inc.**  
1Network.Com

Pro Se

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

Adv#: 8:18-01061 Kosmala v. The Nazareno Family Trust et al

**#5.00** STATUS CONFERENCE RE: Complaint for Avoidance of Fraudulent Transfer (11 U.S.C. §548, §544); Declaratory Relief Determining Estate's Interest in Real Property; Turnover and Possession of Real Property (11 U.S.C. §542); and Injunctive and Ancillary Relief

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Advancement of Status Conference filed 4/25/18, Document #7 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. See Notice of Advancement of Status Conference filed 4/25/18, Document #7 (XX) - td (4/26/2018)**

**Party Information**

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**Defendant(s):**

The Nazareno Family Trust

Pro Se

Bryson S Nazareno

Pro Se

Christopher Nazareno

Pro Se

Elma S Nazareno

Pro Se

Laura Trujillo Nazareno

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Bryson N Nazareno**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 14, 2018

Hearing Room 5A

9:30 AM

**8:17-11716 Brett John Kacura**

**Chapter 7**

Adv#: 8:17-01107 BAI LIMITED v. Kacura et al

**#6.00** CON'TD PRE-TRIAL CONFERENCE RE: Bai Limited's Adversary Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2), §523(a)(4), and §523(a)(6)

FR: 9-7-17; 3-8-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Rescheduled Hearing Date filed 4/24/18, Document # 19 (XX). . Subsequently, Pre-trial Conference Taken Vacated; status Conference Set for 7/19/18 at 9:30 a.m., Per Order Approving Stipulation RE: Scheduling Order Entered 5/18/18 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. on Court's Own Motion. See Notice of Rescheduled Hearing Date filed 4/24/18, Document #19 (XX) - td (4/24/2018). Subsequently, Pre-trial Conference Taken Vacated; status Conference Set for 7/19/18 at 9:30 a.m., Per Order Approving Stipulation RE: Scheduling Order Entered 5/18/18 (XX) - td (5/18/2018)**

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs

**Defendant(s):**

Brett John Kacura

Pro Se

Denise Marie Kacura

Pro Se

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Brett John Kacura**

**Chapter 7**

**Plaintiff(s):**

BAI LIMITED

Represented By  
Steven P Chang

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14421 Michael Joseph Ruffner**

**Chapter 7**

Adv#: 8:18-01014 Twitty et al v. Ruffner

**#7.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt**

FR: 4-12-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Rescheduled Status Conference filed 4/17/18, Document #13 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. Andrew Smits, Attorney for Plaintiffs will provide notice on Court's Own Motion (XX) - td (4/16/2018). See Notice of Rescheduled Status Conference filed 4/17/18, Document # 13 - td (4/18/2018)**

**Party Information**

**Debtor(s):**

Michael Joseph Ruffner

Represented By  
Brian C Andrews

**Defendant(s):**

Michael Joseph Ruffner

Pro Se

**Plaintiff(s):**

Jay Twitty

Represented By  
Andrew A Smits

Amy Twitty

Represented By  
Andrew A Smits

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#8.00**      STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2)(A) and §523(a)(6)

Docket      1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE ADVANCED TO 6/7/18 AT 9:30 A.M.; See Notice filed 4/17/18, Document #4 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. on Court's Own Motion. John Nicholson, Attorney for Plaintiff will Provide Notice on Court's Own Motion (XX) - td (4/16/2018). See Notice filed 4/17/18, Document #4 - td (4/18/2018)**

**Party Information**

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Defendant(s):**

Edgar Guzman

Pro Se

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 14, 2018

Hearing Room 5A

9:30 AM

8:18-10097 Daphne Alt

Chapter 13

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#9.00** STATUS CONFERENCE RE: Complaint for: 1. Breach of Contract; 2. Cancellation of Note; 3. Usury; 4. Wrongful Foreclosure; 5. Fraud; 6. Derogatory Relief; 7. Unfair Business Practices

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE ADVANCED TO 6/7/18 AT 9:30 A.M. ON COURT'S OWN MOTION. See Notice of Change of Date Set for Status Conference filed on 4/24/18, Document # 8 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 9:30 a.m. on Court's Own Motion. Dee Notice of Change of Date Set for Status Conferenced filed on 4/24/18, Document #6 (XX) - td (4/24/2018)**

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Defendant(s):**

Premier Home Solutions, Inc.

Pro Se

Angel Leilani Santiago

Pro Se

Total Lender Solutions

Pro Se

**Plaintiff(s):**

Daphne Alt

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-12082 Joseph J. Munoz, MD, Inc.**

**Chapter 11**

**#10.00** CON'TD Post Confirmation Status Conference RE: Debtor-in-Possession's Chapter 11 Plan Dated July 1, 2015

(Set at Ch 11 Plan hrg. held 7/28/16)  
FR: 3-2-17; 3-9-17; 9-7-17; 3-8-18

Docket 177

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 10:30 A.M. ON COURT'S OWN MOTION; SEE COURT'S NOTICE FILED 4/19/18, DOCUMENT # 276 (XX)**

**Courtroom Deputy:**

**ADVANCED: Post Confirmation Status Conference Advanced to 6/7/18 at 10:30 a.m. on Court's Own Motion; See Court's Notice filed 4/19/18, Document #276. Notified Louis Esbin, Attorney for Debtor and Michael Hauser, Attorney for UST (XX) - td (4/19/2018)**

**Party Information**

**Debtor(s):**

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 14, 2018

Hearing Room 5A

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#11.00** CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 3-8-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ADVANCED TO 6/7/18 AT 10:30 A.M. ON  
COURT'S OWN MOTION; SEE COURT'S NOTICE FILED 4/19/18,  
DOCUMENT # 52 (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 10:30 a.m. on  
Court's Own Motion; See Court's Notice filed 4/19/18, Document #52.  
Notified Michael Totaro, Attorney for Debtor and Michael Hauser,  
Attorney for UST (XX) - td (4/19/2018)**

**Party Information**

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#12.00** Hearing RE: Bernard Bros., Inc.'s Motion to Compel Arbitration and Dismiss the Bankruptcy Complaint

Docket 8

**\*\*\* VACATED \*\*\* REASON: HEARING ADVANCED TO 6/7/18 AT 2:00 P.M.; Movant Jeffrey Goldman, Attorney for Defendant will Provide Notice on Court's Own Motion (XX)**

**Courtroom Deputy:**

**ADVANCED: Hearing Advanced to 6/7/18 at 2:00 p.m.; Jeffrey Goldman, Attorney for Movant/Defendant will Provide Notice on Court's Own Motion (XX) - td (4/16/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Represented By  
Jeffrey M Goldman

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 14, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#13.00** CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts

FR: 4-12-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: STATUS CONFERENCE ADVANCED  
TO 6/7/18 AT 2:00 P.M.; Movant Jeffrey Goldman, Attorney for Defendant  
will Provide Notice on Court's Own Motion (XX)**

**Courtroom Deputy:**

**ADVANCED: Status Conference Advanced to 6/7/18 at 2:00 p.m.; Jeffrey  
Goldman, Attorney for Movant/Defendant will Provide Notice on Court's  
Own Motion (XX) - td (4/16/2018)**

**Party Information**

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

11:00 AM

**8:18-11850 Christopher A Armstrong**

**Chapter 13**

**#1.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 19, 2018**

Grant motion.

*Special Note: Although the court is granting this motion, it appears the motion is unnecessary as the prior case was discharged, not dismissed. Section 362(c)(3)(A) only applies where a prior case was pending within a year of the present case and was dismissed.*

**Note: Appearance at this hearing is not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher A Armstrong

Represented By  
Parisa Fishback

**Movant(s):**

Christopher A Armstrong

Represented By  
Parisa Fishback

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#2.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 1-23-18; 3-27-18; 5-22-18

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Sanford C Parke

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 19, 2018

Hearing Room 5A

1:30 PM

**8:17-14551 Italo Victor Ismodes**

**Chapter 13**

**#3.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BRIAN PARISCAN

VS.

DEBTOR

FR: 2-22-18; 3-27-18; 5-22-18

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 22, 2018**

Continue hearing to March 27, 2018 at 1:30 p.m., same date/time as continued confirmation hearing.\* (XX)

\* *Special Note:* If Movant accepts the tentative ruling, he will be deemed to have waived the right to a ruling within 30 days. If he does not accept the tentative ruling, the court might deny the motion without prejudice as the amended chapter 13 plan appears to provide for payment in full of his claim.

***Note: If both parties accept the tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**CONT... Italo Victor Ismodes**

**Chapter 13**

**Movant(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#4.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18; 5-22-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10150 Carol S. Berry**

**Chapter 13**

**#5.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 3-27-18; 5-22-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Carol S. Berry

Represented By  
Timothy S Huyck

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10298 Leonard Stanford Marcyes**

**Chapter 13**

**#6.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR:: 4-24-18; 5-22-18

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leonard Stanford Marcyes

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10338 Josephine V. Valenzuela**

**Chapter 13**

**#7.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18; 5-22-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Josephine V. Valenzuela

Represented By  
Raymond J Seo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10482 Javier Mendoza**

**Chapter 13**

**#8.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 4-24-18; 5-22-18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Javier Mendoza

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 19, 2018

Hearing Room 5A

1:30 PM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

#9.00 CON'TD Hearing RE: Chapter 13 Trustee's Motion to Convert Case to Chapter 7  
FR: 5-3-18

Docket 52

**Courtroom Deputy:**

**SPECIAL NOTE: Debtor's Ex Parte Motion for Continuance of All Matters Set for June 19, 2018, filed 6/15/18; Order Granting Continuance of All Matters Set for June 19, 2018 Lodged (over the counter) on 6/15/18 - td (6/15/2018)**

**Tentative Ruling:**

**May 3, 2018**

The court is inclined to continue the hearing to next confirmation hearing date of June 19, 2018 at 1:30 p.m. in order to evaluate the motion in the context of the viability and confirmability of Debtor's plan. Section 1325(a)(3) requires that a plan be proposed in good faith. (XX)

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 19, 2018

Hearing Room 5A

1:30 PM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

#10.00 CON'TD Hearing RE: Motion of Ford Motor Credit Company LLC to Convert Debtor's Case to Chapter 7

FR: 5-3-18

Docket 76

**Courtroom Deputy:**

**SPECIAL NOTE: Debtor's Ex Parte Motion for Continuance of All Matters Set for June 19, 2018, filed 6/15/18; Order Granting Continuance of All Matters Set for June 19, 2018 Lodged (over the counter) on 6/15/18 - td (6/15/2018)**

**Tentative Ruling:**

**May 3, 2018**

The court is inclined to continue the hearing to next confirmation hearing date of June 19, 2018 at 1:30 p.m. in order to evaluate the motion in the context of the viability and confirmability of Debtor's plan. Section 1325(a)(3) requires that a plan be proposed in good faith. (XX)

***Special Note: In fairness to all parties, this court strictly adheres to the briefing schedule structure and deadlines set forth in Local Bankruptcy Rule 9013-1 and will not consider for review any untimely briefs or briefs that are not specifically authorized by the LBR 9013-1, such as "surreplies."***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**#11.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18

Docket 34

**Courtroom Deputy:**

**SPECIAL NOTE: Debtor's Ex Parte Motion for Continuance of All Matters Set for June 19, 2018, filed 6/15/18; Order Granting Continuance of All Matters Set for June 19, 2018 Lodged (over the counter) on 6/15/18 - td (6/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10727 Mark Douglas Holland**

**Chapter 13**

**#12.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mark Douglas Holland

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10754 Karin Marcum**

**Chapter 13**

**#13.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-22-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karin Marcum

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10843 Robert Neil Phillips**

**Chapter 13**

**#14.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 5-22-18

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert Neil Phillips

Represented By  
Yelena Gurevich

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11006 Kimberly Nadina Fisher**

**Chapter 13**

**#15.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Nadina Fisher

Represented By  
Heather J Canning  
Barry E Borowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11061 Maria E Gomez**

**Chapter 13**

**#16.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 16

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with  
Restrictions Entered 5/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 with Restrictions Entered 5/25/2018 -  
td (5/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria E Gomez

Represented By  
H Christopher Coburn

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11067 Neil A Johansen**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 18

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/16/2018 - td (4/16/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Neil A Johansen

Represented By  
Derik N Lewis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11100 Judi Kay Booth-Thomas**

**Chapter 13**

**#18.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Judi Kay Booth-Thomas	Pro Se
-----------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11121 Eric Jamal Grimes**

**Chapter 13**

**#19.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Eric Jamal Grimes

Represented By  
Rex Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11166 Santiago David Silva**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Santiago David Silva

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11234 David Ramos**

**Chapter 13**

**#21.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Ramos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

**#22.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11262 Jean A Butler-Boren**

**Chapter 13**

**#23.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jean A Butler-Boren

Represented By  
Thomas J Polis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11272 Anthony Nguyen**

**Chapter 13**

**#24.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/30/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/30/2018 - td (4/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony Nguyen

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11284 Arden Jeffrey Kirkpatrick**

**Chapter 13**

**#25.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 4/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 4/13/2018 - td (4/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arden Jeffrey Kirkpatrick	Pro Se
---------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11286 Lillian Elizabeth Fossa**

**Chapter 13**

**#26.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lillian Elizabeth Fossa	Pro Se
-------------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11292 Kathy Washington**

**Chapter 13**

**#27.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 4/30/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 4/30/2018 - td (4/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Washington

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11294 Ty Tang**

**Chapter 13**

**#28.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ty Tang

Represented By  
Sundee M Teeple  
Craig K Streed

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11352 Hong-Hai Thi Tran**

**Chapter 13**

**#29.00** Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hong-Hai Thi Tran

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 19, 2018

Hearing Room 5A

1:30 PM

8:18-11382 Neil A Johansen

Chapter 13

#30.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

\*\*\* VACATED \*\*\* REASON: Order Dismissing Case Entered 6/4/18

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case Entered 6/4/18- mp (6/13/18)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Neil A Johansen

Represented By  
Derik N Lewis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11387 Elisabeth Mary Ziesmer**

**Chapter 13**

**#31.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements and/or Plan Entered 5/7/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements and/or Plan Entered 5/7/2018 - td (5/9/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elisabeth Mary Ziesmer

Represented By  
Javier H Castillo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11453 Richard E Stanton**

**Chapter 13**

**#32.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Richard E Stanton

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17; 2-27-18; 4-24-18

Docket 101

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#34.00** CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-27-18; 5-22-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-17208 Sonya Rene Arciga**

**Chapter 13**

**#35.00** Hearing RE: Trustee's Motion to Dismiss Case failure to complete the plan within its terms

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sonya Rene Arciga

Represented By  
Sundee M Teeple

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-17658 Maria Del Pilar Untiveros**

**Chapter 13**

**#36.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 98

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary Dismissal of Motion filed 5/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion filed 5/16/2018  
- td (5/16/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Del Pilar Untiveros

Represented By  
Nathan V Hoffman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-12700 Cedric Tiawan Fayne and Cynthia Rene Fayne**

**Chapter 13**

**#37.00 Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments**

Docket 58

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of  
Withdrawal of Trustee's Motion, filed 6/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion,  
filed 6/11/2018 - td (6/11/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cedric Tiawan Fayne

Represented By  
Michael E Clark  
Barry E Borowitz

**Joint Debtor(s):**

Cynthia Rene Fayne

Represented By  
Michael E Clark  
Barry E Borowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-15974 Miguel Garcia Perez**

**Chapter 13**

**#38.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Miguel Garcia Perez

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 19, 2018

Hearing Room 5A

2:30 PM

8:15-14636 Eric Anthony Perez

Chapter 13

#39.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 5-22-18

Docket 69

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 6/11/2018

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 6/11/2018 - td (6/11/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Anthony Perez

Represented By  
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 19, 2018

Hearing Room 5A

2:30 PM

**8:16-13537 Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**#40.00** CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 9-26-17; 10-24-17; 12-22-17; 2-27-18; 3-27-18

Docket 50

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of  
Withdrawal of Trustee's Motion, filed 6/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion,  
filed 6/11/2018 - td (6/11/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14972 Dzung Anh Pham**

**Chapter 13**

**#41.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 4-24-18; 5-22-18

Docket 46

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 6/1/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 6/1/2018 - td (6/1/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dzung Anh Pham

Represented By  
Shakeal Masoud  
Matthew R. Clark III

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10908 Rafael Carbajal and Laura Carbajal**

**Chapter 13**

**#42.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

FR: 4-24-18; 5-22-18

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rafael Carbajal

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Laura Carbajal

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12253 Darlene Futrel**

**Chapter 13**

**#43.00** CONT'D Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 5-22-18

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darlene Futrel

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#44.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 3-27-18; 4-24-18; 5-22-18

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 19, 2018

Hearing Room 5A

2:30 PM

8:17-13241 Tamme Ronett Sewell

Chapter 13

#45.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 36

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 Entered 6/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 Entered 6/19/2018 - td (6/19/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tamme Ronett Sewell

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 19, 2018

Hearing Room 5A

2:30 PM

8:17-13345 Monique Emma Sanchez

Chapter 13

#46.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 37

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 6/12/18; Case Converted to Chapter 7

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 6/12/18; Case Converted to Chapter 7 - td (6/12/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Monique Emma Sanchez

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-11542 Thomas John Snodgrass and Kristina Renee Snodgrass**

**Chapter 13**

**#47.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 40

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Trustee's Notice of  
Withdrawal of Trustee's Motion, filed 6/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion,  
filed 6/11/2018 - td (6/11/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas John Snodgrass

Represented By  
Misty A Perry Isaacson

**Joint Debtor(s):**

Kristina Renee Snodgrass

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14997 Susanne Steiner Petersen**

**Chapter 7**

**#1.00 Hearing RE: Reaffirmation Agreement Between Debtor and Logix Federal Credit Union (RE: 2017 Forest River Salem Travel Trailer - \$26,434.03) (TA CASE)**

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Susanne Steiner Petersen

Represented By  
Timothy Quick

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10455 Ninie Chang**

**Chapter 7**

**#2.00 Pro se Reaffirmation Agreement Between Debtor and Discover Bank Hearing  
[RE: Credit Card 3,750.00]  
[TA CASE]**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ninie Chang

Represented By  
Joy M Johnson

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10569 Helene Beth Schanks**

**Chapter 7**

**#3.00 Hearing RE: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (2006 Honda CRV - \$5,469.45) (CB CASE)**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helene Beth Schanks

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10601 Jimi A. Younger**

**Chapter 7**

**#4.00** Hearing RE: Reaffirmation Agreement Between Debtor and SchoolsFirst  
Federal Credit Union - Reaffirmation Agreement (**RE: 2015 Toyota Tundra -  
\$17,063.31**)  
**(SC Case)**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jimi A. Younger

Represented By  
Sean S Vahdat

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10772 Luis Gerardo Camacho**

**Chapter 7**

**#5.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and OneMain Financial Services (2005 GMC Sierra - \$4822.68) **(TA CASE)**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luis Gerardo Camacho

Represented By  
Lauren M Foley

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10934 Thu Thi Phan**

**Chapter 7**

**#6.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit **[RE: 2015 Toyota Camry - \$18,750.48]**  
**[TA CASE]**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thu Thi Phan

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10950 Victorina Lucero**

**Chapter 7**

**#7.00** Hearing RE: Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation **(RE: 2013 Toyota Corolla - \$10,843.99]**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victorina Lucero

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11146 Marquita Leilani Pierce**

**Chapter 7**

**#8.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Gateway One Lending & Finance (2008 BMW 3-Series 328I 4D Sedan - \$5,032.09) (**TA CASE**)

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marquita Leilani Pierce	Pro Se
-------------------------	--------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11160 Shanna M Whittier**

**Chapter 7**

**#9.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Fifth Third Bank (RE: 2013 Toyota Camry - \$14,479.67) **[CB CASE]**

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shanna M Whittier

Represented By  
Diana K Zilko

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11160 Shanna M Whittier**

**Chapter 7**

**#10.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and  
MECHANICS BANK (RE: 2013 Ford Fiesta - \$11,268.88) **[CB CASE]**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shanna M Whittier

Represented By  
Diana K Zilko

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11191 Christopher Trung Hoang**

**Chapter 7**

**#11.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Nissan-Infiniti LT (RE: Leased 15 Infiniti Q50 - \$6,943.92)**

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Trung Hoang	Pro Se
-------------------------	--------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11196 Graciela Belmontes and Jose Jaime Belmontes**

**Chapter 7**

**#12.00** Hearing RE: Reaffirmation Agreement Between Debtor and CarMax Auto Finance - Reaffirmation Agreement **(RE: 2009 Toyota Camry - \$10,219.92)**

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Graciela Belmontes

Represented By  
Richard F Lemus

**Joint Debtor(s):**

Jose Jaime Belmontes

Represented By  
Richard F Lemus

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11443 Troy Charles Volk and Virginia Rose Volk**

**Chapter 7**

**#13.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and and Orange County's Credit Union [RE: 2013 Toyota Camry - \$14,479.67]  
[SC CASE]**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Troy Charles Volk	Pro Se
-------------------	--------

**Joint Debtor(s):**

Virginia Rose Volk	Pro Se
--------------------	--------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:10-15368 Jimmy Tran Dang**

**Chapter 13**

Adv#: 8:13-01240 Galvez v. Dang et al

**#1.00** Hearing RE: Order To Show Cause Why Adversary Proceeding Should Not Be Dismissed For Lack Of Prosecution (OSC Entered 4-5-18)

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

No response to the OSC filed. Dismiss adversary proceeding.

**Party Information**

**Debtor(s):**

Jimmy Tran Dang

Represented By  
Charles W Daff

**Defendant(s):**

Jimmy Tran Dang

Pro Se

Kelly Thuy-Trang Doan

Represented By  
Charles W Daff

**Joint Debtor(s):**

Kelly Thuy-Trang Doan

Represented By  
Charles W Daff

**Plaintiff(s):**

Octavio Buelna Galvez

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jimmy Tran Dang**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

**8:10-15368 Jimmy Tran Dang**

**Chapter 13**

Adv#: 8:13-01240 Galvez v. Dang et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

FR: 10-10-13; 4-10-14; 10-2-14; 3-12-15; 9-10-15; 11-19-15; 6-23-16; 6-30-16; 12-15-16; 3-9-17; 7-13-17; 11-16-17; 4-5-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 10, 2013**

Continue status conference to April 10, 2014 at 9:30 a.m.; updated status report to be filed by March 27, 2013 (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----  
**April 10, 2014**

In light of related pending state court action, continue status conference to Oct. 2, 2014 at 9:30 a.m.; updated status report to be filed by September 18, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----  
**Oct. 2, 2014**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

---

9:30 AM

CONT... Jimmy Tran Dang

Chapter 13

In light of related pending state court action, continue status conference to March 12, 2015 at 9:30 a.m.; updated status report to be filed by February 26, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----

**March 12, 2015**

In light of related pending state court action, continue status conference to September 10, 2015 at 9:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

*Special Note: By September 10, 2015, this matter will have been pending for more than 2 years. If trial has not taken place in state court by the next status conference date, the court will likely proceed to pretrial conference and trial in this court.*

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----

**September 10, 2015**

The parties must appear and advise the court as to why the state court matter has not gone to trial after more than 2 years. The parties should be prepared to discuss the state court litigation and the reason(s) for the delay in detail.

***Note: Appearances at this status conference are required.***

-----

**November 19, 2015**

Continue status conference to June 23, 2016 at 9:30 a.m.; updated status report must be filed by June 2, 2016. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room

5A

9:30 AM

CONT...

Jimmy Tran Dang

Chapter 13

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; plaintiff to serve notice of the continued hearing date/time.***

-----

**June 30, 2016**

The parties are to appear and advise the court re the outcome of the May 18, 2016 state court trial.

-----

**December 15, 2016**

Continue status conference to March 9, 2017 at 9:30 a.m.; updated status report must be filed by April 23, 2017 and must include detailed information re the status of the state court appeal (e.g., briefing schedule, oral argument date if any, etc.). (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**March 9, 2017**

Continue status conference one final time to July 13, 2017 at 9:30 a.m.; updated status report must be filed June 29, 2017. (XX)

-----

**July 13, 2017**

In light of pending appeal, continue status conference to November 16, 2017 at 9:30 a.m.; updated status report must be filed by November 2, 2017. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jimmy Tran Dang  
April 5, 2018**

**Chapter 13**

Plaintiff to appear and advise the court re the remaining claims, if any, that remain against Defendants and that are on appeal. If Plaintiff fails to appear, the court will issue an Order to Show Cause why the adversary should not be dismissed for failure to prosecute.

-----

**June 21, 2018**

Take matter off calendar in light of dismissal of the adversary proceeding.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jimmy Tran Dang

Represented By  
Charles W Daff

**Defendant(s):**

Kelly Thuy-Trang Doan

Pro Se

Jimmy Tran Dang

Pro Se

**Joint Debtor(s):**

Kelly Thuy-Trang Doan

Represented By  
Charles W Daff

**Plaintiff(s):**

Octavio Buelna Galvez

Represented By  
David B Lally

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room      5A**

9:30 AM

**CONT...      Jimmy Tran Dang**  
Amrane (SA) Cohen (TR)

Pro Se

**Chapter 13**

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#3.00** CON'TD STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17; 3-8-18; 3-29-18; 4-17-18; 5-17-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/2/18 AT 9:30 A.M., PER ORDER ENTERED 6/14/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 8/2/18 at 9:30 a.m., Per Order Entered 6/14/18 (XX) - td (6/18/2018)**

**SPECIAL NOTE: Order Approving Stipulation Under Fed.R.Civ.P.41(A) and Fed.R.Bankr.P.7041 to Dismiss with Prejudice Claims in Adversary Proceeding Arising Under 11 U.S.C. Section 727 Entered 6/8/18; §523 still pending - (liz)**

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 4, 2014**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

---

9:30 AM

CONT... Robert David Suer

Chapter 7

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15, 2017 at 9:30 a.m.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room**

**5A**

9:30 AM

CONT...

**Robert David Suer**

**Chapter 7**

*Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)*

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**July 27, 2017**

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)

Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and in includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

b. B(1), (2), and (3): Why are these matters disputed? For example, if

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories and responses.

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

o. B(33) - (41): What are the disputed facts?

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the disputed facts -- not a mere recitation of deposition testimony.

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

**3. Issues of Law:**

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.

**4. Other Matters, JPS Section F:**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Robert David Suer

Chapter 7

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the estipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary judgment realistically be filed and heard in advance of an April 2018 trial date?

c. When will all the other pretrial motions mentioned in Section F of the JPS be filed?

***Note: Appearances at this hearing are required.***

-----

**May 17, 2018**

In light of representations made in the joint status report filed May 3, 2018 [doc # 234], continue matter as a status conference to June 21, 2018 at 9:30 a.m. as a holding date. Updated joint status report must be filed by June 14, 2018 if the adversary proceeding remains pending as of such date. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

**Defendant(s):**

Robert David Suer Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR) Pro Se

David L Hahn (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:16-01012 Boyajian et al v. Ordoubadi et al

**#4.00** CON'TD STATUS CONFERENCE RE: Verified First Amended Complaint: 1) For Disallowance of Claims; 2) For Declaratory Relief; And 3) To Quiet Title to Real Property

FR: 12-21-17; 3-8-18; 4-12-18; 4-17-18; 5-17-18

Docket 109

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order on Stipulation to Dismiss Adversary Proceeding with Prejudice Entered 6/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order on Stipulation to Dismiss Adversary Proceeding with Prejudice Entered 6/18/2018 - td (6/18/2018)**

**Tentative Ruling:**

**December 21, 2017**

Continue status conference to Feb. 22, 2018 at 9:30 a.m. on the remaining issues. Joint status report to be filed by Feb. 8, 2018.  
-----

**March 8, 2018**

Continue status conference to April 12, 2018 at 9:30 a.m.; updated joint status report to be filed by April 5, 2018. (XX)

The parties are encouraged to continue trying to reach a mutual resolution of the adversary.

*Special Note: Regarding the Motion to Dismiss the First Amended Complaint, which was granted in part at the December 21, 2017 hearing, the court expects to post augmented finding/conclusions no later than March 9, 2018. During the course of the court's review of the pleadings which it adopted as the basis for its*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

CONT... **Robert Boyajian** **Chapter 11**

*ruling, the court determined that certain matters required additional review and analysis by the court. The substantive ruling will not change.*

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**April 17, 2018**

The parties are to advise the court re the status of this matter.

-----

**June 21, 2018**

Take matter off calendar in light of entry of May 21, 2018 order approving settlement of this adversary proceeding.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**Defendant(s):**

Shahrokh Shawn Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer

Raham Honeya Ordoubadi

Represented By  
Nicholas W Gebelt  
Marc S Mazer



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

**Plaintiff(s):**

Robert Boyajian

Represented By  
Steven Werth  
Michael G Spector  
Vicki L Schenum

Mayor Dune, Inc.

Represented By  
Alan G Tippie  
Robert Boyajian

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#5.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Quiet Title to Real Property; 2. Declaratory Relief; 3. Objection to Claim; and 4. Avoidance of Unperfected Lien; 5. Recovery of Avoided Transfer

FR: 11-2-17; 5-31-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/6/18 AT 9:30 A.M., PER ORDER ENTERED 6/4/18 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 9/6/18 at 9:30 a.m., Per Order Entered 6/4/18 (XX) - td (6/4/2018)**

Tentative Ruling:

**November 2, 2017**

Discovery Cut-off Date:	Mar. 1, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	Apr. 6, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#6.00** CON'TD STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged Administrative Claimant Out of Escrow

FR: 4-5-18

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Joint status report not timely filed. Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed.  
-----

**June 21, 2018**

Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to file an updated status report or file a motion for default judgment.

**Party Information**

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Bruce R Fink**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#7.00** Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not be Dismissed for Lack of Prosecution (OSC Issued 4/12/18)

Docket 117

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

No response to OSC filed. Dismiss adversary proceeding.

**Party Information**

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

Family Steel Corporation

Pro Se

First American Title Insurance

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**      **Rosalva Ramirez**  
Olimpia Family Trust, Dated

Pro Se

**Chapter 11**

**Plaintiff(s):**

Mayanin Sotelo

Represented By  
Michael Soroy  
Bruce Fields  
Katherine Hoffman

Salon Envious, Inc.

Represented By  
Michael Soroy  
Bruce Fields  
Katherine Hoffman

Aurelio Vera

Represented By  
Michael Soroy  
Bruce Fields  
Katherine Hoffman

Faviola Vera

Represented By  
Michael Soroy  
Bruce Fields  
Katherine Hoffman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#8.00** CON'TD PRE-TRIAL CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18; 2-22-18; 4-12-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery: July 1, 2016  
Pretrial Stipulation due date: August 18, 2016  
Pretrial Conference: Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

***consistent with the same.***

-----  
**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----  
**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

-----  
**November 30, 2017**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

***Note: Appearances at this hearing are required.***  
-----

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***  
-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.  
-----

**April 12, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; Court to issue order to show cause why this adversary should not be dismissed due to lack of prosecution ("OSC"), which OSC shall be heard on the same date/time as the continued status conference. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Defendants shall service notice of the continued status conference.***  
-----

**June 21, 2018**

Take matter off calendar in light of the dismissal of the adversary proceeding.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rosalva Ramirez**

**Chapter 11**

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe

**Defendant(s):**

Family Steel Corporation

Pro Se

First American Title Insurance

Pro Se

Olimpia Family Trust, Dated

Pro Se

Rosalva Ramirez

Represented By  
Marc C Forsythe

Jose Luis Ramirez Sr

Pro Se

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

**Plaintiff(s):**

Mayanin Sotelo

Represented By  
Michael Soroy

Salon Envious, Inc.

Represented By  
Michael Soroy

Aurelio Vera

Represented By  
Michael Soroy

Faviola Vera

Represented By  
Michael Soroy

**U.S. Trustee(s):**

United States Trustee (SA)

Represented By  
Frank Cadigan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:16-01263 Golden v. Mount et al

- #9.00** PRE-TRIAL CONFERENCE RE: Complaint for: 1) Avoidance of Actual Intent Fraudulent Transfer; 2) Avoidance of Constructive Fraudulent Transfer; 3) Recovery of Transfer; 4) Judgment Quieting Title; 5) Declaratory Relief; and, 6) Injunction Preventing Further Transfers

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/11/18 AT 9:30 A.M.,  
PER ORDER ENTERED 3/19/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 10/11/18 at 9:30 a.m., Per  
Order Entered 3/19/18 (XX) - td (3/19/2018)**

**Tentative Ruling:**

**March 9, 2017**

Discovery Cut-off Date:	July 16, 2017
Pretrial Conference Date: (XX)	August 17, 2017 at 9:30am
Deadline to file Joint Pretrial Stipulation:	August 3, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**January 17, 2018**

Discovery Cut-off Date:	May 4, 2018
Pretrial Conference Date: (XX)	June 21, 2018 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	June 7, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Kyle Patric Mount Trustee of the

Pro Se

Kyle Patric Mount

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Thomas H Casey

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#10.00** CONT'D STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 12-14-17; 3-22-18; 3-29-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by June 7, 2018. (XX)

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**June 21, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by September 7, 2018.

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Todd Leroy Hinker

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Todd Leroy Hinker**

**Chapter 7**

Diane L Mancinelli

**Defendant(s):**

Todd Leroy Hinker

Pro Se

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#11.00 STATUS CONFERENCE RE: Complaint to: 1) Determine Non-Dischargeability of Debt 11 USC Sections 523(a)(2)(A), 523(a)(4) and 523(a)(6), and 2) Deny Discharge of Debtor Under 11 USC Sections 727(a)(2)(A), 727(a)(3), and 727(a)(4) (A)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Discovery Cut-off Date:	Nov. 1, 2018
Deadline to Attend Mediation:	Jan. 11, 2019
Pretrial Conference Date:	Jan. 31, 2019 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Jan. 17, 2019

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Maria H. Helton-Rehburg

Represented By  
Christopher P Walker

**Defendant(s):**

Maria H. Helton-Rehburg

Pro Se

**Plaintiff(s):**

Lisa M. Rehburg

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Maria H. Helton-Rehburg**

Bradley D Blakeley

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#12.00**      Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket      9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Deny motion as to 523(a)(2)(A) with prejudice; Deny motion as to 523(a)(6) without prejudice.

Basis for Tentative Ruling

The Complaint was filed on March 17, 2018. The summons was executed on Defendant on March 20, 2018. The deadline to file a responsive pleading was April 18, 2017. To date no responsive pleading has been filed. Default was entered on March 24, 2018. Through this Motion, Plaintiff requests the court grant default judgment under 523(a)(2)(A) and (a)(6), relying entirely on the Judgment in the State Court Action for the basis of this Motion.

Under FRBP 7055(b), the court may require a plaintiff to demonstrate a *prima facie* case by competent evidence in a prove-up trial to obtain a default judgment. In re Villegas, 132 B.R. 742, 746 (9th Cir. BAP 1991). Factors for the court to consider in determining whether to award a default judgment include: (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at stake in the action, (5) the possibility of a dispute on the material facts, (6) whether the default was due to excusable neglect, and (7) the strong policy favoring decisions on the merits. Id. at 746 (citing Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986)).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

CONT...

Edgar Guzman

Chapter 13

Preclusive Effect of Judgment in the State Court Action

Plaintiff relies entirely on the preclusive effect of the Judgment in the State Court Action as the basis for this motion, and does not provide any other evidence to demonstrate a *prima facie* case. In fact, Plaintiff does not rely on the Complaint or attach a copy of the Complaint as evidence.

Issue preclusion applies in bankruptcy cases. Grogan v. Garner, 498 U.S. 279, 285 n.11 (1991). It bars successive litigation of an issue or fact that was actually litigated and resolved in a prior judgment. A federal court must give a state court judgment the same preclusive effect that it would receive in that state. Marrese v. American Academy of Orthopaedic Surgeons, 470 U.S. 373, 380 (1985). In California, the requirements for collateral estoppel or issue preclusion are that (1) the issue must be identical to that decided in the former proceeding, (2) the issue must have actually been litigated in the prior proceeding, (3) it must have been necessarily decided, (4) the decision in the prior proceeding must be final and on the merits, and (5) the party against whom preclusion is sought must be the same. Cal-Micro, Inc. v. Cantell (In re Cantrell), 329 F.3d 1119, 1123 (9th Cir. 2003).

§ 523(a)(2)(A)

Fraud under § 523(a)(2)(A) mirrors the elements of fraud under California law. In re Younie, 211 B.R. at 373. "To establish actual fraud in California, the plaintiff must show: '(1) misrepresentation; (2) knowledge of the falsity of the representation; (3) intent to induce reliance; (4) justifiable reliance; and (5) damages.'" Id. (quoting Stewart v. Ragland, 934 F.2d 1033, 1043 (9th Cir. 1991)).

Plaintiff cannot rely on the Judgment for the sole basis of granting this Motion. First, there is no finding of fraud in the Judgment. The Judgment was entered in favor of Plaintiff for conversion and theft. The elements of fraud and conversion are not identical. The Complaint in this case, although not relied on as a basis for this Motion, indicates that Plaintiff filed the State Court Action for fraud, then later amended the complaint with a cause of action for domestic violence and damages. Compl., ¶14. However, fraud was not a basis for the Judgment. Based on the papers before the court, it appears that

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

CONT... **Edgar Guzman**

**Chapter 13**

the state court did not make a finding of fraud. Second, though the Motion makes no reference to the underlying Complaint, even if the Court considered the allegations in the Complaint as true, such allegations are insufficient to establish a claim under 523(a)(2)(A) for fraud. To illustrate, the Complaint does not allege any false statements or misrepresentations, nor does it allege an intent to deceive. In sum, nothing in the Complaint suggests the existence of facts supporting a claim for fraud. For that reason, the Motion is denied with prejudice as to this claim for relief.

§ 523(a)(6)

A debt is excluded from discharge under § 523(a)(6) for willful and malicious injury by the debtor. A malicious injury requires "(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." *Petralia v. Jercich*, 238 F.3d 1202, 1209 (2001). The willful injury requirement is met where "either the debtor had a subjective motive to inflict the injury" or "believed the injury was substantially certain to occur as a result of his conduct." *Id.* at 1208.

"The three elements of conversion under California law do not include the elements of the 'willful' and 'malicious' prongs under § 523(a)(6). Conversion under California law does not require a showing that the defendant subjectively intended to injure the plaintiff or subjectively knew that the defendant's conduct was substantially certain to injure the plaintiff." *In re Horne*, 549 B.R. 241, 250 (Bankr. E.D. Cal. 2016).

Under California common law, the tort of conversion is the "wrongful exercise of dominion over the property of another." *Welco Electronics, Inc. v. Mora*, 223 Cal.App.4th 202, 208 (2014) (quoting *Los Angeles Federal Credit Union v. Madatyan*, 209 Cal.App.4th 1383, 1387 (2012)); *Gruber v. Pacific States Sav. & Loan Co.*, 13 Cal.2d 144, 148 (1939) ("conversion is any action of dominion wrongfully exerted over another's personal property in denial of or inconsistent with his rights therein"). The three elements of a conversion claim are: "[i] the plaintiff's ownership or right to possession of the property; [ii] the defendant's conversion by a wrongful act or disposition of [plaintiff's] property rights; and [iii] damages." *Burlesci v. Petersen*, 68 Cal.App.4th 1062, 1066

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

9:30 AM

CONT...

**Edgar Guzman**

**Chapter 13**

(1998). It is clear that absent anything else, a judgment for conversion under California law does not necessarily exempt a debt from discharge. *Peklar v. Ikerd (In re Peklar)*, 260 F.3d 1035, 1039 (9th Cir. 2001).

The Ninth Circuit BAP has held that the legal issue decided under California law in granting an award of punitive damages is the same as that decided under § 523(a)(6), and the doctrine of collateral estoppel precludes re-litigating the issue in bankruptcy court. *In re Molina*, 228 B.R. 248, 251-252 (9th Cir. BAP 1998). The standard for a punitive damages award required a showing that the defendant was guilty of "oppression, fraud, or malice." *Id.* at 251. The court found that an award of punitive damages for fraud was sufficient to satisfy the element requiring the malicious injury to be "without just cause or excuse." *Molina* at 252.

Here, the Judgment only indicates that Plaintiff was awarded damages on the basis of conversion and theft. A finding for conversion or theft does not necessarily rise to the level of willful and malicious injury under §523(a)(6). The Judgment also has no award for punitive damages. Since Plaintiff provides no other evidence to make a *prima facie* case under § 523(a)(6), the Motion must be denied.

Because of the limitations of the Judgment, in order to establish a *prima facie* case under 523(a)(6), Plaintiff will need to present a more robust motion that includes an actual analysis of the underlying facts in the context of 523(a)(6), as well as the fact supporting this claim in the form of Plaintiff's sworn written testimony. Because it appears at least possible that Plaintiff may be able to make a *prima facie* case for willful and malicious injury under 523(a)(6), the motion is being denied without prejudice as to this claim for relief.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edgar Guzman**

**Chapter 13**

**Defendant(s):**

Edgar Guzman

Pro Se

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#12.10**    CON'TD STATUS CONFERENCE RE: Complaint to Determine  
Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2)(A) and §523(a)(6)  
  
(Advanced from 6/14/18)  
FR: 6-7-18

Docket      1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m., same date/time set for hearing on Plaintiff's motion for default judgment. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required.***

-----

**June 21, 2018**

Continue status conference to July 31, 2018 at 9:30 a.m. Any new motion for default judgment must be filed and served no later than July 10, 2018 and shall be set for hearing on July 31, 2018 at 9:30 a.m.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

CONT... **Edgar Guzman**

Rebecca Tomilowitz

**Chapter 13**

**Defendant(s):**

Edgar Guzman

Pro Se

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Adv#: 8:18-01065 Albert-Sheridan v. Farfan et al

**#13.00** STATUS CONFERENCE RE: Complaint 1. Dischargeability of Debt;  
2. 11 USC Section 525(a) Violation; 3. 42 USC Section 1983 Violation;  
4. Rosenthal/FDCPA; 5. Bus & Prof Code Section 6103, 6140.7 and 6086.10 are  
Unconstitutional

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Continue status conference to July 19, 2018 at 2:00 p.m., same date/time as pending motion to dismiss.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Maricruz Farfan	Pro Se
Brandon Tady	Pro Se
Alex Hackert	Pro Se
Paul Bernardino	Pro Se
Yvette Roland Hon.	Pro Se
State Bar Of California	Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#14.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 5-17-18

Docket 140

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 10:00 A.M.,  
PER ORDER ENTERED 6/18/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/19/18 at 10:00 a.m., Per Order  
Entered 6/18/2018 (XX) - td (6/18/2018)**

**Tentative Ruling:**

**May 17, 2018**

Deny Motion. Movant shall not assess attorneys fees/costs against Debtors' account for the preparation and prosecution of the Motion.

Debtors appear to account for all payments. The court notes that Movant previously filed a motion for relief from stay in 2016 and the parties continued the hearing for approximately 11 months until November 2017, at which time Movant withdrew its motion without even requesting an APO. The court assumes this was done because Debtors were determined to be current as of November 2017. So, as a preliminary matter, how could Debtors be seven payments delinquent just 5 months later? In any event, the documentation attached to the Opposition appears to demonstrate that all payments have been made as of April 2018.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:00 AM

CONT... Maricela Diaz and Ruben Diaz

Chapter 13

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#15.00** Hearing RE: Order to Show Cause Issued to Mir Mohammad Motamed, aka Shawn Auto, and Nastaran Maboubi RE: Contempt for Failure to Appear for Examination (OSC Issued 4/16/18)

Docket 130

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

No response to OSC filed. If examinees do not appear for examination on this date, they will be found to be in contempt.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11100 Mir Mohammad Motamed**  
Adv#: 8:15-01274 Smelli, Inc v. Motamed

**Chapter 7**

**#16.00** CON'TD Examination of Third Person Nastaran Maboudi RE: Enforcement of Judgment

FR: 7-11-17; 8-31-17; 10-19-17; 12-21-17; 4-5-18

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 11, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 31, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 19, 2017**

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**December 21, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

examination will take place outside the courtroom.  
-----

**April 5, 2018**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**June 21, 2018**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#17.00** CON'TD Examination of Judgment Debtor Mir Mohammad Motamed, aka Shawn  
Auto RE: Enforcement of Judgment

FR: 7-27-17; 8-31-17; 10-19-17; 12-21-17; 4-5-18

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 27, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**August 31, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**October 19, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**December 21, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mir Mohammad Motamed Chapter 7**  
clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**April 5, 2018**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**June 21, 2018**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:00 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#18.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WEST COAST CAPITAL GROUP, INC.

VS.

DEBTOR; AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 119

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief; deny relief request #11.

Re RR #11: This court does not grant *in rem* relief in perpetuity.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Paul Edward Rubio

Represented By  
Lauren Rode

**Movant(s):**

West Coast Capital Group, Inc.

Represented By  
Martin W. Phillips

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Paul Edward Rubio**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-13383 Jerome W. Harney and Jamie L. Harney**

**Chapter 13**

**#19.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
EXETER FINANCE LLC  
VS.  
DEBTORS

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion with 4001(a)(3) waiver unless the parties have reached a resolution.

If more time is needed, the parties may request a continuance to the following dates during the calendar call at the hearing: July 19, 2018 at 10:00 a.m. or July 31, 2018 at 9:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jerome W. Harney

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Jamie L. Harney

Represented By  
Joseph A Weber

**Movant(s):**

Exeter Finance LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jerome W. Harney and Jamie L. Harney  
Bret D. Allen**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13818 Hans Nearhoff**

**Chapter 13**

**#20.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver and all other relief requested except that Request Relief #11 is denied and recordation of order is required as to Relief Request # 10.

Re RR #11: This court does not grant *in rem* relief in perpetuity.

Overrule Debtor's opposition which is entirely unsupported by any evidence.

**Party Information**

**Debtor(s):**

Hans Nearhoff

Represented By  
Ronald A Norman

**Movant(s):**

Nationstar Mortgage LLC, c/o Hall

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Hans Nearhoff**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10737 John Thompson**

**Chapter 7**

**#21.00** Hearing RE: Motion for Relief from Stay Under 11 USC 362  
[ACTION IN NONBANKRUPTCY FORUM]

MATSEN VOORHEES MINTZ LLP

VS.

DEBTOR

Docket 31

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Motion, Document #31 Only, filed 6/7/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Motion, Document #31 Only,  
filed 6/7/2018 - td (6/7/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Thompson

Represented By  
Michael D Franco

**Movant(s):**

Matsen Vorhees Mintz LLP

Represented By  
James G Bohm

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:00 AM

8:18-10737 John Thompson

Chapter 7

#22.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NONBANKRUPTCY FORUM]

MATSEN VOORHEES MINTZ LLP

VS.

DEBTOR

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

John Thompson

Represented By  
Michael D Franco

**Movant(s):**

Matsen Vorhees Mintz LLP

Represented By  
James G Bohm

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Thompson**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:00 AM

8:18-11061 Maria E Gomez

Chapter 13

#23.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

KEN HUTCHINS; SANDRA TURNER; ET AL.

VS.

DEBTOR

Docket 18

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13 with  
Restrictions Entered 5/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 with Restrictions Entered 5/25/2018 - td  
(5/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria E Gomez

Represented By  
H Christopher Coburn

**Movant(s):**

Ken Hutchins; Sandra Turner; Sheri

Represented By  
Neil B Katz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:00 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#24.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
[Affects All Debtors]

FORD MOTOR CREDIT COMPANY LLC

VS.

DEBTOR

Docket 45

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the automatic Stay (Settled by Stipulation/APO) Entered  
6/7/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the automatic  
Stay (Settled by Stipulation/APO) Entered 6/7/2018 - td (6/7/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Randall P Mroczynski

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11459 Steven Keoni Herrera**

**Chapter 7**

**#25.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
YAMAHA MOTOR FINANCE CORP.  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Keoni Herrera

Represented By  
Gregory E Nassar

**Movant(s):**

Yamaha Motor Finance Corp.

Represented By  
Karel G Rocha

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Steven Keoni Herrera**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11511 Rodrigo Aguilar**

**Chapter 7**

**#26.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rodrigo Aguilar

Pro Se

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11593 Mohammad Hossein Hamed**

**Chapter 7**

**#27.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
MERCEDES-BENZ FINANCIAL SERVICES USA LLC  
VS.  
DEBTOR

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mohammad Hossein Hamed

Represented By  
Diane L Mancinelli

**Movant(s):**

Mercedes-Benz Financial Services

Represented By  
Sheryl K Ith

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mohammad Hossein Hamedi**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11616 Julie A Fox**

**Chapter 7**

**#28.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
SPECIALIZED LOAN SERVICING LLC  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion under 362(d)(1) and with 4001(a)(3) relief and prospective relief for 180 days as set forth in relief request #10 (recordation of order required). Deny relief under 362(d)(2) and 362(d)(4). The Order should including the findings of this court that 1) there is no evidence that Debtor Julie Fox was involved in any scheme regarding the transfer of an interest to her in the subject property via a quitclaim deed purportedly executed by the original borrowers Yolanda M. Stafford, and Harold L. Dale, on or about April 13, 2018, and 2) the court makes no bad faith findings as to Debtor Julie Fox.

Basis for Tentative Ruling

1. The court has reviewed the Response filed by Debtor [docket #] asserting she has knowledge regarding the transfer of an interest to her and finds it credible.
2. Relief under 362(d)(2) is denied due to insufficient evidence re the value of the property -- the moving party has the burden of proof re equity.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Julie A Fox Chapter 7**

3. Relief under 362(d)(4) is not appropriate because Debtor did not engage in the misconduct referenced in 362(d)(4).

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Julie A Fox	Pro Se
-------------	--------

**Movant(s):**

Specialized Loan Servicing LLC, as	Represented By Bethany Wojtanowicz
------------------------------------	---------------------------------------

**Trustee(s):**

Weneta M Kosmala (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:10-13867 Kristy R Pittman**

**Chapter 7**

**#28.10** Hearing RE: Debtor's Motion to Avoid Abstract of Judgment Lien in Violation of Discharge Injunction (**OST ENTERED 6/18/2018**)

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion, subject to oral opposition.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kristy R Pittman

Represented By  
Henry Glowa  
Baruch C Cohen  
Richard L Barnett

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Sarah Cate Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-19545 Kazue Tanaka**

**Chapter 7**

Adv#: 8:09-01749 Aicco Inc a California Corporation et al v. Tanaka et al

**#29.00** CON'TD Hearing RE: Plaintiff's Motion for an Order Determining the Claim of Exemption of Choon Song Tanaka

FR: 11-16-17; 12-14-17

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 16, 2017**

Grant motion.  
-----

**December 14, 2017**

The court is satisfied that Debtors have provided evidence sufficient to support their assertion of social security income as well as Japanese pension benefits. The court is also satisfied that Debtors have satisfied their burden of proof as to the Cigna 401k annuity (see bank statements in Exhibit 4). Finally, the court is satisfied that the social security, pension and annuity benefits are used for retirement purposes. Debtors are an elderly couple (ages 67 and 76) and are retired. Though they operated a restaurant business in the past, the court is satisfied that they are no longer operating a business. Debtors' assertion that they own no real property and are not able to rent a home is evidenced by AirBnb charges against their account. Entries on the bank statements provided indicated expenses for food, transportation and other necessities. Nothing stands out as extravagant.

Re Exhibit 4, the names Kokumin Nennkin, Kousei Nennkin and Kigyuu Nennkin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kazue Tanaka Chapter 7**

appear to be the names of the pension plans, not payees. Moreover, pages 5-6 of Exhibit 4 appear to show Kazue Tanaka as the payee.

The court does need an explanation for money sent by "LeslieAnne Jun Tan totaling \$638.86, as well as additional deposits of \$400 (\$200 on 10/25/17 and \$200 on 11/22/17 on the Oct 23 - Nov. 23 2017 bank statement. Indeed, the amount deposited exceeds Debtors' stated monthly in come by more than \$1,000.

-----

**June 21, 2018**

Comments regarding opposition of IPFS Corporation:

1. Monthly Airbnb expenses of \$1500 (or less) each month for housing "expensive" or unreasonable and may be lower than some market apartment rentals. The court has no issue with this expense.
2. Debtors do need to explain the details of the \$35,000 check deposit on 3/8/18 (returned NSF on 3/9/18). Who is the payee of the check? Why was it given to Debtors and deposited into their account?
3. Debtor need to explain the address on the bank accounts, i.e., 27381 Silver Creek Drive, San Juan Capistrano and why they continue to receive mail there if they do not reside there.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kazue Tanaka

Represented By  
Kelly Zinser

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kazue Tanaka**

**Chapter 7**

**Defendant(s):**

Kazue Tanaka

Represented By  
Kelly Zinser

Choon Tanaka

Represented By  
Kelly Zinser

**Joint Debtor(s):**

Choon Song Tanaka

Represented By  
Kelly Zinser

**Plaintiff(s):**

Aicco Inc a California Corporation

Represented By  
Jacob A Kalinski  
Michael I Weiss

IPFS Corporation of California, a

Represented By  
Jacob A Kalinski  
Michael I Weiss  
Yi S Kim  
Leonard D Lerner

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-19545 Kazue Tanaka**

**Chapter 7**

Adv#: 8:09-01749 Aicco Inc a California Corporation et al v. Tanaka et al

**#30.00** CON'TD Hearing RE: Plaintiff's Motion for an Order Determining the Claim of Exemption of Kazue Tanaka

FR: 11-16-17; 12-14-17

Docket 67

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 16, 2017**

Grant motion.

-----

**December 14, 2017**

See comments re Calendar #23.

-----

**June 21, 2018**

See comments for Calendar #29.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kazue Tanaka

Represented By  
Kelly Zinser

**Defendant(s):**

Kazue Tanaka

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kazue Tanaka**

**Chapter 7**

Choon Tanaka

Kelly Zinser

Represented By  
Kelly Zinser

**Joint Debtor(s):**

Choon Song Tanaka

Represented By  
Kelly Zinser

**Plaintiff(s):**

Aicco Inc a California Corporation

Represented By  
Jacob A Kalinski  
Michael I Weiss

IPFS Corporation of California, a

Represented By  
Jacob A Kalinski  
Michael I Weiss  
Yi S Kim  
Leonard D Lerner

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#31.00** Hearing RE: Claimant Douglas J. Patrick's Objection to Proof of Claim No. 12-1 filed by the Bascom Group, LLC

Docket 268

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/10/18 AT 10:30 A.M.,  
PER ORDER ENTERED 6/6/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/10/18 at 10:30 a.m., Per Order  
Entered 6/6/18 (XX) - td (6/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:09-20845 Commercial Services Building Inc

Chapter 7

#32.00 Hearing RE: Claimaint Douglas Patrick's Objection to Proof of Claim No. 1-3 filed by the Bascom Group, LLC

Docket 271

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/10/18 AT 10:30 A.M.,  
PER ORDER ENTERED 6/6/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/10/18 at 10:30 a.m., Per Order  
Entered 6/6/18 (XX) - td (6/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

**8:13-19538 John M. Fanelli and Tracy A. Fanelli**

**Chapter 13**

**#33.00** CONT'D Hearing RE: United States Trustee's Motion for Escrow Account Reconciliation Statement including Waiver or Unnoticed Escrow Charges or Refund of Escrow Surplus in Response to Nationstar Mortgage LLC's Failure to File any Notices of Mortgage Payment Change

FR: 5-31-18

Docket 40

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Stipulation to Resolve Motion filed 6/19/18; Order Approving Stipulation to Resolve Motion ENTERED on 6/19/18**

**Courtroom Deputy:**

**OFF CALENDAR: Stipulation to Resolve Motion filed 6/19/18; Order Approving Stipulation to Resolve Motion ENTERED on 6/19/18 --eas**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John M. Fanelli

Represented By  
Tate C Casey

**Joint Debtor(s):**

Tracy A. Fanelli

Represented By  
Tate C Casey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-14520 Philip M. Arciero, Jr.**

**Chapter 11**

**#34.00** CON'TD Post-Confirmation Status Conference RE: Debtor's Chapter 11 Amended Plan of Reorganization (As of November 24, 2015)

(Set at Plan Conf. Hrg. Held 6/7/16)  
FR: 12-15-16; 7-13-17; 12-21-17; 12-21-17

Docket 207

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.; updated status report must be filed by June 29, 2017 if a final decree has not been entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----

**July 13, 2017**

No updated postconfirmation status report filed. Impose sanctions in the amount of \$100 against Debtor's counsel for failure to do so.

***Note: Appearance at this hearing is required.***

-----

**August 17, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

CONT... Philip M. Arciero, Jr.

Chapter 11

Continue postconfirmation status conference to December 21, 2017 at 10:30 a.m. with updated status report due December 7, 2017 (unless a final decree has been entered by December 7, 2017). (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----

**December 21, 2017**

Continue postconfirmation status conference to June 21, 2018 at 10:30 a.m.; updated status report must be filed by June 7, 2018 if a final decree has not been entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----

**June 21, 2018**

It appears this case remains only solely for the purpose of paying attorneys fees and, consequently, Debtor continues to pay quarterly UST fees. The status report is incomplete as it does not disclose the amount of remaining attorneys fees or when such payments are projected to be completed.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Philip M. Arciero, Jr.**

**Chapter 11**

**Movant(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-10439 George S Nader and Terri D Nader**

**Chapter 11**

**#35.00** CON'TD Post-Confirmation Status Conference RE: Debtors and Debtors-in-Possessions' First Amended Chapter 11 Plan of Reorganization

(Set at Plan Conf. held 11-12-15)

FR: 6-2-16, 7-21-16; 9-22-16; 10-13-16; 4-13-17; 10-19-17; 5-3-18

Docket 75

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Entry of Final Decree and for Order Closing Case Entered 5/15/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Entry of Final Decree and for  
Order Closing Case Entered 5/15/2018 - td (5/15/2018)**

**Tentative Ruling:**

**June 2, 2016**

Counsel for Debtor to appear and advise the court why no action has been taken re the situation re the Hawaiian condos. The status report does not indicate how long the matter has persisted unresolved.

***Note: Appearance at this hearing is required.***  
-----

**September 22, 2016**

Continue status conference to October 13, 2016 at 3:00 p.m., same date/time as hearing on Debtors' motion for reconsideration of the court's prior ruling. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**April 13, 2017**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

---

10:30 AM

CONT...      **George S Nader and Terri D Nader**      **Chapter 11**

Debtor's counsel to advise the court re the status of this matter in light of of the court's ruling that the HOA was not properly served with the Plan.  
-----

**October 19, 2017**

Continue postconfirmation status conference to May 3, 2018 at 10:30 a.m.; an updated status report must be filed by April 19, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***  
-----

**May 3, 2018**

Continue postconfirmation status conference to June 21, 2018 at 10:30 a.m.; an updated status report must be filed by June 4, 2018 if a final decree has not been entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

George S Nader

Represented By  
Michael Jones  
Sara Tidd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... George S Nader and Terri D Nader**

**Chapter 11**

**Joint Debtor(s):**

Terri D Nader

Represented By  
Michael Jones  
Sara Tidd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#36.00** CON'TD Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence  
[Creditor Holding Junior Lien: JPMorgan Chase Bank, N.A.]

FR: 5-3-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 3, 2018**

Continue hearing to June 21, 2018 at 10:30 a.m. to allow respondent an opportunity to obtain its own appraisal. Supplemental pleadings shall be filed in accordance with the briefing schedule set forth in LBR 9013-1. (XX)

*Special note: Debtor's valuation of \$127,000 does not appear to be supported by her own valuation evidence.*

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**June 21, 2018**

Grant motion in light of Bank's withdrawal of objection to the Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Rosa M Harding**

**Chapter 13**

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:16-11577 Cristhian Contador and Paige Contador

Chapter 11

#37.00 CON'TD Post-Confirmation Status Conference RE: Debtors' Amended Chapter 11 Plan of Reorganization

(Set at Plan Hrg. held 5-11-17)  
FR: 10-19-17; 11-30-17; 12-21-17

Docket 105

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Final Decree and Order Closing Chapter 11 Case Entered 6/4/2018

**Courtroom Deputy:**

**OFF CALENDAR: Final Decree and Order Closing Chapter 11 Case Entered 6/4/2018 - td (6/5/2018)**

**Tentative Ruling:**

**October 19, 2017**

Continue post-confirmation status conference to November 30, 2017 at 10:30 a.m.; Debtors must file an Amended Post-Confirmation Status report no later than November 16, 2017 that complies with Local Bankruptcy Rule 3020-1(b)(1) and 3020-1(b)(2), as well as a report on the status of the wrongful termination litigation. (XX)

The post-confirmation status report filed late on October 16, 2017 does not set forth a schedule of payments made to each of the class pursuant to the plan or post-confirmation taxes paid. Finally, no information has been provided regarding the status of the wrongful termination litigation.

***Note: If Debtors accept the foregoing tentative ruling and Debtors are in substantial compliance with the requirements of the United States Trustee (as confirmed with the US Trustee prior to the hearing), appearances at this hearing are not required.***

-----  
**November 30, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

CONT... **Cristhian Contador and Paige Contador** **Chapter 11**

Continue postconfirmation status conference to December 21, 2017 at 10:30 a.m.; updated status report must be filed no later than December 7, 2017 advising of the status of distributions to Class 6 creditors. The report filed on November 17, 2017 is silent as to whether any distributions have been made to this class. In fact, as to each class, the report should clearly state whether Debtors have made all required payments under the Plan. (XX)

***Note: Appearance at this hearing is not required due to Debtors' counsel's request for a continuance.***

-----

**December 21, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Continue postconfirmation status conference to June 21, 2018 at 10:30 a.m.; updated status report must be filed by June 7, 2018. (XX)

*Special Note: The tentative ruling has been updated to reflect a status report filed on 12/20/17, one day prior to the hearing. While the court will not impose sanctions, this, time, sanctions will be imposed if an updated status report is not filed by June 7, 2018.*

***Note: If Debtors are in substantial compliance with the requirements of the United States Trustee (as confirmed with the US Trustee prior to the hearing), appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cristhian Contador

Represented By  
Michael S Kogan

**Joint Debtor(s):**

Paige Contador

Represented By  
Michael S Kogan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12923 Evan Gammo**

**Chapter 7**

**#38.00** Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing Short Sale of Real Property of the Estate Pursuant to Bankruptcy Code Section 363(b), and Ancillary Relief

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Evan Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12924 Bassam Gammo**

**Chapter 7**

**#39.00** Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing Short Sale of Real Property of the Estate Pursuant to Bankruptcy Code Section 363(b), and Ancillary Relief

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bassam Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:17-10032 Philip Richard Cantwell, Jr

Chapter 11

#40.00 Hearing RE: Order to Show Cause Why Bankruptcy Case Should Not Be Dismissed or Converted (OSC Issued 5/4/18)

Docket 149

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting United States Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. §1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing Entered 6/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting United States Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. §1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing Entered 6/4/2018 - td (6/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10032 Philip Richard Cantwell, Jr**

**Chapter 11**

**#41.00** CONT'D STATUS CONFERENCE hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-18-17; 9-21-17; 10-12-17; 11-30-17, 1-17-18; 3-8-18; 5-3-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting United States Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. §1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing Entered 6/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting United States Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C. §1112(b); and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing Entered 6/4/2018 - td (6/4/2018)**

**Tentative Ruling:**

**May 18, 2017**

Claims Bar Date: July 25, 2017 (notice by 5/25/17)

Deadline to file plan/DS: Aug. 31, 2017

Continued Status Conf: Sept. 21, 2017 at 10:30 a.m.  
(XX)

Deadline to file Updated Status Report: Sept. 7, 2017 (unless the Plan/DS have been timely filed, in which case the requirement of an updated report will be waived and the Status

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Philip Richard Cantwell, Jr**

**Chapter 11**

Conf will be

continued to the same

date/time as hrg

on approval of the DS

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**September 21, 2017**

Continue status conference to October 12, 2017 at 10:30 a.m., same date/time set for hearing on approval of disclosure statement. Updated status report not required.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**October 12, 2017**

No tentative ruling; disposition will depend upon the outcome of the hearing on approval of the disclosure statement.

-----

**November 30, 2017 [UPDATED SINCE ORIGINAL POSTING]**

Continue status conference to trail hearing on approval of disclosure statement on January 17, 2018 at 10:30 a.m. (XX)

-----

**January 17, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

CONT... Philip Richard Cantwell, Jr

Chapter 11

Continue status conference to March 8, 2018 at 10:30 a.m., same date/time as continued hearing on disclosure statement. Updated status report not required. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**March 8, 2018**

Continue status conference to May 3, 2018 at 10:30 a.m.; updated status report not required if amended disclosure statement is timely filed. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**May 3, 2018**

Continue status conference to June 21, 2018 at 10:30 a.m. The court shall issue an Order to Show Cause why this case should not be dismissed or converted due to Debtor's inability to propose a viable plan of reorganization within a reasonable time. (XX)

***Special note: Debtor has not opposed the bank's motion for relief from stay set for hearing on today's calendar and the tentative ruling is to grant the motion. Accordingly, it appears likely that Debtor's principal asset will be lost through foreclosure further hampering reorganization.***

***Note: If Debtor and the UST accept the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Philip Richard Cantwell, Jr**

**Chapter 11**

**Party Information**

**Debtor(s):**

Philip Richard Cantwell Jr

Represented By  
Michael G Spector  
Vicki L Schenum

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:17-10528 Mark Gene Entner and Jill Ann Entner

Chapter 7

#42.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 86

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Mark Gene Entner

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Jill Ann Entner

Represented By  
Christopher J Langley

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10528 Mark Gene Entner and Jill Ann Entner**

**Chapter 7**

**#43.00** Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From September 1, 2017 through April 9, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR TRUSTEE]**

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark Gene Entner

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Jill Ann Entner

Represented By  
Christopher J Langley

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13516 Christopher A Schaller**

**Chapter 7**

**#44.00** Hearing RE: Chapter 7 Trustee's Motion for Order Requiring Turnover by Debtor of Non-exempt Portion of Tax Refund

Docket 70

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Dismissal/Withdrawal of Motion filed 6/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Dismissal/Withdrawal of Motion filed 6/20/2018 - td (6/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher A Schaller

Represented By  
Vincent Renda

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#45.00** CON'TD Hearing RE: Debtors-in-Possessions' Motion for Order Approving Disclosure Statement Describing Chapter 11 Plan of Reorganization as Containing Adequate Information Pursuant to Bankruptcy Code Section 1125(A)(1)(B)

FR: 5-3-18

Docket 41

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to Continue Hearing on Approval of Debtors' Disclosure Statement filed 6/15/18. Andy Warshaw, Attorney for Debtors and Michael Hauser of UST to appear and request continuance of hearing - td (6/20/2018)**

**Tentative Ruling:**

**June 21, 2018**

Continue hearing to July 10, 2018 at 10:30 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#46.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case**

FR: 11-30-17, 5-31-18

Docket 1

**Courtroom Deputy:**

**CONTINUE: Order Approving Stipulation with US Trustee to Continue  
Hearing Entered 4/25/18 (Liz) 4/25/18**

**Tentative Ruling:**

**November 30, 2017**

Claims bar date: Mar. 1, 2018

Deadline to file plan/discl. stmt: May 15, 2018

Continued status conference: May 31, 2018 at 10:30 a.m. (XX)

Deadline to file updated status report: May 17, 2018\*

\*If Debtors timely file a plan and disclosure statement by May 15, 2018, the requirement of filing an updated status report will be waived and the status conference will likely be continued to the same hearing date/time as approval of the disclosure statement.

***Note: Appearances are not required if Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee. It is Debtors' responsibility to confirm such compliance with the UST in advance of the hearing.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore  
June 21, 2018**

**Chapter 11**

Continue status conference to July 10, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#47.00** Hearing RE: Individual Debtor's Disclosure Statement in Support of Plan of Reorganization

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Continue hearing on Disclosure Statement to July 31, 2018; Debtor must file an amended plan and disclosure statement by July 10, 2018; any response to the amended disclosure statement must be filed by July 17, 2018 and any reply by July 24, 2018.

In the amended disclosure statement, Debtor needs to address the objections raised by the U.S. Trustee and Legate Law Corporation. The absolute priority rule issue will be dealt with at confirmation. In addition, at page 14 of the disclosure statement Debtor states the new value contribution of \$50,000 will be distributed to Class 5(b) creditors but at page 7, Debtor refers to Class 6(b). Finally, the plan at page 2 "estimates the amount of administrative priority claims will be between \$15,000" -- the upper range amount is missing.

Rainbow Ridge's request that the Plan be "denied" and the case be dismissed and converted not properly before the court and will not be addressed.

**Party Information**

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#48.00** Hearing RE: Debtor's Objection to Proof of Claim of Claim No. 4 Filed by Daniel Ruan Partida

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Sustain objection in part. Based on claim #4, Mr. Partida would have a secured claim in the amount of \$14,300.00 (\$13,000 + \$1300.00 per the note). The proof of claim asserting the additional amount of \$8700.00 is not supported by the note or any other substantiating evidence.

The court does not understand Debtor's argument that the deed of trust is void. Debtor's objection is heavy on law and thin on a reasoned analysis and application of the law to the facts in this matter. Debtor complains that the note does not reference the deed of trust. Of course it doesn't -- notes never do. Rather the deed of trust does reference the debt of \$13,000.00.

Notably, on June 7, Mr. Partida filed an amended proof of claim asserting a secured claim in the amount of \$26,000.00. The amended proof of claim is not at issue because the objection only applies to the original proof of claim 4-1.

**Party Information**

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Kevin Barry Kane**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10557 Clayton Maurice Saunders**

**Chapter 13**

**#49.00** Hearing RE: Chapter 7 Trustee's Motion for Extension of Time to Assume or Reject Executory Contracts and Unexpired Leases

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Deny as moot in light of conversion of case to chapter 13.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Clayton Maurice Saunders

Pro Se

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:18-10625 Hazel Jeanette Kidd

Chapter 13

#50.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel Was Excessive Under 11 U.S.C. §329 and F.R.B.P. 2017

Docket 30

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. §329 Entered 6/4/2018

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under 11 U.S.C. §329 Entered 6/4/2018 - td (6/4/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hazel Jeanette Kidd

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10761 Saeed Tafreshi**

**Chapter 7**

**#51.00** Hearing RE: United States Trustee's Motion to Dismiss Chapter 7 Case, with 180 Day Bar to Refiling Pursuant to 11 U.S.C. Sections 707(b)(3)(A), 105(a), 109(g) and 349

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Saeed Tafreshi

Represented By  
Amid Bahadori

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:18-11006 Kimberly Nadina Fisher

Chapter 13

#52.00 Hearing RE: Debtor's Motion for Order Determining Value of Collateral

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Kimberly Nadina Fisher

Represented By  
Heather J Canning

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 21, 2018

Hearing Room 5A

10:30 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#53.00 Hearing RE: Motion for Order Approving a Stipulation for Use of Cash Collateral

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11895 Damian Robert Kutzner**

**Chapter 7**

Adv#: 8:17-01222 Federal Trade Commission v. Kutzner

**#54.00** Hearing RE: Motion of Federal Trade Commission for Summary Judgment

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant motion in its entirety.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Damian Robert Kutzner

Represented By  
Peter L Nisson

**Defendant(s):**

Damian Kutzner

Represented By  
Peter L Nisson

**Plaintiff(s):**

Federal Trade Commission

Represented By  
Katherine Johnson  
Thomas Syta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Damian Robert Kutzner**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-11895 Damian Robert Kutzner**

**Chapter 7**

Adv#: 8:17-01222 Federal Trade Commission v. Kutzner

**#55.00** CONT'D PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt Owed to Federal Trade Commission

FR: 2-1-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 1, 2018**

Discovery Cut-off Date:	Apr. 13, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	May 17, 2018

*Special Note: The parties are not precluded from filing pretrial motions during the discovery period.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**June 21, 2018**

Take matter off calendar in light of granting of summary judgment in Plaintiff's favor.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 21, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Damian Robert Kutzner**

**Chapter 7**

**Debtor(s):**

Damian Robert Kutzner

Represented By  
Peter L Nisson

**Defendant(s):**

Damian Kutzner

Pro Se

**Plaintiff(s):**

Federal Trade Commission

Represented By  
Katherine Johnson  
Thomas Syta

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

9:30 AM

8:16-15264 Kristina Thi Lin

Chapter 7

Adv#: 8:18-01034 BB West Hollywood, Inc. et al v. Lin

#1.00



Docket No: 1

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Kristina Thi Lin

Represented By  
Jeffrey B Smith

**Defendant(s):**

Kristina Thi Lin

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Kristina Thi Lin**

**Chapter 7**

**Plaintiff(s):**

BB West Hollywood, Inc.

Represented By  
Robert K Wing

Thanh Tran

Represented By  
Robert K Wing

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Richard A Marshack

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

9:30 AM

8:17-14626 Leon Laird

Chapter 7

Adv#: 8:18-01056 On the Mark, Inc. v. Laird et al

#2.00



Docket No: 1

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Leon Laird

Represented By  
Dianna M Heck

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Leon Laird**

**Chapter 7**

**Defendant(s):**

Leon E Laird

Pro Se

MaryJo Laird

Pro Se

**Joint Debtor(s):**

MaryJo Laird

Represented By  
Dianna M Heck

**Plaintiff(s):**

On the Mark, Inc.

Represented By  
Ryan A. Ellis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

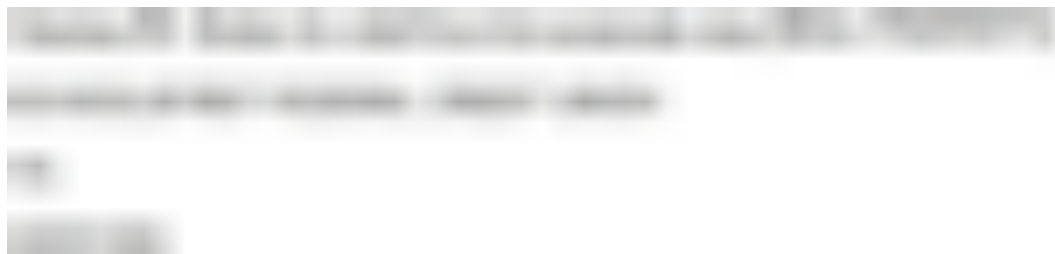
Hearing Room 5A

10:00 AM

8:15-14408 Thomas Winslor Eddy and Colleen Marie Eddy

Chapter 13

#3.00



Docket No: 81

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Thomas Winslor Eddy

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Colleen Marie Eddy

Represented By  
Christopher J Langley

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Thomas Winslor Eddy and Colleen Marie Eddy**

**Chapter 13**

**Movant(s):**

SchoolsFirst FCU

Represented By  
Vicki L Hale  
Paul V Reza  
Maria L Gray  
Laura Johnston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:00 AM

8:17-10042 Arthur Gilbert Jimenez

Chapter 13

#4.00

[REDACTED]

Docket No: 46

**Courtroom Deputy:**

[REDACTED]

**Tentative Ruling:**

[REDACTED]

**Party Information**

**Debtor(s):**

Arthur Gilbert Jimenez

Represented By  
Christine A Kingston

**Movant(s):**

HSBC Bank USA, National Association

Represented By  
Daniel K Fujimoto  
Caren J Castle

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Arthur Gilbert Jimenez**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:00 AM

8:17-11143 Mark A. De Grasse

Chapter 13

#5.00



Docket No: 49

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Mark A. De Grasse

Represented By  
Bryn C Deb

**Movant(s):**

Pacific Union Financial, LLC

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mark A. De Grasse**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 26, 2018

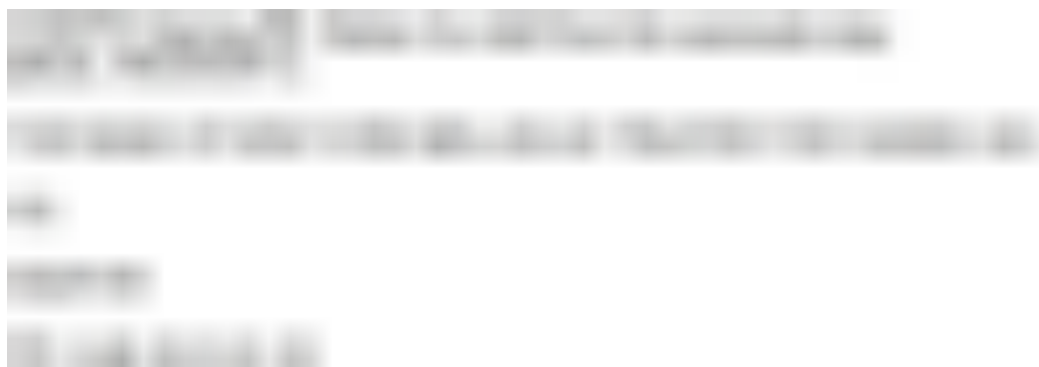
Hearing Room 5A

10:00 AM

8:17-12972 Brian E. Bruce

Chapter 13

#6.00



Docket No: 38

**Courtroom Deputy:**



**Tentative Ruling:**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

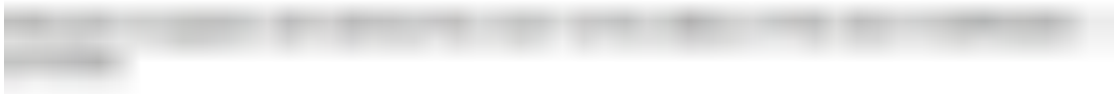
Tuesday, June 26, 2018

Hearing Room 5A

10:00 AM

CONT... Brian E. Bruce

Chapter 13



**Party Information**

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:00 AM

8:18-10301 Sung Won Lee

Chapter 7

#7.00



Docket No: 37

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Sung Won Lee

Represented By  
Ji Yoon Kim

**Movant(s):**

Jamison Services, Inc.

Represented By  
Christian T Kim

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Sung Won Lee**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:00 AM

8:18-12046 Jaime D. Krueger

Chapter 13

#8.00

Docket No: 8

**Courtroom Deputy:**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber

**Movant(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:30 AM

8:15-10879 Henry Ferrufino and Eileen Ferrufino

Chapter 7

#9.00

Docket No: 51

Courtroom Deputy:

Tentative Ruling:

**Party Information**

**Debtor(s):**

Henry Ferrufino

Represented By  
Joseph C Rosenblit

**Joint Debtor(s):**

Eileen Ferrufino

Represented By  
Joseph C Rosenblit

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:30 AM

8:15-10879 Henry Ferrufino and Eileen Ferrufino

Chapter 7

#10.00



Docket No: 49

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Henry Ferrufino

Represented By  
Joseph C Rosenblit

**Joint Debtor(s):**

Eileen Ferrufino

Represented By  
Joseph C Rosenblit

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-15917 William Gary Call**

**Chapter 13**

**#11.00**



Docket No: 36

**Courtroom Deputy:**



**Tentative Ruling:**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 26, 2018

Hearing Room 5A

10:30 AM

CONT... William Gary Call

Chapter 13

<b>Party Information</b>
--------------------------

**Debtor(s):**

William Gary Call

Represented By  
Derik J Roy III

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:30 AM

8:16-10779 Jason H Hong

Chapter 7

#12.00

Docket No: 107

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/13/18 AT 10:30 A.M.,  
PER ORDER ENTERED 6/25/18 (XX)

**Courtroom Deputy:**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Jason H Hong

Represented By  
Thinh V Doan

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

**#13.00**



Docket No: 93

**Courtroom Deputy:**



**Tentative Ruling:**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**





**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**





**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**





**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**





**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**



**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, June 26, 2018

Hearing Room 5A

10:30 AM

8:17-10405 Karime Farhat

Chapter 7

#14.00

Docket No: 78

**Courtroom Deputy:**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Karime Farhat

Represented By  
Gary Leibowitz

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard A Marshack  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 26, 2018

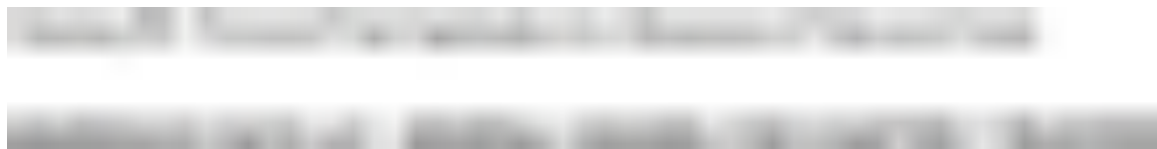
Hearing Room 5A

10:30 AM

**8:17-10405 Karime Farhat**

**Chapter 7**

#15.00



Docket No: 76

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Karime Farhat

Represented By  
Gary Leibowitz

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Richard A Marshack  
Matthew Grimshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10559 Allen Haghghinia**

**Chapter 7**

**#16.00**

Docket No: 20

**Courtroom Deputy:**

**Tentative Ruling:**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT...**

**Allen Haghghinia**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Allen Haghghinia**

**Chapter 7**



**Party Information**

**Debtor(s):**

Allen Haghghinia

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Allen Haghghinia**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#17.00**



Docket No: 7

**Courtroom Deputy:**



**Tentative Ruling:**





**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Daphne Alt**

**Chapter 13**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, June 26, 2018

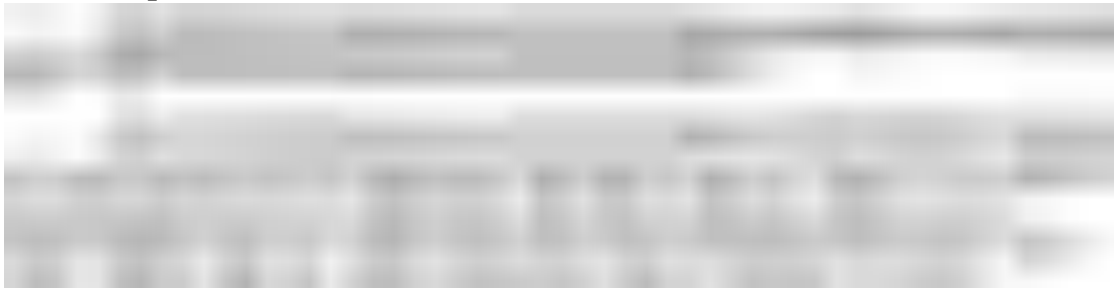
Hearing Room 5A

2:00 PM

CONT...

Daphne Alt

Chapter 13



**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Defendant(s):**

Premier Home Solutions, Inc.

Represented By  
Amy E Martinez

Angel Leilani Santiago

Represented By  
Amy E Martinez

Total Lender Solutions

Represented By  
Amy E Martinez

**Plaintiff(s):**

Daphne Alt

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#18.00**



Docket No: 1

**Courtroom Deputy:**



**Tentative Ruling:**



**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, June 26, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Daphne Alt**

**Chapter 13**

**Defendant(s):**

Premier Home Solutions, Inc. Pro Se

Angel Leilani Santiago Pro Se

Total Lender Solutions Pro Se

**Plaintiff(s):**

Daphne Alt Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 28, 2018

Hearing Room 5A

9:30 AM

8:17-10359 Fantasy Aces LP

Chapter 7

Adv#: 8:17-01103 Marshack v. Frisina et al

#1.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for Breach of Officers' & Directors' Duties of Care and Equitable Indemnity or Contribution

FR: 8-31-17; 5-31-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 9:30 A.M. ON COURT'S OWN MOTION; See Court's Notice filed 5/29/189, Document # 24 (XX)

**Courtroom Deputy:**

**CONTINUED: Continued to 7/19/18 at 9:30 a.m. on Court's Own Motion; See Court's Notice filed 5/29/18, Document # 24 (XX) - td (5/29/2018)**

**Tentative Ruling:**

**August 31, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Fantasy Aces LP**

**Chapter 7**

**Defendant(s):**

Tom Frisina	Pro Se
Bryan Frisina	Pro Se
Trent Frisina	Pro Se

**Plaintiff(s):**

Richard A. Marshack	Represented By Caroline Djang
---------------------	----------------------------------

**Trustee(s):**

Richard A Marshack (TR)	Represented By Matthew Grimshaw Caroline Djang
-------------------------	--

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, June 28, 2018

Hearing Room 5A

9:30 AM

8:17-14074 James Arthur Ciardullo

Chapter 7

Adv#: 8:17-01242 Schmidt et al v. Ciardullo

#2.00 PRE TRIAL CONFERENCE RE: Complaint to Determine Dischargeability  
(set at s/c held 3-8-18)

FR: 3-8-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/19/18 AT 9:30 A.M. ON  
COURT'S OWN MOTION; SEE COURT'S NOTICE FILED 4/30/2018,  
DOCUMENT # 8 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 7/19/18 at 9:30 a.m. on  
Court's Own Motion; See Court's Notice filed 4/30/18, Document # 8  
(XX) - td (4/30/2018)**

**Tentative Ruling:**

**March 8, 2018**

Deadline to meet/confer per LBR 7026-1	Mar. 22, 2018
Discovery Cut-off Date:	May 8, 2018
Deadline to Attend Mediation:	May 31, 2018
Pretrial Conference Date: (XX)	June 28, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	June 14, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... James Arthur Ciardullo**

**Chapter 7**

**Debtor(s):**

James Arthur Ciardullo

Represented By  
Tomasa Camejo Calienes

**Defendant(s):**

James Arthur Ciardullo

Pro Se

**Plaintiff(s):**

Philip Schmidt

Pro Se

Schmidt & Schmidt

Represented By  
Philip Schmidt

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12957 Carla Lee Johnston-Mueller**

**Chapter 7**

Adv#: 8:16-01228 Noe v. Johnston-Mueller

**#3.00 CONT'D ORAL RULING RE: TRIAL RE:** (1) To Except Debts from Discharge for Transferring Property Within One Year of Filing Bankruptcy Pursuant to 11 U.S.C. Section 727(a)(2)(A); (2) To Except Debts from Discharge for Attempting to Gain an Advantage by Forbearing Certain Debts Pursuant to 11 U.S.C. Section 727(a)(4)(C); (3) To Except Debts from Discharge for Making False Oaths in Connection with 11 U.S.C Section 727(a)(4)(A) (4) To Except Debt from Discharge for False Pretenses, False Representation, and/or Actual Fraud Pursuant to 11 U.S.C. Section 523(a)(2);

(Set at PTC held 11-2-17)

FR: 3-28-18; 5-24-18 (rescheduled from 6-28-18 at 2:00 p.m.)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 28, 2018**

**EVIDENTIARY RULINGS**

I. Plaintiff's Evidentiary Objections to Declaration of Carla Johnston

Presumably, the reference to "Section" means "Paragraph."

<u>Objection #</u>	<u>Ruling</u>
1 (para 2)	Sustained
2 (para 3)	Sustained
3 (para 4)	Overruled
4 (para 6)	Overruled
5 (para 11)	Overruled

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, June 28, 2018

Hearing Room 5A

10:30 AM

CONT... Carla Lee Johnston-Mueller

Chapter 7

6 (para 12)	Overruled
7 (para 15)	Overruled
8 (para 22)	Sustained

II. Plaintiff's Evidentiary Objections to Declaration of Ramin Rahminpour

<u>Objection # 1</u>	<u>Ruling</u>
----------------------	---------------

Entire Declaration	Sustained. Not disclosed in Pretrial Stipulation
--------------------	--

Objection #2

No need for ruling in light of sustaining of Objection #1

III. Plaintiff's Evidentiary Objections to the Declaration of Tami Ralston

<u>Objection #</u>	<u>Ruling</u>
--------------------	---------------

Entire Declaration	Sustained. Not disclosed in Pretrial Stipulation
--------------------	--

Objection #2

No need for ruling in light of sustaining of Objection #1

<b>Party Information</b>
--------------------------

**Debtor(s):**

Carla Lee Johnston-Mueller

Represented By  
Joseph M Tosti

**Defendant(s):**

Carla Lee Johnston-Mueller

Pro Se

**Plaintiff(s):**

Cynthia A Noe

Represented By  
Michael B Kushner

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Carla Lee Johnston-Mueller**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

11:30 AM

**8:18-12046 Jaime D. Krueger**

**Chapter 13**

**#3.10** CON'TD Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

FR: 6-26-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 26, 2018**

Deny motion due to insufficiency of evidence re good faith, changed circumstances and ability to fund a viable plan.

Debtor has provided no evidence in support of the motion regarding current income and expenses. No declaration of Debtor, no declaration of significant other, and no schedules. Pursuant to a granted request for extension of time to file schedules (June 26, 2018), Debtor has not yet filed schedules so the court has no way to assess the good faith of this filing.

-----

**June 28, 2018**

Grant motion.

*Special note to counsel: Counsel should not assume, in future cases, that where a skeletal motion to continue the stay is filed, additional time will be granted to submit evidence that should have been submitted with the motion.*

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

11:30 AM

**CONT... Jaime D. Krueger**

**Chapter 13**

**Party Information**

**Debtor(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber

**Movant(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-12957 Carla Lee Johnston-Mueller**

**Chapter 7**

Adv#: 8:16-01228 Noe v. Johnston-Mueller

**#4.00 CONT'D ORAL RULING RE: TRIAL RE: (1) To Except Debts from Discharge for Transferring Property Within One Year of Filing Bankruptcy Pursuant to 11 U.S.C. Section 727(a)(2)(A); (2) To Except Debts from Discharge for Attempting to Gain an Advantage by Forbearing Certain Debts Pursuant to 11 U.S.C. Section 727(a)(4)(C); (3) To Except Debts from Discharge for Making False Oaths in Connection with 11 U.S.C Section 727(a)(4)(A) (4) To Except Debt from Discharge for False Pretenses, False Representation, and/or Actual Fraud Pursuant to 11 U.S.C. Section 523(a)(2);**

(Set at PTC held 11-2-17)  
FR: 3-28-18; 5-24-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: RESCHEDULED FOR 6/28/2018 AT 10:30 A.M. ON COURTS OWN MOTION; See Court's Notice Filed 5/21/2018, Document #47 (XX)**

**Courtroom Deputy:**

**RESCHEDULED: Oral Ruling Rescheduled for 6/28/2018 at 10:30 a.m. on Court's Own Motion; See Court's Notice Filed 5/21/2018, Document #47 (XX) - td (5/21/2018)**

**Tentative Ruling:**

**March 28, 2018**

EVIDENTIARY RULINGS

I. Plaintiff's Evidentiary Objections to Declaration of Carla Johnston

Presumably, the reference to "Section" means "Paragraph."

Objection #

Ruling

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Carla Lee Johnston-Mueller**

**Chapter 7**

1 (para 2)	Sustained
2 (para 3)	Sustained
3 (para 4)	Overruled
4 (para 6)	Overruled
5 (para 11)	Overruled
6 (para 12)	Overruled
7 (para 15)	Overruled
8 (para 22)	Sustained

II. Plaintiff's Evidentiary Objections to Declaration of Ramin Rahminpour

Objection # 1

Ruling

Entire Declaration Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

III. Plaintiff's Evidentiary Objections to the Declaration of Tami Ralston

Objection #

Ruling

Entire Declaration Sustained. Not disclosed in Pretrial Stipulation

Objection #2

No need for ruling in light of sustaining of Objection #1

**Party Information**

**Debtor(s):**

Carla Lee Johnston-Mueller

Represented By  
Joseph M Tosti

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, June 28, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Carla Lee Johnston-Mueller**

**Chapter 7**

**Defendant(s):**

Carla Lee Johnston-Mueller

Pro Se

**Plaintiff(s):**

Cynthia A Noe

Represented By  
Michael B Kushner

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#1.00** STATUS CONFERENCE RE: Complaint seeking declaration that private student loan is dischargeable because not a qualified education loan and/or the loan is dischargeable due to undue hardship

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Discovery Cut-off Date: 10/15/18

Deadline to Attend Mandatory Mediation: 11/16/18

Pretrial Conference Date: 12/20/18

Deadline to Lodge Joint Pretrial Stipulation: 11/13/18

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Education Credit Management Represented By  
Scott A Schiff

The Education Resources Institute Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01072 Albert-Sheridan v. Majd

**#2.00 STATUS CONFERENCE RE: Complaint seeking attorney fees and costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m. to allow chapter 7 trustee to review the adversary; updated status report must be filed by September 6, 2018.

Basis for tentative ruling:

Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Kazem Majd Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#3.00 STATUS CONFERENCE RE: Complaint seeking attorney fees and costs or set-off from creditor's claim in the alternative**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 13, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required.

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Defendant(s):**

Art Womack

Represented By  
Hallie D Hannah

Mitchell B Hannah

Represented By  
Hallie D Hannah

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#4.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to August 2, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Helen Galope Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-17041 Derek George Leason**

**Chapter 13**

**#5.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
(Re-set for hearing per Order Entered 6/11/2018)**

PMT NPL FINANCING 2014-1

VS.

DEBTOR

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Grant with 4001(a)(3) waiver and all other relief requested except relief request # 11.

Re RR #11: This court does not grant *in rem* relief in perpetuity.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**July 10, 2018**

Grant with 4001(a)(3) waiver and all other relief requested except relief request # 11.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Derek George Leason**

**Chapter 13**

Re RR #11: This court does not grant *in rem* relief in perpetuity.

Basis for Tentative Ruling

The court bases its tentative ruling on the legal analysis and evidence presented by Movant in the Motion, RJN and Reply, which the court incorporates herein by reference.

The court rejects as unpersuasive Debtor's opposition which is based on non-binding legal authority and no admissible evidence.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Derek George Leason

Pro Se

**Movant(s):**

PMT NPL Financing 2014-1

Represented By  
Christopher O Rivas

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 10, 2018

Hearing Room 5A

10:00 AM

8:15-15193 Sandra Mcginty

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC

VS.

DEBTOR

Docket 62

\*\*\* VACATED \*\*\* REASON: ORDER GRANTING MOTION FOR  
RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. SECTION 362  
(REAL PROPERTY) ENTERED 7/5/18

**Courtroom Deputy:**

**OFF CALENDAR:** Order Granting Motion for Relief from the automatic stay  
Entered 7/5/18

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sandra Mcginty

Represented By  
Matthew D Resnik

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By  
Edward G Schloss

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 10, 2018

Hearing Room 5A

10:00 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

Docket 124

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant with 4001(a)(3) waiver, annulment and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Paul Edward Rubio

Represented By  
Lauren Rode

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Paul Edward Rubio**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 10, 2018

Hearing Room 5A

10:00 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#8.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FINANCIAL SERVICES VEHICLE TRUST  
VS.  
DEBTORS

Docket 78

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation/APO) Entered  
7/9/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation/APO) Entered 7/9/2018 - td (7/9/2018)**

Tentative Ruling:

**Party Information**

**Debtor(s):**

Julio Cesar Torres

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Norma Giselle Torres

Represented By  
Anthony B Vigil

**Movant(s):**

Financial Services Vehicle Trust

Represented By  
Bret D. Allen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Julio Cesar Torres and Norma Giselle Torres**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13907 Mark Anthony Baez**

**Chapter 7**

**#9.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

MIZRAIM RODRIGUEZ

VS.

DEBTOR

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant in part with 4001(a)(3) waiver; deny in part. Grant as to all state causes of action except the causes of action for negligence, money had and received, and unjust enrichment.

Basis for Tentative Ruling

The excluded causes of action do not fall within the exceptions to discharge under either 523(a)(2)(A) or 523(a)(6).

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the foregoing tentative ruling. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mark Anthony Baez**

**Chapter 7**

**Debtor(s):**

Mark Anthony Baez

Represented By  
Michael D Franco

**Movant(s):**

Mizraim Rodriguez

Represented By  
Julian K Bach

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 10, 2018

Hearing Room 5A

10:00 AM

8:17-14295 Malili Fuamatu, Jr.

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Malili Fuamatu Jr.

Represented By  
Julie J Villalobos

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Malili Fuamatu, Jr.**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#11.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

REED SMITH LLP AND BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 170

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue hearing to August 2, 2018 at 10:00 a.m. to allow Movant to serve the chapter 7 trustee with the Motion as this case converted to one under chapter 7 after the filing of the Motion.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Movant(s):**

BANK OF AMERICA, N.A.

Represented By  
Christopher O Rivas

Reed Smith

Represented By  
Christopher O Rivas

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10764 Jose Mendoza**

**Chapter 7**

**#12.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Mendoza

Represented By  
Brenda E Vargas

**Movant(s):**

The Bank of New York Mellon fka

Represented By  
Mark S Krause

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jose Mendoza**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11427 James Ho Armstrong**

**Chapter 7**

**#13.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
AMERICREDIT FINANCIAL SERVICES, INC.  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Ho Armstrong

Represented By  
Sundee M Teeple

**Movant(s):**

Americredit Financial Services,

Represented By  
Mandy D Youngblood  
Sheryl K Ith



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... James Ho Armstrong**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11844 Linda Chin**

**Chapter 7**

**#14.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
AMERICREDIT FINANCIAL SERVICES, INC.  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Chin

Represented By  
Kevin J Kunde

**Movant(s):**

Americredit Financial Services, Inc.,

Represented By  
Sheryl K Ith

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Linda Chin**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12112 Glenn Scott McKeever**

**Chapter 13**

**#15.00** Hearing RE: Motion for Order Continuing the Automatic Stay under 11 U.S.C. 362(h)(2), for Adequate Protection and for Delivery of Personal Property in Individual Case

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant motion re stay through January 31, 2019.

The limited extension of the stay reflects Debtor's intent to sell his residence within 6 months.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Glenn Scott McKeever

Represented By  
Michael G Spector

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12159 Katrena Lanett Robinson**

**Chapter 13**

**#16.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant motion.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Katrena Lanett Robinson

Represented By  
Christopher J Langley

**Movant(s):**

Katrena Lanett Robinson

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#17.00** CONT'D Hearing RE: Claimant Douglas J. Patrick's Objection to Proof of Claim No. 12-1 filed by the Bascom Group, LLC

FR: 6-21-18

Docket 268

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

*This matter remains under review by the court; a tentative ruling may be issued at any time prior to the hearing.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#18.00** CONT'D Hearing RE: Claimant Douglas Patrick's Objection to Proof of Claim No. 1-3 filed by the Bascom Group, LLC

FR: 6-21-18

Docket 271

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Sustain objection based upon the legal and factual arguments set forth in the Objection and Reply pleadings, which this court incorporates by reference herein.

In sum, the objection raises legal arguments sufficient to rebut the presumed validity of the proof of claim and, thereby, shifts the ultimate burden of proof to the claimant. Claimant has failed to produce a writing sufficient to support a finding that a contract existed under California law. As pointed out by the Reply pleading, the email exchange falls woefully short of documenting the terms of valid, binding contract between Claimant and Debtor under California law.

**Party Information**

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Commercial Services Building Inc**

Jason E Goldstein

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-10918 Robert Boyajian**

**Chapter 11**

**#19.00** Hearing RE: Second Interim Application for Compensation and Reimbursement of Costs

**[THE LAW OFFICES OF MICHAEL G. SPECTOR, ATTORNEYS FOR THE REORGANIZED DEBTOR]**

Docket 545

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13137 Maryam Teimoori**

**Chapter 7**

**#20.00** Hearing RE: Chapter 7 Trustee's Motion for Order: (1) To Compel Turnover of Property of the Bankruptcy Estate; and (2) Establishing Procedure for Removal of Any Remaining Person Property Not Removed by Debtor

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

The court is inclined to deny the motion as premature. See comments below.

Court's comments regarding the Motion:

1. The Motion is supported by very little evidence of Debtor's noncooperation in turning over the subject property ("Property").
2. Movant seeks Debtor's vacation of the Property within 10 days of the entry of an order granting the Motion followed by removal of persons and personal property despite the fact that a) a real estate broker has not been hired and 2) equity for the estate is only possible if certain liens are avoided and no action has been taken to avoid such liens. Absent avoidance of liens, there is no equity for the estate taking into account Debtor's \$100k exemption and costs of sale.
3. Why wouldn't a first step be to order Debtor to cooperate with any future real estate broker?
4. Who is making the mortgage/property tax/insurance premium payments? Debtor's schedules do not indicate that she is making the payments yet the senior lender has not filed a motion for relief from stay so the court assumes the payments are current.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Maryam Teimoori**

**Chapter 7**

5. In sum, the evidence in support of the Motion is insufficient to justify the somewhat draconian relief sought given the current status of the liens against the Property.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 10, 2018

Hearing Room 5A

10:30 AM

8:17-13483 Justin W Cordova

Chapter 7

#21.00 Hearing RE: Motion for Court Approval of Debtor's Assumption of an Unexpired Lease Agreement Held by CAB West, LLC Pursuant to 11 U.S.C. §365(p)(2)

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Justin W Cordova

Represented By  
Adriana E Reza

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14551 Italo Victor Ismodes, Sr**

**Chapter 7**

**#22.00** Hearing RE: Debtor's Motion to Convert to Chapter 11 Pursuant to 11 U.S.C. Sec. 1307(d)

Docket 83

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Denying Plan Confirmation and Converting Case to Chapter 7 Entered 6/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Denying Plan Confirmation and Converting Case to Chapter 7 Entered 6/27/2018 -(6/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Movant(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#23.00** Hearing RE: Debtors' Objection to Claim of Cavalry SPF I, LLC as Assignee of Bank of America Services, N.A., Claim 1

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Sustain Objection.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Debtor is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtor's counsel will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#24.00** Hearing RE: Debtors' Objection to Claim of Cavalry SPV I, LLC as Assignee of Bank of America/FIA Card Services, N.A., Claim 2

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Sustain Objection.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Debtor is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Debtor's counsel will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 10, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#25.00** Hearing RE: Nautilus, Inc.'s Objection to and Motion for Disallowance of Homestead Exemption

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Overrule objection for the reasons set forth in Debtor's response, which the court incorporates by reference herein.

A more detailed tentative ruling may be issued at any time prior to the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Monday, July 16, 2018**

**Hearing Room 5A**

9:00 AM

**8:16-13537 Darryl L. Cazares and DeAnna J. Cazares**

**Chapter 13**

**#1.00 CONT'D EVIDENTIARY HEARING RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]**

FR: 11-30-17, 2-1-18; 3-8-18; 3-29-18; 5-24-18

Docket 62

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/26/2018 AT 9:00 A.M.,  
PER ORDER ON STIPULATION ENTERED 7/10/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Evidentiary Hearing Continued to 9/26/2018 at 9:00 a.m.,  
Per Order on Stipulation Entered 7/10/2018 (XX) - td (7/10/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

**#1.00** Hearing RE: Chapter 7 Trustee's Motion for Order Approving Sale

Docket 169

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 17, 2018**

The following are the findings and conclusions of the court at today's hearing regarding the form of the sale order re the May 3, 2018 sale hearing. "Sale Order" herein refers to the proposed order attached as Exhibit 1 to the pleading entitled Reply to Objection of Stuart Moore [USA] to Proposed Order Granting Motion for Order Approving Sale [Docket # 201].

Findings/Conclusions:

1. There is sufficient evidence in the record, namely in the Trustee's declaration in support of the Motion for Order Approving Sale ("Sale Motion") [Docket #169] that the members of SMDesign ("SMD") are good faith purchasers within the meaning of 363(m). See, paragraphs 11 and 12 of the declaration of Thomas Casey attached to the Sale Motion. There is no evidence in the record of fraud or collusion between the Trustee and the prevailing bidder. The court cannot accept as "evidence" speculation or supposition of collusion simply because SMD was the prevailing bidder and the bidding process did not go as the stalking horse bidder, Mr. Moore wanted.
2. The Sale Motion requested that the for the sale to be free and clear of liens. Exhibit 4 to the Sale Order lodged by the Trustee which is SMD's "offer" in the form of a purchase agreement does not reference "free and clear of liens" or 363(f). However, the issue of liens was discussed at the hearing and the Motion was granted. The Sale Order reflects the hearing discussion and the request in

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

the Sale Motion for approval of a sale free and clear of liens. The Sale Order provides that, except as "modified below" in the Sale Order itself, the purchase agreement [Exhibit 4] applies. The Sale Order then goes on to state the modified terms which includes a reference to 363(f).

3. There is no question that creditors Anthony M.C. Brown, Rev. Charles A.E. Lawrence ("Charles Lawrence") and Dr. Lorraine M. Lawrence ("Lorraine Lawrence") ("collectively Creditors") do not have a prepetition perfected security interest in certain items referenced in the note/security agreement between them and Debtor (court can take judicial notice of the exhibits attached to the motion for relief from stay filed by the Charles Lawrence and Lorraine Lawrence [Docket #43]; Exhibit 4 thereto is a copy of a UCC1 Statement that does not include Debtor's trade name, customer lists or website as collateral. No evidence in the record that any creditor has a prepetition perfected security interest in the trade name, website or customer lists.

4. The trustee's declaration indicates that he could find no evidence of any other liens against the intellectual property that is the subject of the Sale Motion.

5. No creditor objected to the Sale Motion, which includes a request for sale free and clear of liens.

6. The reference in the proposed order to Section 365 should be deleted as the court made no finding as to Section 365.

7. The reference to relief from the automatic stay in the Sale Order should be deleted as there was no request for or ruling by the court for such relief.

8. The assignment of avoidable actions by the Trustee are approved and are valid and enforceable under bankruptcy law. The court makes no findings as to the validity or enforceability of the assignment under applicable state law because it was not asked to do so and no legal authorities were presented as to state law.

9. The motion requested waiver of 6004(h) and no timely objection to the same was presented so the request stands as granted.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11686 Kathy Washington**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 5/29/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 5/29/2018 - td (5/29/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Washington

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11588 Mercedes Haldy**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 9

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 7/17/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 7/17/2018 - td (7/17/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mercedes Haldy

Represented By  
Daniela P Romero

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11583 Emmanuel Lopez**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 5/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 5/18/2018 - td (6/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Emmanuel Lopez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11580 Bernardo Garcia and Beatriz Garcia**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bernardo Garcia

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Beatriz Garcia

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11579 Joann Teruya Stevenson**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joann Teruya Stevenson

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11565 Alfredo Sanchez**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 5/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 5/18/2018 - td (6/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alfredo Sanchez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11561 Vincente Van Dinh**

**Chapter 13**

**#6.10 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements and/or Plan Entered 5/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements and/or Plan Entered 5/18/2018 - td (6/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincente Van Dinh

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11512 Dushan Michael Gunasekera**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 5/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 5/14/2018 - td (5/14/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dushan Michael Gunasekera Pro Se

**Trustee(s):**

Amrane (RS) Cohen (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 17, 2018

Hearing Room 5A

1:30 PM

8:18-11475 Amos Herrera

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed  
5/20/2018; Case Converted to Chapter 7

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from  
Chapter 13 to Chapter 7 filed 5/20/2018; Case Converted to Chapter 7 - td  
(5/21/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Amos Herrera

Represented By  
Michael Salanick

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11445 Dominga Cuenca Morales**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Amended Chapter 13 Plan**

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dominga Cuenca Morales

Represented By  
Scott Dicus

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11407 John M. MacDonald**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John M. MacDonald

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11404 Dominador Abdon, Jr.**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dominador Abdon Jr.

Represented By  
John Asuncion

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11363 AJ Yue**

**Chapter 13**

**#12.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

AJ Yue

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11361 Khanh Tien Tran**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Khanh Tien Tran

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#14.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11234 David Ramos**

**Chapter 13**

**#15.00 CONT'D Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 6-19-18

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Ramos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#16.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-22-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10945 Ivette Marie Gonzaga**

**Chapter 13**

**#17.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR: 5-22-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ivette Marie Gonzaga

Represented By  
Benjamin A Yrungaray

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10841 Joaquin Rene Nolet**

**Chapter 13**

**#18.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

FR: 5-22-18

Docket 25

**Courtroom Deputy:**

**SPECIAL NOTE: Motion to Value is on Calendar for 2:30 p.m., Cal. #24 - td  
(6/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joaquin Rene Nolet

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10754 Karin Marcum**

**Chapter 13**

**#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-22-18; 6-19-18

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karin Marcum

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10727 Mark Douglas Holland**

**Chapter 13**

**#20.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 6-19-18

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark Douglas Holland

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18; 5-22-18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10298 Leonard Stanford Marcyes**

**Chapter 13**

**#22.00 CON'TD Hearing RE: Confirmation of Amended Chapter 13 Plan**

FR:: 4-24-18; 5-22-18; 6-19-18

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leonard Stanford Marcyes

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

**#23.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 3-27-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:18-10841 Joaquin Rene Nolet**

**Chapter 13**

**#24.00** Hearing RE: Debtor's Motion for Order Determining Value of Collateral  
[2003 Ford SUV Explorer Sport 2 door, XLT]

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joaquin Rene Nolet

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-14255 David Jay Sabin**

**Chapter 13**

**#25.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Jay Sabin

Represented By  
Jonathan D Doan

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#26.00** Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#27.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 3-27-18; 4-24-18; 5-22-18; 6-19-18

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-11143 Mark A. De Grasse**

**Chapter 13**

**#28.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mark A. De Grasse

Represented By  
Bryn C Deb

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10339 Vishundyal R. Mohabir**

**Chapter 13**

**#29.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vishundyal R. Mohabir

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-15494 Bert Ranelycke-Svensson**

**Chapter 13**

**#30.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 78

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bert Ranelycke-Svensson

Represented By  
Scott Dicus

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-13134 Alma Fabiola Martinez**

**Chapter 13**

**#31.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alma Fabiola Martinez

Represented By  
Onyinye N Anyama

**Movant(s):**

Amrane (SA) Cohen (TR)

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#32.00** Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 3-27-18; 5-22-18; 6-19-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#1.00** CON'TD STATUS CONFERENCE RE: Complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction

FR: 9-10-15; 4-14-16, 7-21-16; 10-6-16; 12-15-16; 3-30-17; 7-13-17; 8-17-17; 12-14-17, 1-1-18; 5-17-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 10, 2015**

Discovery Cut-off Date: Jan. 15, 2016  
Deadline to Attend Mandatory Mediation: Mar. 11, 2016

Pretrial Conference Date: Apr. 14, 2016 at 9:30  
a.m. (XX)  
Deadline to Lodge Joint Pretrial Stipulation: Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**August 17, 2017**

Continue status conference to Dec. 14, 2017 at 9:30 a.m. with updated status report due Nov. 30, 2017; any further pretrial motion(s) must be filed in time for reserved hearing date of November 16, 2017 at 2:00 p.m. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

9:30 AM

CONT... Margaret Allen Rawson

Chapter 7

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Continue hearing to January 11, 2018 at 2:00 p.m., same date/time as hearing on summary judgment motion. Updated status report not required.  
(XX)

***Note: Appearances at this hearing are not required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated status report must be filed by September 6, 2018.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew

**Defendant(s):**

Margaret Allen Rawson

Pro Se

Margaret Allen Rawson, Successor

Pro Se

DR Rawson, Third Successor

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Margaret Allen Rawson**

**Chapter 7**

**Plaintiff(s):**

Richard Marshack

Represented By  
Misty Perry Isaacson

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

Richard A Marshack (TR)

Pro Se

**U.S. Trustee(s):**

United States Trustee (SA)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12253 Pedro Carrillo**

**Chapter 7**

Adv#: 8:16-01199      Nguyen v. Carrillo

**#2.00**      CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Challenge Discharge 11  
U.S.C. Section 727(a)(4)(A)

FR: 12-1-16; 3-16-17; 4-13-17; 5-11-17; 6-1-17; 9-21-17; 11-16-17; 2-22-18;  
5-17-18

Docket      1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 1, 2016**

Discovery Cut-off Date:	Feb. 1, 2017
Pretrial Conference Date: (XX)	Mar. 16, 2017 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Mar. 2, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**March 16, 2017**

No tentative ruling. Disposition will depend upon the outcome of the hearing re motion to compel set for today's motion to compel. This matter will be trailed to the 10:30am calendar.

-----

**April 13, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

At least one party must appear and advise the court re the status of the settlement.  
-----

**May 11, 2017**

Continue as a Status Conference to June 1, 2017 at 10:30 a.m., same date/time as hearing on pending motion to compel.No status report required (XX)

*Special note: The pending motion to compel does not appear to satisfy the requirement of joint stipulation or alternative declaration re movant's drafting of such a joint stipulation and opposing party's refusal to participate in the preparation of the required joint stipulation.*

**Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.**  
-----

**June 1, 2017**

Continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report to be filed by September 7, 2017. (XX)

**Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.**  
-----

**September 21, 2017**

Continue status conference to November 16, 2017 at 9:30 a.m.; updated joint status report must be filed by November 2, 2017. (XX)

*Special note: If Defendant has not complied with a discovery order, it is Plaintiff's responsibility to seek further relief (e.g., contempt) from the court. The court will not grant relief sua sponte.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

9:30 AM

CONT... Pedro Carrillo

Chapter 7

**Note: Appearances at this hearing are not required.**

-----

**November 16, 2017**

Though the parties have apparently entered into an agreement for judgment in favor of Plaintiff only re the 727 action, such agreement appears to be improper. The 727 action can only be "settled" by denying discharge as to all creditors. See e.g., *In re Armond*, 240 B.R. 51, 59 (Bankr.CD. Cal 1999) (" Where a creditor brings claims against a debtor under both § 727 and § 523, the plaintiff may not settle the claims by dismissing the § 727 claim and taking payment individually on the § 523 claim. Such conduct violates the fiduciary duties to the other creditors that the plaintiff has undertaken in asserting the § 727 claim. The fiduciary duty violation and the resulting tainted settlement can only be cured by turning the settlement over to the trustee for distribution to all creditors."). See also *In re Beltran*, 2010 WL 3338533 at \*6 (Plaintiff in 727 action cannot settle the same to benefit only himself when the purpose of the statute inures to the benefit of all creditors).

**Note: Appearance at this hearing is required.**

-----

**February 22, 2018**

Comments re the Joint Pretrial Stipulation:

1. The sole claim for relief in this adversary proceeding is for denial of discharge under 727(a)(4), i.e., that Debtor knowingly and fraudulently made a false oath, account or claim in connection with this bankruptcy case.
2. It is not clear to the court how admitted fact #s 1, 2, 3 or 5 relate to 727(a)(4)
3. It is not clear to the court how disputed fact #s 1, and 2 in Section B relate to 727(a)(4).
4. None of the disputed facts set forth a basis for the alleged false oath, or

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

false account or false claim by Debtor.

5. Bottom line: the court is at a loss as to how this Stipulation sets forth the specific facts and issues to be tried as to the 727(a)(4) claim.

6. Why is the motion to compel discovery relevant to 727(a)(4)?

This joint stipulation needs to be modified and thought through more carefully.

***Note: Appearances at this hearing ARE required.***

-----

**May 17, 2018**

No revised pretrial stipulation or updated status report filed by May 3, 2018 as ordered by the court at the previous hearing. Plaintiff's counsel to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

***Note: Appearances at this hearing are required.***

-----

**July 19, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m., same date/time as hearing on motion to dismiss adversary.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Carrillo

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

Kathleen A Moreno

**Defendant(s):**

Pedro Carrillo

Pro Se

**Plaintiff(s):**

Michelle Nguyen

Represented By  
J.D. Cuzzolina

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#3.00** CON'TD STATUS CONFERENCE RE: First Amended Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust

(Advanced from 6-14-18)  
FR: 6-7-18

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

The following discovery schedule applies to Plaintiff and Defendant Haleh Fardi:

Discovery Cut-off Date:	Oct. 19, 2018
Deadline to Attend Mediation:	Nov. 16, 2018
Pretrial Conference Date:	Dec. 20, 2018 at 9:30
a.m.	
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 6, 2018

Deadline for Plaintiff to move for entry of default judgments as to non-answering defendants:	Sept. 21, 2018
---	----------------

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... 29 Prime, Inc.**

**Chapter 7**

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network.Com

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10359 Fantasy Aces LP**

**Chapter 7**

Adv#: 8:17-01103 Marshack v. Frisina et al

**#4.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint for Breach of Officers' & Directors' Duties of Care and Equitable Indemnity or Contribution**

FR: 8-31-17; 5-31-18; 6-28-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**July 19, 2018**

In light of pending motion seeking approval of settlement between Plaintiff and Defendant, continue this hearing as a status conference one final time to September 13, 2018 at 9:30 a.m. An updated status report must be filed by September 6, 2018 if an order approving the settlement has not been entered by such date.

***Note: Appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Fantasy Aces LP**

**Chapter 7**

**Party Information**

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**Defendant(s):**

Tom Frisina

Pro Se

Bryan Frisina

Pro Se

Trent Frisina

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#5.00 CON'TD STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17, 4-12-18; 5-31-18

Docket 1

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 7/19/18 at 9:30 a.m., Per Amended Order Entered 4/30/18 (XX) - td (4/30/2018)**

**SPECIAL NOTE: Order Approving Woodlawn Colonial, L.P.'s Motion to Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal Entered 1/24/18 - td (1/24/2018)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----

**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date: Jan. 18, 2018  
Deadline to File Pretrial Motions: Feb. 1, 2018  
Reserved hearing date re Pretrial Motions: Mar. 8, 2018 at 2:00 p.m. (xx)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

9:30 AM

CONT... Chad Paul Delannoy Chapter 7

Pretrial Conference: (XX)	Apr. 12, 2018 at 9:30 a.m.
Deadline to File Pretrial Stipulation	Mar. 29, 2018

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**July 19, 2018**

In light of pending appeal, continue status conference to September 20, 2018 at 9:30 a.m., updated status report must be filed by September 13, 2018.

**Note: Appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Chad Paul Delannoy**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room 5A

9:30 AM

8:17-11716 Brett John Kacura

Chapter 7

Adv#: 8:17-01107 BAI LIMITED v. Kacura et al

#6.00 STATUS CONFERENCE RE: Bai Limited's Adversary Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2), §523(a)(4), and § 523(a)(6)

FR: 9-7-17; 3-8-18; 6-7-18  
(Advanced to 6-7-18)

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: SUMMARY  
JUDGMENT SIGNED 7/18/18

Courtroom Deputy:

OFF CALENDAR: SUMMARY JUDGMENT SIGNED 7/18/18 -- eas

Tentative Ruling:

September 7, 2017

Discovery Cut-off Date:	Dec. 7, 2017
Deadline to Attend Mediation:	Jan. 25, 2018
Pretrial Conference Date:	Mar. 8, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Feb. 15, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Brett John Kacura**

**Chapter 7**

**Defendant(s):**

Brett John Kacura Pro Se

Denise Marie Kacura Pro Se

**Joint Debtor(s):**

Denise Marie Kacura Represented By  
Jeffrey G Jacobs

**Plaintiff(s):**

BAI LIMITED Represented By  
Steven P Chang

**Trustee(s):**

Karen S Naylor (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14074 James Arthur Ciardullo**

**Chapter 7**

Adv#: 8:17-01242 Schmidt et al v. Ciardullo

**#7.00** CONT'D RE TRIAL CONFERENCE RE: Complaint to Determine  
Dischargeability  
(set at s/c held 3-8-18)

FR: 3-8-18; 6-28-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Deadline to meet/confer per LBR 7026-1	Mar. 22, 2018
Discovery Cut-off Date:	May 8, 2018
Deadline to Attend Mediation:	May 31, 2018
Pretrial Conference Date: (XX)	June 28, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	June 14, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**July 19, 2018**

In light of settlement of this matter, continue as a status conference to September 13, 2018 at 9:30 a.m.; an updated status report must be filed by September 6, 2018 if an order approving the settlement has not been entered by such date.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

9:30 AM

CONT... James Arthur Ciardullo

Chapter 7

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Arthur Ciardullo

Represented By  
Tomaso Camejo Calienes

**Defendant(s):**

James Arthur Ciardullo

Pro Se

**Plaintiff(s):**

Philip Schmidt

Pro Se

Schmidt & Schmidt

Represented By  
Philip Schmidt

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:10-26006 James E. Case and Laura M. Case**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC

VS.

DEBTORS

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver unless the parties are able to reach a resolution of the matter.

If more time is need to discuss resolution, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call just prior to the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

James E. Case

Represented By  
Bert Briones

**Joint Debtor(s):**

Laura M. Case

Represented By  
Michael Jones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... James E. Case and Laura M. Case**

**Chapter 7**

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By  
Edward G Schloss

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room 5A

10:00 AM

8:13-19234 Abraham Armenta

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTOR

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver.

*Special note to movant's counsel: For future reference, the chart in paragraph 12 of the motion form must be filled out. Attaching the payment ledger alone is insufficient.*

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.**

**Party Information**

**Debtor(s):**

Abraham Armenta

Represented By  
Stephen Parry

**Movant(s):**

Deutsche Bank National Trust

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Abraham Armenta**

**Chapter 13**

Kristin A Zilberstein  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#10.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 5-17-18; 6-21-18

Docket 140

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Deny Motion. Movant shall not assess attorneys fees/costs against Debtors' account for the preparation and prosecution of the Motion.

Debtors appear to account for all payments. The court notes that Movant previously filed a motion for relief from stay in 2016 and the parties continued the hearing for approximately 11 months until November 2017, at which time Movant withdrew its motion without even requesting an APO. The court assumes this was done because Debtors were determined to be current as of November 2017. So, as a preliminary matter, how could Debtors be seven payments delinquent just 5 months later? In any event, the documentation attached to the Opposition appears to demonstrate that all payments have been made as of April 2018.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Maricela Diaz and Ruben Diaz**

**Chapter 13**

-----  
**July 19, 2018**

At least one of the parties must appear and advise the court re the status of this matter. If more time is needed, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call by the courtroom clerk on the day of the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room 5A

10:00 AM

8:15-11309 Nam Van Le and Linda Thi Vo

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

Docket 128

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/20/18 AT 10:00 A.M.,  
PER ORDER ENTERED 7/16/18 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 9/20/18 at 10:00 a.m., Per Order  
Entered 7/16/18 (XX) - td (7/16/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nam Van Le

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Linda Thi Vo

Represented By  
Anthony B Vigil

**Movant(s):**

U.S. Bank N.A.,in it's capacity as

Represented By  
Leslie M Klott  
Can Guner  
Sean C Ferry



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nam Van Le and Linda Thi Vo**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#12.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK  
MELLON, ET AL

VS.

DEBTOR

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion without 4001(a)(3) waiver.

Debtor's response is muddled and equivocal -- she doesn't state definitively whether she has made all postpetition payments or, if not, how many are missing. Merely attaching miscellaneous copies of checks (presumably for the court to try to decipher) is insufficient.

**Party Information**

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rosa M Harding**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-12854 Paul Edward Rubio**

**Chapter 13**

**#13.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 122

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paul Edward Rubio

Represented By  
Lauren Rode

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Nichole Glowin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Paul Edward Rubio**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh**

**Chapter 7**

**#14.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTORS

FR: 5-17-18

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Deny motion without prejudice.

The trustee has established through the presentation of purchase offer of \$682,000 that there is equity in the property as well as a substantial equity cushion protecting Movant's interest. Movant's reliance on Debtors' estimation of \$490,000 in their schedules cannot stand.

**Party Information**

**Debtor(s):**

Wayne Ralph Marsh

Represented By  
Andy J Epstein

**Joint Debtor(s):**

Jennifer R. Marsh

Represented By  
Andy J Epstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Wayne Ralph Marsh and Jennifer R. Marsh**

**Chapter 7**

**Movant(s):**

The Bank of New York Mellon, as

Represented By  
Christina J O

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11995 Jesus M Razo**

**Chapter 13**

**#15.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
CITIGROUP MORTGAGE LOAN TRUST INC.  
VS.  
DEBTOR

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver unless the parties are able to reach a resolution.

If more time is need to discuss resolution, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call just prior to the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jesus M Razo

Represented By  
Christopher J Langley

**Movant(s):**

Citigroup Mortgage Loan Trust Inc.,

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jesus M Razo**

Tyneia Merritt

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13345 Monique Emma Sanchez**

**Chapter 7**

**#16.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
GATEWAY ONE LENDING & FINANCE  
VS.  
DEBTOR

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monique Emma Sanchez

Represented By  
Richard G Heston

**Movant(s):**

Gateway One Lending & Finance

Represented By  
Karel G Rocha

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Monique Emma Sanchez**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-13818 Hans Nearhoff**

**Chapter 13**

**#17.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

FR: 6-21-18

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Grant with 4001(a)(3) waiver and all other relief requested except that Request Relief #11 is denied and recordation of order is required as to Relief Request #10.

Re RR #11: This court does not grant *in rem* relief in perpetuity.

Overrule Debtor's opposition which is entirely unsupported by any evidence.  
-----

**July 19, 2018**

Movant needs to address the issue of whether Debtor pays the taxes and insurance through his mortgage payment (escrow account), which the exhibit 1 to his most recent reply seems to indicate.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Hans Nearhoff**

**Chapter 13**

Debtor needs to explain why he did not provide proof of all postpetition payments as represented in his most recent reply.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hans Nearhoff

Represented By  
Ronald A Norman

**Movant(s):**

Nationstar Mortgage LLC, c/o Hall

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10754 Karin Marcum**

**Chapter 13**

**#18.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SCHOOLSFIRST FEDERAL CREDIT UNION

VS.

DEBTOR

Docket 51

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered 7/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered 7/18/2018 - td (7/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karin Marcum

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12013 Sea Hwi Lee**

**Chapter 7**

**#19.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
FIARFIELD 951 BEACH LLC  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sea Hwi Lee

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room 5A

10:00 AM

8:18-12047 Marty Bennett

Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 9

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 6/25/2018

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 6/25/2018 - td (6/25/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Marty Bennett

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Gilbert R Yabes

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-12062 AAA Gold Exchange, LLC**

**Chapter 7**

**#21.00** Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

AAA Gold Exchange, LLC

Represented By  
Illyssa I Fogel

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

8:15-15472 Orange County Imaging Specalists, Inc.

Chapter 7

#22.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Orange County Imaging Specalists,

Represented By  
Daren M Schlecter

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

8:15-15472 Orange County Imaging Specalists, Inc.

Chapter 7

#23.00 Hearing RE: First and Final Fee Application

**[SULMEYERKUPETZ, A PROFESSIONAL CORPORATION, ATTORNEYS  
FOR CHAPTER 7 TRUSTEE]**

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Orange County Imaging Specalists,

Represented By  
Daren M Schlecter

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

8:15-15472 Orange County Imaging Specalists, Inc.

Chapter 7

#24.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from June 3, 2016 through May 31, 2018

**[HAHN FIFE & COMPANY LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Orange County Imaging Specalists,

Represented By  
Daren M Schlecter

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-16097 Michael Martin Carney**

**Chapter 7**

**#25.00** Hearing RE: Debtor's Motion for Sanctions for Willful Violation of the Automatic Stay

Docket 334

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Deny motion.

Basis for Tentative Ruling:

For the reasons set forth below, the court finds that there was no stay in effect and, therefore, no violation of the stay or awardable damages.

A. Expiration of the Automatic Stay Pursuant to 362(c)(3):

A bankruptcy case under the Bankruptcy Code is commenced by the filing of a petition. Federal Rules of Bankruptcy Procedure 1002 (Commencement of a Case).

The filing of a bankruptcy petition “operates as a stay, applicable to all entities,” of most actions against a debtor, the debtor's property, and property of the bankruptcy estate. 11 U.S.C. § 362(a). “The [automatic] stay springs into being immediately upon the filing of a bankruptcy petition[.]” *Soares v. Brockton Credit Union (In re Soares)*, 107 F.3d 969, 975 (1st Cir. 1997). However, for debtors who have had another case pending within the preceding year that was dismissed, § 362(c)(3)(A) limits the duration of the stay.

Section 362(c)(3)(A) provides in relevant part that :

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Michael Martin Carney**

**Chapter 7**

"If a single or joint case is filed by or against a debtor who is an individual in a case pending under chapter 7, 11, 12, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed . . . the stay under subsection (a) with respect to any action taken with respect to debt or property securing a debt . . . shall terminate with respect to the debtor on the 30th day after the filing of the later case."

Section 362(c)(3)(B) provides in pertinent part:

"[O]n 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 . . . 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." (emphasis added).

Failure to satisfy any of the conditions of § 362(c)(3)(B) results in the automatic termination of the stay 30 days after the petition date

The 30-day stay termination imposed by 362(c)(3) has been interpreted by the Ninth Circuit Bankruptcy Appellate Panel to mean a complete termination of the stay in its entirety as to the debtor and property of the debtor or the estate. *In re Resnick*. 446 B.R. 362, 369 (9th Cir. BAP 2011) ("Any interpretation of section 362(c)(3)(A) other than one terminating the stay in its entirety 'would be contrary to the clear legislative history, would do little to discourage bad faith, successive filings, and would create, rather than close, a loophole in the bankruptcy system . . .'" )

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Michael Martin Carney**

**Chapter 7**

Once the 30-day stay period expires under Section 362(c)(3)(A), this court has no authority or discretion to retroactively extend the stay under Section 362(c)(3)(B). See, *In re Flynn*, 582 B.R. 25, 29 (1st Cir. BAP 2018).

In this matter, Debtor filed a chapter 13 petition, No. 15-15623, on November 20, 2015 ("First Case"). A case number, 15-15623, was automatically assigned. Simultaneously with the filing of the petition, Debtor requested permission to pay the filing fee in installments. This court denied the request to pay the fee in installments on the ground that Debtor's schedule J indicated that he had negative monthly income, meaning he had no disposable income with which to fund a chapter 13 plan and, therefore, appeared to be ineligible to be a chapter 13 debtor. The order denying the request to pay the fee installments did not prevent the case from proceeding but merely required that the fee be paid in full. The order even allowed Debtor a full business day (until November 23, 2015) to pay the fee. Debtor did not pay the fee and the case was dismissed for failure to pay the filing fee on November 23, 2015. See Docket #10 ("it is ordered and notice is hereby given that the above-captioned case is DISMISSED") (underscore emphasis added). Debtor's argument that the First Case was not a "case" but merely a filed petition is inconsistent with FRBP1002 is not supported by any legal authority. The court, therefore, rejects the argument as unpersuasive.

The current case was filed on December 31, 2015, just five weeks after the dismissal of the First Case. As such, the 30-day limited stay provision of Section 362(c)(3)(A) was triggered. Absent a noticed motion under 362(c)(3)(B) and the completion of a hearing on such motion within 30 days of December 31, 2015, or January 31, 2016, the stay expired by operation of law. No such motion was filed and the stay did expire on January 31, 2016. Accordingly, the court agrees with the responding party that no stay was in effect at the time it purchased the subject property in 2018.

**B. Granting of Relief From the Automatic Stay Under Section 362(d)(1)**

Even if the First Case had not been filed, this court nevertheless granted relief from stay in the current case in favor of U.S. Bank as to the subject property pursuant to Section 362(d)(1) by its order entered October

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Michael Martin Carney**

**Chapter 7**

31, 2017 ("RFS Order") [Docket #294]. The RFS Order terminated the automatic stay as to U.S. Bank and "successors, transferees, and assigns" with respect to Debtor and the bankruptcy estate." RFS Order, p.2, paragraph 4. The RFS Order further provides that U.S. Bank was authorized to "enforce its remedies to foreclose upon and *obtain possession of the Property* in accordance with applicable nonbankruptcy law." RFS Order, p. 2, paragraph 5 (emphasis added).

In light of the foregoing, as of the date of the foreclosure sale on or about May 22, 2018 and at all times thereafter, there was no stay in effect as to U.S. Bank, its successors, transferees or assigns.

As the court concludes that there was no stay in effect at all relevant times, either under 362(c)(3)(A) or 362(d)(1), there was no violation of the automatic stay and no further analysis under 362(k) is required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael Martin Carney

Pro Se

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

**#26.00** Hearing RE: Joint Motion for Order approving Compromise of Controversy

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion.

The court is satisfied that the proposed settlement only implicates the claims asserted by Plaintiff under 523(a)(2)(A) and not 727. While the court recognizes that a 727 claim cannot be settled absent turnover of the settlement funds to the chapter 7 trustee, the court is not persuaded by arguments or cases that would prohibit the settlement of the 523(a) portion of the complaint. Here, the allegations in the complaint assert damages that are equal to the settlement amount, i.e., \$94,700.

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#27.00** Hearing RE: Motion for Order Dismissing Complaint Objecting to Debtor's Discharge pursuant to 11 U.S.C. Section 727

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion only if objecting creditor elects not to substitute into the adversary proceeding.

The court notes that there has been no "abandonment" of the 727 claim. The filing of a no-asset report does not constitute an abandonment of any assets within the meaning of 11 U.S.C. 554. Further, so long as the objecting creditor substitutes into the adversary proceeding and does not seek to amend the complaint, there are no time limitation issues. See discussion below.

A plaintiff cannot be forced to prosecute an adversary proceeding, even one under 727(a). However, pursuant to FRBP 41 and Section 105(a), this court can, in its discretion, authorize another creditor or trustee to substitute in stead of the plaintiff. See, *In re McKissack*, 320 B.R. 703 (Bankr.Colo.2005); *Cantwell & Cantwell v. Vicario*, 464 B.R. 776 (Bankr.N.D. Ill. 2011). However, the court agrees with *McKissack* that the substituting party must take the complaint and posture of litigation where it stands and may not seek to amend or otherwise add additional allegations or claims:

"The substitution must not allow the substituted party to make an end run around the time limitations stated in § 4004. It would be unjust to allow substitution of a new plaintiff for the original and then to allow the new plaintiff to amend the complaint to state new causes of action; or even to substantially

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne Chapter 7**

alter the deadlines in the pre-trial order in a way that allows the new plaintiff to materially improve its position over the position abandoned by the original plaintiff. Granting such advantages to the substituted plaintiff would go beyond the Court's equitable powers to fashion orders that carry out the provisions of the Code. But, by limiting the substituted plaintiff to taking over the case in the posture that he finds it, for better or for worse, the Court insures that only those § 727 claims brought within the time constraints of Rule 4004 may be pursued. The defendant's due process rights require that a substituted plaintiff may assume no new rights and must be prohibited from raising new issues which were not raised in the original complaint." 320 B.R at 720.

",

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Ryan N English

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#28.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge [Demand for Jury]

FR: 11-3-16; 4-13-17; 5-11-17; 6-15-17; 10-19-17; 12-14-17; 3-22-18; 3-29-18; 5-31-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 3, 2016**

Discovery Cut-off Date:	2/15/17
Pretrial Conference Date:	4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	3/30/17

Deadline for Plaintiff to file Brief With Legal Authority/Analysis re Asserted Right to a Jury Trial	3/30/17
--	---------

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of "Section 828(a)(2) . . . of Title 11 of the United States Code." There is no Section 828 in the Bankruptcy Code.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**April 13, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

Impose sanctions in the amount of \$100 as to Plaintiff's and Defendant's counsel for failure to timely file a joint pretrial stipulation. The court further notes that Plaintiff did not file a brief in support of his alleged right to a jury trial and the court assumes Plaintiff is no longer demanding a jury trial.

Plaintiff's counsel filed a late unilateral pretrial statement on April 11, 2017 but does not include a declaration stating why a joint pretrial stipulation was not filed -- Defendant's counsel did not sign off on the statement filed on April 11, 2017. Instead the declaration appears to be an improper "motion" to re-open discovery. Such a request can only be made by a properly noticed motion pursuant to LBR 9013-1.

***Note: Appearances at this hearing are required.***  
-----

**May 11, 2017**

Continue pretrial conference to June 15, 2017 at 10:30 a.m., same date/time as hearing on pending motion to re-open discovery. (XX)

Comments re the Joint Pretrial Stipulation:

1. Though Section III (Issues of Law) refers to 523(a)(2)(A), Section II (Disputed Facts) of the JPS does not reference 523(a)(2)(A) or any disputed facts relevant to the elements of fraud.
2. Though Section refers to disputed facts relevant to 523(a)(6), Section III does not refer to issues of law re 523(a)(6).
3. The court does not understand the issue of law implicated by Section III(2) of the JPS.
4. Paragraph 9 of the Complaint refers to 523(a)(2)(B) but there is no reference to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability been abandoned by Plaintiff?
5. Disputed facts relevant to the elements of slander *per se* are not set forth

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

CONT... Stephen J Haythorne  
in the JPS.

Chapter 7

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required. Though an amended JPS is not required for the 6/15/17 hearing, the parties are advised to heed the court's comments re the JPS for purposes of any amended JPS filed in the future.***

-----

**June 15, 2017**

Continue pretrial conference to October 19, 2017 at 9:30 a.m.; amended joint pretrial stipulation must be filed by October 5, 2017. (XX)

In preparing the joint pretrial stipulation, the parties should take in to consideration the court's comments above re the May 11, 2017 hearing.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**October 19, 2017**

No tentative ruling as disposition will depend upon the outcome of the Motion to Compel set on today's 10:30 a.m. calendar. This matter will be trailed to the 10:30 a.m. calendar.

-----

**December 14, 2017**

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of pretrial stipulation must be filed by March 8, 2018. Deadline for filing pre-trial motions is January 18, 2018. February 22, 2018 at 2:00 p.m. shall be reserved for such motions. Pretrial motions not filed by January 18, 2018 will be deemed waived. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

Comments re the Amended JPS filed 12/1/17:

1. Section II(2) should be modified to add "in a writing" after the phrase "misrepresented his financial condition."
2. All references to "Section 523(a)(b) shall be revised to correctly identify the statutes as 523(a)(2)(A) and 523(a)(2)(B).
3. Typos in Section II(16), line 11 ("filing") and Section III(2) ("Plaintiff") should be corrected.
4. The 12/1/17 version of the JPS does not include the list of witnesses and exhibits as represented therein.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

The separately filed pretrial stipulations are both deficient and do not address issues previously identified by the court. The parties will be allowed one final opportunity to file a proper joint pretrial statement and severe monetary sanctions of not less than \$1000 will be imposed on the party who has not participated in the preparation of the final pretrial statement in good faith and in a timely manner.

If the parties cannot agree that a particular fact is undisputed, then it automatically goes into the disputed section of the statement -- one side cannot unilaterally decide that a disputed matter is undisputed.

The parties will be required to meet in person to work on the joint pretrial statement and should be thinking about a time/place to do so prior to today's hearing.

Comments re the Unilateral Pretrial Statements:

1. The sender and receiver of the wired funds of \$232,557.66 should not be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

a disputed matter. For example, if wire documents indicate that Defendant was the sender, then Defendant should not be disputing that fact. If on the other hand, the sender of the wire was Gadzinski V in N Out Fund ("Gadzinski Fund"), then Plaintiff should include that fact as undisputed. Same the the identity of the recipient -- Plaintiff or Stellar Capital, Inc. ("Stellar")

2. The relationship between Defendant and Gadzinski Fund, if any, should be set forth as either a undisputed or disputed fact. Same re the relationship, if any, between Stellar and/or Plaintiff or Defendant.

3. The fact that a check in the amount of \$5,000 was paid on November 17, 2014 appears to be undisputed. Is there a dispute that the check was drawn on the account of Salt Creek Realty, Inc? What is the relationship, if any, between Salt Creek and Defendant?

4. Re Plaintiff's Sections I(I) and (J), what is the relevance of the rental to the 523 and 727 claims? If it has no bearing on such claims, it should be deleted.

5. Re Plaintiff's Sections I(L) - (V) -- why are these facts relevant to the 523 and 727 claims? If they have no bearing on such claims, they should be deleted.

6. The parties to the alleged agreement and the terms thereof appear to be in dispute and should be listed in the joint pretrial statement as a facts in dispute.

7. Re whether Defendant misrepresented his financial condition, both parties have failed to include the necessary requirement under 523(a)(2)(B) that such misrepresentation be **in writing**. The court has previously pointed out this deficiency. If there is no writing, then the 523(a)(2)(B) claim must be dismissed as a matter of law.

8. The reference in both pretrial statements to "523(a)(2)(A)(B)" is facially defective as no such statute exists. It is either 523(a)(2)(A) or 523(a)(2)(B).

9. No facts relating to 523(a)(2)(A) are set forth in either pretrial statement. If there are no such facts, this claim should be dismissed as a matter of law.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

10. Certain elements of fraud are missing from the issues of fact/law, e.g., intent to deceive, damages as a result of reliance on misrepresentations.

11. What is the relevance of Plaintiff contacting Defendant's parents for repayment to either the 523 or 727 claims? If not relevant, it should be deleted.

12. Re Plaintiff's Section II(15) -- a time frame needs to be added that is consistent with the applicable 727 subsection. Same re Section II(16). Plaintiff appears have lumped several allegations together without any time frames that fall within the applicable 727 subsection.

13. Plaintiff's Exhibits: re "Wells Fargo Documents:" need to better identify the documents. Are they bank statements or something else? Re "letters" and "emails" -- need to identify sender/recipient re each, such as Defendant has done in his exhibit list.

14. Re Plaintiff's Witness List: Re witness #s 9, 10, 11, 12, 13 -- there is no indication of the time period. for example, David Williams will be testifying about a commission paid to Defendant when? "When" makes a difference of purposes of whether the transaction should have been listed on Defendant's schedules or statement of financial affairs.

*Special Note: Over the course of this adversary, this court has spend hours correcting issues on what should have been a straightforward joint pretrial statement. The court is concerned that the parties are not being thoughtful in the preparation of the pretrial statement. For example the court cannot even determine whether there are any facts to be litigated under 523(a)(2)(A) or 523(a)(2)(B) based on what currently appears in Plaintiff's pretrial statement.*

***Note: Appearances at this pretrial conference are MANDATORY.***

-----

**July 19, 2018**

No tentative ruling; disposition will depend upon outcome of other motions on for hearing this date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Stephen J Haythorne

Chapter 7

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Richard A Jones

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

**8:17-11716 Brett John Kacura and Denise Marie Kacura**

**Chapter 7**

**#29.00** Hearing RE: Chapter 7 Trustee's Objection to Claim Number 10-1 Filed by The Law Office of Jeffrey G. Jacobs in the Amount of \$26,000.00

Docket 100

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Objection to Claim Number 10-1 Filed by The Law Office of Jeffrey G. Jacobs; and Request to Take Hearing Off Calendar, filed 7/12/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Objection to Claim Number 10-1 Filed by The Law Office of Jeffrey G. Jacobs; and Request to Take Hearing Off Calendar, filed 7/12/2018 - td (7/12/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11995 Jesus M Razo**

**Chapter 13**

**#30.00** Hearing RE: Motion to Reconvert Case From Chapter 13 to Chapter 7

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Deny motion if Debtor has entered into an adequate protection agreement with the lender. If there is an agreement, the agreement shall provide for notice to the former chapter 7 trustee in the event of an uncured default under the APO, in which case the chapter 7 trustee may file a declaration re the same along with an order converting the case to chapter 7.

**Party Information**

**Debtor(s):**

Jesus M Razo

Represented By  
Christopher J Langley

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#31.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2)  
Requiring Report on Status of Chapter 11 Case

FR: 8-17-17; 11-16-17; 2-1-18; 5-24-18; 5-31-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date: Oct. 23, 2017 (notice by  
8/21/17)

Deadline to file Plan/Discl. Stmt: Nov. 1, 2017

Continued Status Conference: Nov. 16, 2017 at 10:30 a.m.;

updated  
by 11/2/17

status report to be filed  
unless the plan/discl.  
stmt has been  
timely filed, in which  
case the no  
status report need be  
filed and the  
status conference will  
be continued to  
the date of the discl.  
stmt hearing. (XX)

***Note: If Debtor accepts the foregoing tentative ruling and is in***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

***substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***  
-----

**November 16, 2017**

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.* (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**May 31, 2018**

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the court shall issue an order to show cause why this case should not be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

dismissed or converted due to Debtor's inability to timely propose a plan of reorganization or file a disclosure statement. The hearing on the OSC shall also be held on July 19, 2018 at 10:30 a.m.

Basis for Tentative Ruling:

This court previously indicated that no further extensions of the deadline to file a plan and disclosure statement beyond May 1, 2018 would be granted. Debtor and its counsel apparently view the court's deadlines as mere suggestions. Nothing in Debtor's current status report justifies any further extensions. Debtor has basically "parked" itself for approximately one year in this noncomplex chapter 11 case and cavalierly intends to remained parked for at least 17 months without filing a plan and disclosure statement. This will not happen.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 10:30 a.m.; updated status report must be filed by September 6, 2018.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14119 Barry Eugene Young, Sr. and Yicel Maldonado Young**

**Chapter 7**

**#32.00** Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 1-1  
Filed by National Commercial Recovery, Inc.

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Barry Eugene Young Sr.

Represented By  
David A Tilem

**Joint Debtor(s):**

Yicel Maldonado Young

Represented By  
David A Tilem

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14119 Barry Eugene Young, Sr. and Yicel Maldonado Young Chapter 7**

**#33.00** Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 3-3  
Filed by Department of the Treasury - Internal Revenue Service

Docket 36

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation Resolving Chapter 7 Trustee's Motion for Order Disallowing  
Claim no. 3-3 Filed by the Internal Revenue Service Entered 7/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Resolving Chapter 7  
Trustee's Motion for Order Disallowing Claim no. 3-3 Filed by the  
Internal Revenue Service Entered 7/16/2018 - td (7/16/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barry Eugene Young Sr.

Represented By  
David A Tilem

**Joint Debtor(s):**

Yicel Maldonado Young

Represented By  
David A Tilem

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#34.00** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 4-5-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Claims bar date: June 11, 2018; notice to creditors by April 11, 2018

Debtor's counsel to provide update re motion for use of cash collateral and why Debtor waited more than 6 weeks to file the motion.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mary Elizabeth Schaffer**

Andrew S Bisom

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#35.00** Hearing RE: Secured Creditor Finance of America Reverse LLC (F/K/A Urban Financial of America LLC) Objection to and Motion to Disallow Debtor's Claim of Homestead Exemption

Docket 28

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/31/18 AT 10:30 A.M.,  
PER ORDER ENTERED 7/13/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/31/18 at 10:30 a.m., Per Order  
Entered 7/13/18 (XX) - td (7/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#35.10** CONT'D Hearing RE: Nautilus, Inc.'s Objection to and Motion for Disallowance of Homestead Exemption

FR: 7-10-18

Docket 22

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 7/31/18 AT 10:30 A.M.,  
PER ORDER ENTERED 7/13/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 7/31/18 at 10:30 a.m., Per Order  
Entered 7/13/18 (XX) - td (7/13/2018)**

**Tentative Ruling:**

**July 10, 2018**

Overrule objection for the reasons set forth in Debtor's response, which the court incorporates by reference herein.

A more detailed tentative ruling may be issued at any time prior to the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11407 John M. MacDonald**

**Chapter 13**

**#36.00** Hearing RE: Creditor Bank of The West's Objections to Debtor John M. MacDonald's Claimed Exemptions

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant in part; deny in part.

The tentative ruling is based on the exemption amounts set forth in CCP 703.150 which includes the 2016 adjustments to 703.140(b), as pointed out in Debtor's Opposition.

A. Grant as to the following items:

1. Debtor's claimed exemption of \$6200 for interest in spouse's IRA under 703.140(b)(10(E)). Debtor has the burden of proof to establish that the IRA is reasonably necessary for the support of the debtor and his spouse. The only evidence in support of the exemption is that the IRA is Debtor's only source of retirement income. See Declaration of John M. MacDonald at paragraph 6. Applying the relevant factors set forth in *In re Hamo* 233 B.R. 718 (9th Cir. BAP 1999), the court finds that Debtor has not satisfied that burden -- even interpreting the exemption statute liberally in favor of Debtor. *In re Glass*, 164 B.R. 759, 764 (9th Cir. BAP 1994), *aff'd* 60 F.3d 565 (9th Cir. 1995). First, Debtor has unencumbered assets of nearly \$2M which could be used toward retirement. Second, Debtor appears to be paying \$3,000 per month for a single auto (Ferrari?). This expense is not "reasonably" necessary for purposes of calculating support. Once this auto obligation and the plan payments are completed, Debtor could easily downsize to an auto payment that could allow him to contribute at least \$5,594 per month for

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

CONT... **John M. MacDonald** **Chapter 13**

retirement or \$67,000 per year (e.g., \$3000 payment vs. \$1000 payment = \$2,000 + \$3,594 plan payment). Third, given Debtor's apparent lifestyle, \$6200 will provide virtually no retirement support for Debtor and his spouse.

2. \$3,620 for excessive amount exempted under CCP 703.140(b)(5) as admitted by Debtor in the Opposition. Debtor has not yet amended his Schedule C to reflect this error.

B. Deny as to the following items:

1. Exemption for motor vehicle of \$5,350 - 703.140(b)(2)

2. Furnishings/Electronics/Apparel - 703.140(b)(3). The court finds that Debtor's declaration at paragraph 8 will suffice. Debtor need not list every item of clothing, piece of furniture, etc.

3. The objection to the amount of the wildcard up to \$26,800 + \$1,425 per 703.140(b)(1) and (5).

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Objecting Creditor shall lodge an order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

John M. MacDonald

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, July 19, 2018

Hearing Room 5A

10:30 AM

8:18-11883 Jeanette Lucille Johnson-Rodney

Chapter 7

#37.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 18

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 6/11/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 6/11/2018 - td (6/11/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jeanette Lucille Johnson-Rodney Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11943 Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa**

**Chapter 13**

**#38.00** Hearing RE: Motion for Order determining value of collateral - 2010 Ford Fusion

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincent D. Gamboa

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Lisa K. Sarvinski-Gamboa

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01065 Albert-Sheridan v. Farfan et al

**#39.00** Hearing RE: Defendants' Motion to Dismiss Complaint

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Maricruz Farfan Represented By  
Suzanne C Grandt

Brandon Tady Represented By  
Suzanne C Grandt

Alex Hackert Represented By  
Suzanne C Grandt

Paul Bernardino Represented By  
Suzanne C Grandt

Yvette Roland Hon. Represented By  
Suzanne C Grandt

State Bar Of California Represented By  
Suzanne C Grandt

**Movant(s):**

Maricruz Farfan Represented By  
Suzanne C Grandt

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Brandon Tady

Represented By  
Suzanne C Grandt

Alex Hackert

Represented By  
Suzanne C Grandt

Paul Bernardino

Represented By  
Suzanne C Grandt

Yvette Roland Hon.

Represented By  
Suzanne C Grandt

State Bar Of California

Represented By  
Suzanne C Grandt

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01065 Albert-Sheridan v. Farfan et al

**#40.00** CONT'D STATUS CONFERENCE RE: Complaint 1. Dischargeability of Debt; 2. 11 USC Section 525(a) Violation; 3. 42 USC Section 1983 Violation; 4. Rosenthal/FDCPA; 5. Bus & Prof Code Section 6103, 6140.7 and 6086.10 are Unconstitutional

FR: 6-21-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Continue status conference to July 19, 2018 at 2:00 p.m., same date/time as pending motion to dismiss. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Maricruz Farfan	Represented By Suzanne C Grandt
-----------------	------------------------------------

Brandon Tady	Represented By Suzanne C Grandt
--------------	------------------------------------

Alex Hackert	Represented By Suzanne C Grandt
--------------	------------------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, July 19, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Paul Bernardino

Represented By  
Suzanne C Grandt

Yvette Roland Hon.

Represented By  
Suzanne C Grandt

State Bar Of California

Represented By  
Suzanne C Grandt

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, July 27, 2018

Hearing Room 5A

10:00 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#1.00** EVIDENTIARY Hearing RE: Bernard Bros., Inc.'s Motion to Compel Arbitration and Dismiss the Bankruptcy Complaint (RE: Transmittal/Receipt of Arbitration Agreement)

(Advanced from 6/14/18)  
Set at Hearing held 6/7/18

Docket 8

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/3/18 AT 10:00 A.M. ON COURT'S OWN MOTION; Counsel to Provide Notice (XX)**

**Courtroom Deputy:**

**CONTINUED: Evidentiary Hearing Continued to 8/3/18 at 10:00 a.m. on Court's Own Motion; Counsel to Provide Notice (XX) - td (6/14/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Represented By  
Jeffrey M Goldman

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, July 27, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts

FR: 4-12-18; 6-7-18  
(Advanced from 6-14-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 8/3/18 AT 10:00 A.M. ON  
COURT'S OWN MOTION; Counsel to Provide Notice (XX)**

**Courtroom Deputy:**

**CONTINUED: Evidentiary Hearing Continued to 8/3/18 at 10:00 a.m. on  
Court's Own Motion; Counsel to Provide Notice (XX) - td (6/14/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#1.00 STATUS CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452 (As to the remaining cross-complaint)**

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18; 2-22-18; 4-12-18; 6-21-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Complaint for Lack of Prosecution Entered 6/22/18; The Cross-Complaint will Remain for Prosecution by Cross-Plaintiffs - td (6/22/2018)**

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery: July 1, 2016  
Pretrial Stipulation due date: August 18, 2016

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Rosalva Ramirez

Chapter 11

Pretrial Conference: Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----  
**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----  
**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

-----  
**November 30, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Rosalva Ramirez**

**Chapter 11**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***  
-----

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***  
-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.  
-----

**April 12, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; Court to issue order to show cause why this adversary should not be dismissed due to lack of prosecution ("OSC"), which OSC shall be heard on the same date/time as the continued status conference. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Defendants shall service notice of the continued status conference.***  
-----

**June 21, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rosalva Ramirez Chapter 11**

Take matter off calendar in light of the dismissal of the adversary proceeding.  
-----

**July 31, 2018**

Continue as a status conference to October 18, 2018 at 9:30 a.m. Updated status report must be filed by October 4, 2018. Any pretrial motion must be filed by September 13, 2018.

***Note: Appearance at this hearing is waived; Cross-Plaintiff to serve notice of the continued hearing date.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez	Represented By Marc C Forsythe Charity J Miller
-----------------	---

**Defendant(s):**

Rosalva Ramirez	Represented By Marc C Forsythe Charity J Manee
Jose Luis Ramirez Sr	Represented By Christopher P Walker
Herman F Cea	Pro Se
The Ramirez Family Trust	Pro Se
Family Steel Corporation	Pro Se
First American Title Insurance	Pro Se
Olimpia Family Trust, Dated	Pro Se

**Plaintiff(s):**

Mayanin Sotelo	Pro Se
----------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rosalva Ramirez**

**Chapter 11**

Salon Envious, Inc.

Pro Se

Aurelio Vera

Pro Se

Faviola Vera

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 31, 2018

Hearing Room 5A

9:30 AM

8:17-12842 Lisa W. Wu

Chapter 7

Adv#: 8:17-01215 American Express Centurion Bank v. Wu

#2.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt

FR: 1-17-18

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Joint Stipulation of Dismissal of Adversary Proceeding Entered 2/5/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Joint Stipulation of Dismissal of Adversary Proceeding Entered 2/5/2018 - td (2/5/2018)**

**Tentative Ruling:**

**January 17, 2018**

Discovery Cut-off Date:	May 15, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	June 18, 2018
Pretrial Conference Date:	July 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Order:	July 17, 2018

*Special note: Plaintiff has requested that no pretrial conference be conducted. However, the court is of the view that a pretrial stipulation and conference is necessary to clearly identify the issues, identify witnesses and exchange exhibits.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Lisa W. Wu

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Lisa W. Wu

**Chapter 7**

Joseph M Tosti

**Defendant(s):**

Lisa W. Wu

Pro Se

**Plaintiff(s):**

American Express Centurion Bank

Represented By  
Dennis Winters

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#3.00**      Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket      16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant motion for judgment of nondischargeability under Section 523(a)(6) in the amount of \$31,000.00 with interest at the California judgment rate plus any costs granted by the state court.

*Special note: The motion does not specifically ask for costs though a state court memorandum of costs is attached as an exhibit. The memorandum lists a cost of \$20,000 under "other" without explanation or substantiation. The court sua sponte grants relief from the automatic stay to permit Plaintiff to seek approval of costs in state court.*

**Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Defendant(s):**

Edgar Guzman

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edgar Guzman**

**Chapter 13**

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14768 Edgar Guzman**

**Chapter 13**

Adv#: 8:18-01057      Mendoza v. Guzman

**#4.00**      CON'TD STATUS CONFERENCE RE: Complaint to Determine  
Nondischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2)(A) and §523(a)(6)

(Advanced from 6/14/18)  
FR: 6-7-18; 6-21-18

Docket      1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m., same date/time set for hearing on Plaintiff's motion for default judgment. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required.***

-----

**June 21, 2018**

Continue status conference to July 31, 2018 at 9:30 a.m. Any new motion for default judgment must be filed and served no later than July 10, 2018 and shall be set for hearing on July 31, 2018 at 9:30 a.m. (XX)

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

-----

**July 31, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Edgar Guzman**

**Chapter 13**

Take matter off calendar in light of granting of motion for entry of default judgment.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Guzman

Represented By  
Rebecca Tomilowitz

**Defendant(s):**

Edgar Guzman

Pro Se

**Plaintiff(s):**

Diodora Mendoza

Represented By  
John F Nicholson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01042 Kosmala v. Liebeck et al

**#4.10** Hearing RE: Chapter 7 Trustee's Emergency Motion for: (1) Temporary Restraining Order and; (2) Issuance of Order to Show Cause Why a Preliminary Injunction Should not Issue

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Defendant(s):**

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

Mark Ziebold

Represented By  
J Scott Williams

Shaunah Lynn Steelman

Pro Se

Jodi Denise Steelman

Pro Se

Nationwide Life Insurance Company

Represented By  
Daniel M Anderson

Nationwide Life and Annuity

Represented By  
Daniel M Anderson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Faye C Rasch  
Reem J Bello

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:16-14917 Thomas G. Peuser**

**Chapter 13**

**#5.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

Vs.

DEBTOR

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver and co-debtor stay.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas G. Peuser

Represented By  
Bruce D White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10986 Mian K. Taufique**

**Chapter 13**

**#6.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA INC.  
VS.  
DEBTOR

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mian K. Taufique

Represented By  
Christopher J Langley

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Jennifer H Wang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mian K. Taufique**

**Chapter 13**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 31, 2018

Hearing Room 5A

10:00 AM

8:17-14454 Bertha Zapata

Chapter 13

#7.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

WILMINGTON TRUST, NA

VS.

DEBTOR

Docket 32

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation Resolving Motion for Relief from the Automatic Stay SIGNED  
7/27/18

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation Resolving Motion for Relief  
from the Automatic Stay SIGNED 7/27/18 --es**

Tentative Ruling:

**Party Information**

**Debtor(s):**

Bertha Zapata

Represented By  
Gary Polston

**Movant(s):**

Wilmington Trust, National

Represented By  
Dane W Exnowski  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10974 Shawna Marie Murray**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shawna Marie Murray

Represented By  
Harlene Miller

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
James F Lewin

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Shawna Marie Murray**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11594 George Carl Natzic and Cheri Lynn Natzic**

**Chapter 7**

**#9.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

ADD2NET, INC.

VS.

DEBTORS

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant motion as to the fraud cause of action only without waiver of FRBP 4001(a) (3).

Debtors are correct that service was improper as both counsel and Debtors should have been served with the Motion. See LBR 4001-1(c)(1)(C). However, as Debtors have filed a full response, including a substantive declaration of Debtor George Natzic, a continuance to require Movant to serve Debtors would not serve any purpose.

**Party Information**

**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      George Carl Natzic and Cheri Lynn Natzic**

**Chapter 7**

Moises S Bardavid

**Movant(s):**

Add2Net, Inc.

Represented By  
Michael Hanna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 31, 2018

Hearing Room 5A

10:00 AM

8:18-11613 Claudia A Broere

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Claudia A Broere

Represented By  
Anthony P Cara

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, July 31, 2018

Hearing Room 5A

10:00 AM

8:18-11704 Elizabeth Ann Durand

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Elizabeth Ann Durand

Represented By  
Derik N Lewis

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12058 John Timothy Quaid**

**Chapter 7**

**#12.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
ACAR LEASING LTD, DBA GM FINANCIAL LEASING  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Timothy Quaid

Represented By  
Brian J Soo-Hoo

**Movant(s):**

ACAR Leasing LTD dba GM

Represented By  
Sheryl K Ith

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Timothy Quaid**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12313 Ashley Danielle Strange**

**Chapter 7**

**#13.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

UNITED DOMINION REALTY, L.P.

Vs.

DEBTOR

Docket 7

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/16/2018 - td (7/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ashley Danielle Strange

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12335 Marty Bennett**

**Chapter 7**

**#14.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant motion with 4001(a)(3) waiver and 362(d)(4) relief (recordation of order required), the latter of which is based on multiple filings. Deny request for co-debtor relief.

The request for co-debtor relief is denied because a co-debtor stay is not provided to non-filing co-debtor in a chapter 7 case (only in chapter 13).

*Special Note to Counsel: Counsel is admonished about filing a pleading with the court that is fraught with inaccuracies and false/misleading statements and representations. If another motion is filed in any case in the future that includes accuracy problems like the ones noted below, the motion will be denied.*

Court's Comments re the Motion

1. The Motion states on page 3, paragraph 4 that the subject property was transferred to the Debtor "just before the filing or after the filing." This is false. Movant's own Exhibit 6 attached to the Motion shows that an interest in the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, July 31, 2018

Hearing Room

5A

10:00 AM

CONT...

**Marty Bennett**

**Chapter 7**

property was transferred to Debtor by her husband on May 2, 2007, more than **eleven** years prior to this filing.

2. On page 4, paragraph 3(d) of the Motion, Movant states as a basis for 362(d) (4) relief that the transfer of an interest in the property to Debtor was without Movant's consent. This is either false or misleading. Movant actually entered into a loan modification agreement **with Debtor** and her husband on or about May 6, 2010. See Exhibit 5 to Motion. If Movant did not consent to the transfer, why would it enter into a loan modification agreement with Debtor eight years before this filing?

3. On page 7 of the Motion, declarant Charice Gladden testifies in paragraph 6 that Debtor did not list the property in her schedules. This is false. Debtor did list the property in Schedule A.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marty Bennett

Represented By  
Lauren Rode

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Katie M Parker

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:10-15212 Hospitality Equipment Fabricators, Inc.**

**Chapter 7**

**#15.00** Hearing RE: Amended Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hospitality Equipment Fabricators,

Represented By

Catherine A Moscarello - DISBARRED -

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By

Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, July 31, 2018

Hearing Room 5A

10:30 AM

8:14-12082 Joseph J. Munoz, MD, Inc.

Chapter 11

#16.00 CON'TD Post Confirmation Status Conference RE: Debtor-in-Possession's Chapter 11 Plan Dated July 1, 2015

(Set at Ch 11 Plan hrg. held 7/28/16)  
FR: 3-2-17; 3-9-17; 9-7-17; 3-8-18; 6-7-18  
(Advanced from 6-14-18)

Docket 177

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion to Enter a Final Decree that the Chapter 11 Plan Has Been Substantially Consummated and Administered Entered 7/27/18. The Chapter 11 Case is Deemed Fully Administered and will be Closed as of the Entry of this Order**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion to Enter a Final Decree that the Chapter 11 Plan Has Been Substantially Consummated and Administered Entered 7/27/18. The Chapter 11 Case is Deemed Fully Administered and will be Closed as of the Entry of this Order - td (7/27/2018)**

**Tentative Ruling:**

**March 9, 2017**

Continue postconfirmation status conference to September 7, 2017 at 10:30 a.m.; updated status report must be filed by August 24, 2017 unless the case has been closed by such date. (XX)

Debtor may seek entry of closing of case and/or final decree by independent motion (LBR 9013-1(o) is acceptable).

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Joseph J. Munoz, MD, Inc.

Chapter 11

**September 7, 2017**

Continue status conference to March 8, 2018 at 10:30 a.m.; updated status report must be filed by February 22, 2018 unless the case is closed by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 8, 2018**

Appearance at this hearing is required. The Status Report states in paragraph that a schedule payments as of July 2017 is attached. No schedule is attached to the Status Report and query as to why Debtor is only providing a schedule of payments as of eight months ago.

-----

**June 7, 2018**

Updated status report not filed. Motion for final decree not filed. Debtor's counsel shall appear and advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

Joseph J. Munoz, MD, Inc.

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12253 Pedro Carrillo**

**Chapter 7**

Adv#: 8:16-01199 Nguyen v. Carrillo

**#17.00** Hearing RE: Plaintiff's Motion to Dismiss Complaint to Challenge Discharge

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

The court is inclined to grant the motion. However, the proof of service seems to indicate that one creditor, SchoolsFirst Credit Union was not served. Movant will need to explain this.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Carrillo

Represented By  
Kathleen A Moreno

**Defendant(s):**

Pedro Carrillo

Represented By  
Kathleen A Moreno

**Movant(s):**

Michelle Nguyen

Represented By  
J.D. Cuzzolina

**Plaintiff(s):**

Michelle Nguyen

Represented By  
J.D. Cuzzolina



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12253 Pedro Carrillo**

**Chapter 7**

Adv#: 8:16-01199 Nguyen v. Carrillo

**#17.10** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Challenge Discharge 11  
U.S.C. Section 727(a)(4)(A)

FR: 12-1-16; 3-16-17; 4-13-17; 5-11-17; 6-1-17; 9-21-17; 11-16-17; 2-22-18;  
5-17-18; 7-19-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 1, 2016**

Discovery Cut-off Date:	Feb. 1, 2017
Pretrial Conference Date:	Mar. 16, 2017 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	Mar. 2, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**March 16, 2017**

No tentative ruling. Disposition will depend upon the outcome of the hearing re motion to compel set for today's motion to compel. This matter will be trailed to the 10:30am calendar.

-----

**April 13, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

At least one party must appear and advise the court re the status of the settlement.  
-----

**May 11, 2017**

Continue as a Status Conference to June 1, 2017 at 10:30 a.m., same date/time as hearing on pending motion to compel.No status report required (XX)

*Special note: The pending motion to compel does not appear to satisfy the requirement of joint stipulation or alternative declaration re movant's drafting of such a joint stipulation and opposing party's refusal to participate in the preparation of the required joint stipulation.*

**Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.**  
-----

**June 1, 2017**

Continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report to be filed by September 7, 2017. (XX)

**Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.**  
-----

**September 21, 2017**

Continue status conference to November 16, 2017 at 9:30 a.m.; updated joint status report must be filed by November 2, 2017. (XX)

*Special note: If Defendant has not complied with a discovery order, it is Plaintiff's responsibility to seek further relief (e.g., contempt) from the court. The court will not grant relief sua sponte.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Pedro Carrillo**

**Chapter 7**

***Note: Appearances at this hearing are not required.***

-----

**November 16, 2017**

Though the parties have apparently entered into an agreement for judgment in favor of Plaintiff only re the 727 action, such agreement appears to be improper. The 727 action can only be "settled" by denying discharge as to all creditors. See e.g., *In re Armond*, 240 B.R. 51, 59 (Bankr.CD. Cal 1999) ("Where a creditor brings claims against a debtor under both § 727 and § 523, the plaintiff may not settle the claims by dismissing the § 727 claim and taking payment individually on the § 523 claim. Such conduct violates the fiduciary duties to the other creditors that the plaintiff has undertaken in asserting the § 727 claim. The fiduciary duty violation and the resulting tainted settlement can only be cured by turning the settlement over to the trustee for distribution to all creditors."). See also *In re Beltran*, 2010 WL 3338533 at \*6 (Plaintiff in 727 action cannot settle the same to benefit only himself when the purpose of the statute inures to the benefit of all creditors).

***Note: Appearance at this hearing is required.***

-----

**February 22, 2018**

Comments re the Joint Pretrial Stipulation:

1. The sole claim for relief in this adversary proceeding is for denial of discharge under 727(a)(4), i.e., that Debtor knowingly and fraudulently made a false oath, account or claim in connection with this bankruptcy case.
2. It is not clear to the court how admitted fact #s 1, 2, 3 or 5 relate to 727(a)(4)
3. It is not clear to the court how disputed fact #s 1, and 2 in Section B relate to 727(a)(4).
4. None of the disputed facts set forth a basis for the alleged false oath, or false

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

account or false claim by Debtor.

5. Bottom line: the court is at a loss as to how this Stipulation sets forth the specific facts and issues to be tried as to the 727(a)(4) claim.

6. Why is the motion to compel discovery relevant to 727(a)(4)?

This joint stipulation needs to be modified and thought through more carefully.

***Note: Appearances at this hearing ARE required.***  
-----

**May 17, 2018**

No revised pretrial stipulation or updated status report filed by May 3, 2018 as ordered by the court at the previous hearing. Plaintiff's counsel to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

***Note: Appearances at this hearing are required.***  
-----

**July 19, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m., same date/time as hearing on motion to dismiss adversary.(XX)

***Note: Appearances at this hearing are not required.***  
-----

**July 31, 2018**

If the motion to dismiss the adversary is granted, this matter will go off calendar.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Pedro Carrillo**

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Carrillo

Represented By  
Kathleen A Moreno

**Defendant(s):**

Pedro Carrillo

Pro Se

**Plaintiff(s):**

Michelle Nguyen

Represented By  
J.D. Cuzzolina

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#18.00** CON'TD Hearing RE: Debtors-in-Possessions' Motion for Order Approving Disclosure Statement Describing Chapter 11 Plan of Reorganization as Containing Adequate Information Pursuant to Bankruptcy Code Section 1125(A)(1)(B)

FR: 5-3-18; 6-21-18

Docket 41

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to Continue Hearing on Approval of Debtors' Disclosure Statement filed 6/15/18. Andy Warshaw, Attorney for Debtors and Michael Hauser of UST to appear and request continuance of hearing - td (6/20/2018)**

**Tentative Ruling:**

**June 21, 2018**

Continue hearing to July 10, 2018 at 10:30 a.m.  
-----

**July 31, 2018**

Approve Disclosure Statement.

Note: One minor comment -- the DS at pg 24 states that the monthly amount to Class 2C (FTB) is \$446 per month. However, the plan at page 13 states that the monthly payment is \$505.

Tentative Confirmation Schedule:

Confirmation hearing:  
a.m.

Oct. 4, 2018 at 10:30

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**      **Gregory A Moore and Edith A Moore**      **Chapter 11**

Deadline to file final version of plan and DS:      Aug. 6, 2018

Deadline to serve plan/DS/ballots:      Aug. 9, 2018

Deadline for creditors to return ballots and  
file objections to confirmation of plan:      Sept. 6, 2018

Deadline to file confirmation brief addressing all  
applicable sections of 1129, supported by  
evidence:      Sept. 20, 2018

***Note: If Debtors and UST accept the foregoing tentative ruling,  
appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#19.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case**

FR: 11-30-17, 5-31-18; 6-21-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 30, 2017**

Claims bar date: Mar. 1, 2018

Deadline to file plan/discl. stmt: May 15, 2018

Continued status conference: May 31, 2018 at 10:30 a.m. (XX)

Deadline to file updated status report: May 17, 2018\*

\*If Debtors timely file a plan and disclosure statement by May 15, 2018, the requirement of filing an updated status report will be waived and the status conference will likely be continued to the same hearing date/time as approval of the disclosure statement.

***Note: Appearances are not required if Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee. It is Debtors' responsibility to confirm such compliance with the UST in advance of the hearing.***

-----

**June 21, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

Continue status conference to July 10, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.  
-----

**July 31, 2018**

Continue status conference to same date/time as confirmation hearing; updated report not required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14536 Thavy Tanksley**

**Chapter 7**

**#20.00** CONT'D Hearing RE: U.S. Trustee's Motion to Show Cause ("OSC") Why Attorney Alon Darvish Should Not Be Referred to the Disciplinary Panel for Banruptcy Courts of the Central District of California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3,1 of the Local Rules of the Central District of California

FR: 5-31-18

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Per movant's request, continue hearing to July 31, 2018 at 10:30 a.m.

***Note: Appearances at this hearing are not required.***

-----  
**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. as requested by Movant. LBR 9013-1(f) briefing schedule will apply.

***Note: Appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Thavy Tanksley**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10097 Daphne Alt**

**Chapter 13**

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#21.00** CON'TD Hearing RE: Motion by Defendants, Premier Home Solutions, Inc., Angel Leilani Santiago, and Total Lender Solutions, to Dismiss the Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(7)

FR: 6-26-18

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 26, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m. to allow the parties to address the following tentative ruling. Plaintiff to file response by July 17, 2018 and Defendants to file reply by July 24, 2018. (XX)

Tentative Ruling

This court is inclined to abstain from hearing this matter pursuant to 28 U.S.C. 1334(c)(1) (permissive abstention) and to deny the Motion as moot as a consequence thereof.

Basis for Tentative Ruling

Under Section 1334(c)(1), the court may abstain from hearing a particular proceeding arising under title 11 or arising in or related to a case under title 11 when to do so would be in the interest of justice, or in the interest of comity with state courts or respect for state law. The following factors in this matter militate in favor of permissive abstention:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Daphne Alt**

**Chapter 13**

1. The extent to which state law issues predominate over bankruptcy issues:  
  
All of the claims for relief implicate California law and none implicate bankruptcy law.
2. The presence of a related proceeding commenced in state court:  
  
There is a pending state court action involving the same issues and the same parties as this adversary proceeding, which action was commenced by Plaintiff Debtor prepetition.
3. The jurisdictional basis, if any, other than 28 U.S.C. 1334  
  
Other than Section 1334, there is no independent basis for this court's jurisdiction.
4. The presence of nondebtor parties:  
  
All three defendants are all nondebtor parties, two of which have not filed a claim in the bankruptcy case. In addition, in the state court action there are additional nondebtor plaintiffs.
5. The impact on the administration of the case if the court abstains  
  
Plan treatment and timing of distributions will be impacted whether the matter is heard in this court or in state court. Importantly, the state court action has been pending for approximately eight months. The first status conference in the adversary proceeding was set for this date.
6. The substance rather than the form of an assorted core proceeding  
  
None of the claims for relief "arise" under title 11 or in the bankruptcy case, and, therefore are not "core." The Complaint seeks relief based upon Breach of Contract, Declaratory Relief, Cancellation of Note, Usury, Wrongful Foreclosure, Fraud and Unfair Business Practices, all based on state law and all based on facts, circumstances and transactions arising prior to the bankruptcy.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, July 31, 2018

Hearing Room 5A

10:30 AM

CONT... Daphne Alt

Chapter 13

See, general discussion in *In re GACN, Inc.*, 555 BR 684, 694-698 (9th Cir. BAP 2016) re the determination of core proceedings.

7. The likelihood that the commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties:

The court can take judicial notice of the fact that Plaintiff filed a similar, if not identical, complaint against Defendants in state court prior to the filing of the bankruptcy case. It also appears Plaintiff sought the issuance of a preliminary injunction in state court that was presumably denied in January 2018. Debtor filed the instant bankruptcy case on January 12, 2018.

-----

**July 31, 2018**

After careful review and consideration of Plaintiff's brief in opposition to this court's abstention under 28 USC 1334(c)(1), the court ultimately does not find the arguments or legal analysis therein persuasive. Accordingly, the court will abstain from hearing this matter pursuant to 28 USC 1334(c)(1) for the reasons stated in its June 26, 2018 tentative ruling, as well as the the analysis set forth in the Reply brief filed by Defendants on July 24, 2018 [docket #19], all of which are incorporated by reference herein.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearances at this hearing are not required and Defendants may lodge an order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Defendant(s):**

Premier Home Solutions, Inc.

Represented By  
Amy E Martinez

Angel Leilani Santiago

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Daphne Alt**

**Chapter 13**

Total Lender Solutions

Amy E Martinez

Represented By  
Amy E Martinez

**Plaintiff(s):**

Daphne Alt

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10097 Daphne Alt**

**Chapter 13**

Adv#: 8:18-01060 Alt v. Premier Home Solutions, Inc. et al

**#22.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1. Breach of Contract; 2. Cancellation of Note; 3. Usury; 4. Wrongful Foreclosure; 5. Fraud; 6. Derogatory Relief; 7. Unfair Business Practices

(Advanced from 6-14-18)  
FR: 6-7-18; 7-31-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to June 26, 2018 at 2:00 p.m., same date/time as hearing on pending motion to dismiss adversary. Updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this status conference is not required.***

-----

**June 26, 2018**

Continue status conference to July 31, 2018 at 10:30 a.m.; updated status report not required. (XX)

-----

**July 31, 2018**

No tentative ruling; disposition will depend upon the outcome of Calendar # 21.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Daphne Alt**

**Chapter 13**

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Defendant(s):**

Premier Home Solutions, Inc.

Pro Se

Angel Leilani Santiago

Pro Se

Total Lender Solutions

Pro Se

**Plaintiff(s):**

Daphne Alt

Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#23.00** CON'TD Hearing RE: Individual Debtor's Disclosure Statement in Support of Plan of Reorganization

FR:6-21-18

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

Continue hearing on Disclosure Statement to July 31, 2018; Debtor must file an amended plan and disclosure statement by July 10, 2018; any response to the amended disclosure statement must be filed by July 17, 2018 and any reply by July 24, 2018.

In the amended disclosure statement, Debtor needs to address the objections raised by the U.S. Trustee and Legate Law Corporation. The absolute priority rule issue will be dealt with at confirmation. In addition, at page 14 of the disclosure statement Debtor states the new value contribution of \$50,000 will be distributed to Class 5(b) creditors but at page 7, Debtor refers to Class 6(b). Finally, the plan at page 2 "estimates the amount of administrative priority claims will be between \$15,000" -- the upper range amount is missing.

Rainbow Ridge's request that the Plan be "denied" and the case be dismissed and converted not properly before the court and will not be addressed.

-----

**July 31, 2018**

In addition to the modifications noted in Debtor's Reply [docket #82], Debtor will also need to address the following matters:

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mary Elizabeth Schaffer**

**Chapter 11**

1. The language on page 11 re discharge appears to be inconsistent with the plan language re discharge at page 7. The plan language also appears to be inconsistent with 1141(d)(5)(A).
2. Page 13 refers to future income as a source of funding for the plan. However, the plan at page 8, Article 4 does not included a checked box for future disposable income.
3. At pages 15, line 6 and 16, line 9, the figures for administrative claims do not match (\$32,000 v. \$28,000). When revised, the two sections should match.
4. The reference on page 17 to "Exhibit A" should be to "Exhibit B."
5. The amended plan at page 2, line 16 still includes an incomplete sentence, i.e., "between \$15,000." No upper estimate is provided.

Tentative Confirmation Schedule:

Confirmation hearing: a.m.	Oct. 4, 2018 at 10:30
Deadline to file final version of plan and DS:	Aug. 6, 2018
Deadline to serve plan/DS/ballots:	Aug. 9, 2018
Deadline for for receipt of ballots and file objections to confirmation of plan:	Sept. 6, 2018
Deadline to file confirmation brief addressing all applicable sections of 1129, supported by evidence as well as ballot tally analysis	Sept. 20, 2018

**Party Information**

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mary Elizabeth Schaffer**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#23.10** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 4-5-18; 7-19-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Claims bar date: June 11, 2018; notice to creditors by April 11, 2018

Debtor's counsel to provide update re motion for use of cash collateral and why Debtor waited more than 6 weeks to file the motion.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. (XX)

***Note: Appearances at this hearing are not required.***

-----

**July 31, 2018**

Continue to same day/time as hearing on confirmation of plan.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mary Elizabeth Schaffer**

**Chapter 11**

**Party Information**

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#24.00** CON'TD Hearing RE: Debtor's Objection to Education Credit Management Corporation's Proof of Claim Number 4

FR: 5-31-18

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

There is a service issue with this objection. Pursuant to LBR 9009-1(b)(4), regarding court-approved forms, "[r]egardless of whether a court-approved form is mandatory or optional, no language or provisions may be altered or deleted from a form, whether a form is filed or lodged." Proof of Service of Documents are one such mandatory form.

Here, Debtor's Notice of Objection includes a Proof of Service Document (Form F 3007-1.1.NOTICE.OBJ.CLAIM), which begins with the phrase "I am over the age of 18 and *not a party to this bankruptcy case* or adversary proceeding." (emphasis added). However, Debtor signed this form despite the fact that she *is* a party to this bankruptcy case. See Docket No. 107, p.2.

Debtor's Objection to claim includes a Proof of Service Document (Form F 9013-3.1.PROOF.OF.SERVICE), *which has been modified* in violation of LBR 9009-1(b)(4), to only say "I am over the age of 18. My business address is..." See Docket No. 105, p.13.

Therefore, service needs to be corrected to comply with the exact language of the mandatory court form re the proof of service. Stated otherwise, someone other than Debtor needs to serve the Notice and the Objection. In addition, the Notice



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

**Chapter 7**

and Objection should be served on Claimant's attorney of record, Scott A. Schiff, 16255 Ventura Blvd., Suite 706, Encino CA 91436.

The court notes that this objection seems to be either in part or in whole duplicative of a pending adversary proceeding -- Adv. #18-01071 in which Education Credit Managment Corporation is the defendant. If this is the case, perhaps Debtor should consider withdrawing this objection and proceeding solely with the adversary proceeding.

-----  
**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

Basis for Tentative Ruling:

A. Service:

ECMC complains that the objection was not served pursuant to FRBP 7004. Service of an objection to claim pursuant to FRBP 7004 is no longer required in light of the 2017 Amendments to FRBP 3007(a)(1)(2)(A) which provides that the objection "shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated." FRBP 3007(a)(1)(2)(A)(i) and (ii) only require 7004 service if the claimant is the United States or an insured depository institution. See also Advisory Committee Notes to the 2017 Amendment: "Rule 7004 does not apply to the service of most claim objections." As ECMC is a private corporation, service per FRBP 3007(a)(2)(A) is sufficient. Here, ECMC was served to the person and at the address indicated on its proof of claim (POC).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**  
B. Merits

**Chapter 7**

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim and not an interest.

2. Sufficiency of the Documentation

Debtor's objection regarding sufficiency of the writings upon which the POC is based is well-taken. While it is true that Debtor has not come forward with evidence to rebut the amount of the overall claim, the argument regarding the sufficiency of the documentation accompanying the POC is sufficient to shift the ultimate burden to ECMC. The court has reviewed the documents attached to the POC and cannot discern how the documentation supports the claim nor can the court discern what the various columns and figures mean. Further, it is difficult to ascertain whether payments have been applied. More information/explanation is required. Claimant has the ultimate burden of proof.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**  
3. Dischargeability

**Chapter 7**

This issue can only be determined through the pending adversary proceeding and will not be addressed through the claims objection process. See FRBP.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#25.00** Hearing RE: Debtor's Objection to Notice of Intent to Pay Claims

Docket 184

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Deny motion as moot in light of conversion of the case to chapter 7.

This motion is addressed to the chapter 13 trustee's notice of intent to pay claims; however the chapter 13 trustee will not be paying claims as this case has now been converted to chapter 7.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#26.00** Hearing RE: Debtor's Objection to Ford Motor Credit Company's Proof of Claim Number 3

Docket 186

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Overrule objection.

This court has already granted relief from the automatic stay to allow the litigation pending in state court to continue. In light of such, there is no basis for adjudicating this claim through the claim objection process.

Special Note: The objection is being overruled for the reason stated above and not on Ford's argument that Debtor lacks standing to bring the objection in the first instance. During the pendency of the chapter 13, the court accepted the scheduled accounts receivable of approximately \$500,000 and, based on that value, determined that the best interest test could only be met by a 100% payout, which determination rendered Debtor's plan infeasible. Now that the case has been converted to chapter 7 and having received no evidence to the contrary, the court accepts that same value of \$500,000 to determine that there is at least the possibility of a surplus estate and that, therefore, Debtor had standing to make the objection.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#27.00** Hearing RE: Debtor's Objection to PHEAA's Proof of Claim Number 9

Docket 188

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

See comments re Calendar #24 re sufficiency of documentation.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#28.00** Hearing RE: Debtor's Objection to Bank of America's Proof of Claim Number 6

Docket 190

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to October 18, 2018 at 10:30 a.m. in light of the pending motion for relief from stay to seek a determination of the appeal fees/costs in state court.

Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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).

1. Form of the Proof of Claim



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, July 31, 2018

Hearing Room

5A

10:30 AM

CONT...

**Lenore LuAnn Albert-Sheridan**

**Chapter 7**

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

2. Debtor's reference to 11 USC 101(b) [sic] has no application to this matter. Section 101(a) defines a creditor as "an entity that has a claim against the debtor that arose at the time of or before the order for relief [filing of voluntary petition] concerning the debtor. Debtor's reference is actually to Section 101(10A)(B) which defines *current monthly income* and excludes benefits received on account of payment to victims of international or domestic terrorism."

2. Sufficiency of the Documentation

There is a state court judgment which substantiates a portion of the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. That said, the amount of the claim representing attorneys fees relating to the appeal have not yet been determined by the state court. There is a pending motion for relief from stay to seek such a determination set for August 2, 2018.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#29.00** Hearing RE: Debtor's Objection to Pam Ragland's Proof of Claim Number 11

Docket 192

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Overrule objection.

. Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

2. Sufficiency of the Documentation

There is a state court judgment which substantiates the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. None of the theories asserted by Debtor are sufficient to rebut the state court judgment/opinion. Debtor has presented to legal authority for her position that a claim may be disallowed on the basis of involvement in "acts of domestic terrorism." Even if such a theory were legally supportable, Debtor has not presented any evidence of the same.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Movant(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#30.00** Hearing RE: Debtors' Objection to Claim of Everardo Muniz, Claim 8

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 13, 2018 at 10:30 a.m. to allow Debtors to comply with LBR 3007-1(c)(4).

The objection does not establish that Claimant was served with notice of the bar date.

***Note: If Debtors accept the tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#31.00** Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Overrule objection as moot in light of amended schedule C filed 6/25/18 [docket #32].

Trustee's objection is based on exemptions claimed by Debtor in certain bank accounts pursuant to CCP 704.070 on his schedule C filed 4/26/18 [docket #12]. However, on 6/25/18, Debtor filed an amended schedule C which asserts exemptions as to such accounts under **CCP 704.080** and claims no exemptions under 704.070. Thus, it would appear that Trustee's objection is moot, notwithstanding Debtor's late response filed 7/25/18 which curiously defends the exemptions under CCP 704.070. This is a bit of a head-scratcher for the court.

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, July 31, 2018

Hearing Room 5A

10:30 AM

8:18-11298 Chao Chen Yang

Chapter 13

#32.00 CONT'D Hearing RE: Secured Creditor Finance of America Reverse LLC (F/K/A Urban Financial of America LLC) Objection to and Motion to Disallow Debtor's Claim of Homestead Exemption

FR: 7-19-18

Docket 28

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Stipulation to Withdraw Objection to and Motion to Disallow Debtor's Claim of Homestead Exemption filed by Creditor Finance of America Reverse LLC (f/k/a Urban Financial of America LLC), filed 7/30/18**

**Courtroom Deputy:**

**OFF CALENDAR: Stipulation to Withdraw Objection to and Motion to Disallow Debtor's Claim of Homestead Exemption filed by Creditor Finance of America Reverse LLC (f/k/a Urban Financial of America LLC), filed 7/30/18 - td (7/30/2018)**

**Tentative Ruling:**

**July 31, 2018**

*This matter remains under review by the court. A tentative ruling may be posted at any time prior to the hearing.*

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#33.00** CONT'D Hearing RE: Nautilus, Inc.'s Objection to and Motion for Disallowance of Homestead Exemption

FR: 7-10-18; 7-19-18

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Overrule objection for the reasons set forth in Debtor's response, which the court incorporates by reference herein.

A more detailed tentative ruling may be issued at any time prior to the hearing.

-----  
**July 31, 2018**

Same tentative ruling as for July 10, 2018 above.

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11361 Khanh Tien Tran**

**Chapter 13**

**#34.00** Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Overrule objection.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Khanh Tien Tran

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11580 Bernardo Garcia and Beatriz Garcia**

**Chapter 13**

**#35.00** Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemptions

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant motion -- reduce exemption to \$75,000.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bernardo Garcia

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Beatriz Garcia

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

2:00 PM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

**#36.00** CON'TD Hearing RE: Plaintiff's Motion for Summary Judgment, or in the Alternative, for Summary Adjudication of Issues

FR: 5-17-18

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Grant partial summary adjudication as to the Third Claim for Relief (disallowance of Amended Claim) only; abstain as to all other claims for relief pursuant to 28 USC 1334(c)(1). All funds currently being held in the estate for the benefit of Layla Boyajian shall be held for 90 days following entry of the order re the Motion, subject to disposition and/or release by a non-bankruptcy court of competent jurisdiction. After expiration of the 90 days, such funds shall be distributed to Layla Boyajian.

Basis for Tentative Ruling:

1. Partial Summary Adjudication: Granted on the ground that The estate has no liability for any part of the Amended Claim as Plaintiff did not obligate himself by written agreement or otherwise for any amounts that may be owing by Layla Boyajian to Defendant.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Robert Boyajian**

**Chapter 11**

**2. Abstention under 28 USC 1334(c)(1)**

Pursuant to *In re Tucson Estates, Inc.*, 912 F.2d 1162 (9th Cir.1990), permissive abstention under 28 USC 1334(c)(1) is appropriate as to this adversary proceeding based upon the following circumstances:

- a. The alleged lien at issue in this matter concerns a lien against *non-estate* property, i.e., Layla Boyajian's interest in the sale proceeds;
- b. The remaining claims for relief all involve state law;
- c. This adversary at its core reflects a dispute between two non-debtors -- Defendant and Plaintiff's mother, Layla Boyajian based upon their attorney-client relationship;
- d. Except for the Third Claim for Relief, the adjudication of the remaining claims for relief will have no material impact on the administration of this case where a plan has already been confirmed and largely, if not entirely, consummated.
- e. As Defendant's lien rights, if any, were created under applicable California law, such rights can be efficiently adjudicated in a California state court.
- f. This court lacks jurisdiction to adjudicated the dispute between two nondebtors as such no bankruptcy laws are implicated. Stated otherwise, any claims between the nondebtors neither arose under the Bankruptcy Code or in this chapter 11 case.

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schenum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

**#1.00 STATUS CONFERENCE RE: Second Amended Complaint: (1) For Breach of Contract; (2) Restitution and/or Unjust Enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers [Debtor: SunCal Oak Knoll, LLC]**

Docket 95

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

**#2.00 STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers [Debtor: SunCal Torrance, LLC]**

Docket 327

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch

Argent Management, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01022      Speier v. SunCal Management LLC et al

**#3.00 STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers [Debtor: SunCal PSV, LLC]**

Docket      329

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch

Argent Management, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, August 1, 2018

Hearing Room 5A

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01023 SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#4.00** STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers [**Debtor: Palmdale Hills Property, LLC**]

Docket 298

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M., PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

Argent Management LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01024      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#5.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) To Avoid and Recover Fraudulent Transfers  
**[Debtor: SunCal Summit Valley, LLC]**

Docket      68

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

Argent Management LLC

Represented By  
Craig H Averch

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01025      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#6.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) To Avoid and Recover Fruadulent Transfers **[Debtor: SunCal Bickford Ranch, LLC]**

Docket      77

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

Argent Management LLC

Represented By  
Craig H Averch

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, August 1, 2018

Hearing Room 5A

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

**#7.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal Emerald Meadows, LLC]**

Docket 69

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M., PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

Argent Management, LLC

Represented By  
Craig H Averch

SunCal Management LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, August 1, 2018

Hearing Room 5A

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

**#8.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief; (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers **[Debtor: SunCal Marblehead, LLC]**

Docket 105

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

Argent Management, LLC

Represented By  
Craig H Averch  
Doah Kim  
Aalok Sharma

SunCal Management LLC

Represented By  
Craig H Averch  
Doah Kim  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

**#9.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers **[Debtor: SunCal Heartland, LLC]**

Docket 99

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

SunCal Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01127      Speier v. SunCal Management LLC et al

**#10.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers  
**[Debtor: SunCal Northlake, LLC]**

Docket      98

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Wednesday, August 1, 2018

Hearing Room 5A

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

**#11.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) to Avoid and Recover Fraudulent Transfers  
**[Debtor: LBL-SunCal Oak Valley, LLC]**

Docket 98

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

**#12.00** STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers **[Debtor: Delta Coves Venture LLC]**

Docket 100

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/11/2018 AT 2:00 P.M.,  
PER ORDER ENTERED 7/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/11/28 at 2:00 p.m., Per  
Order Entered 7/24/2018 (XX) - td (7/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/20/18 AT 9:30 A.M.,  
PER ORDER ENTERED 7/27/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/20/18 at 9:30 a.m., Per  
Order Entered 7/27/18 (XX) - td (7/27/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29 , 2017 if a settlement has not been approved by such date.

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

**Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.**  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

**Note: Appearances at this hearing are not required.**  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

**Note: Appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By

David Wood

Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By

Kyra E Andrassy

David Wood

Matthew Grimshaw

Nathan F Smith

Arturo M Cisneros

Norma Ann Dawson

Robert S Lawrence

Caroline Djang



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/20/18 AT 9:30 A.M.,  
PER ORDER ENTERED 7/27/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 9/20/18 at 9:30 a.m., Per  
Order Entered 7/27/18 (XX) - td (7/27/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, August 2, 2018

Hearing Room 5A

9:30 AM

**8:14-10082 Robert David Suer**

**Chapter 7**

Adv#: 8:14-01124 Kan-Di-Ki, LLC d/b/a Diagnostic Laboratories v. Suer

**#3.00** CON'TD STATUS CONFERENCE RE: SETTLEMENT RE: Complaint to: (1) Determine Dischargeability of Debt Under 11 U.S.C. Section 523; and (2) Object to Discharge Under 11 U.S.C. Section 727

FR: 7-10-14; 10-30-14; 12-4-14; 5-21-15; 7-30-15; 12-17-15; 1-21-16; 2-18-16; 4-7-16; 6-2-16; 6-30-16; 9-22-16; 11-10-16; 12-15-16; 3-9-17; 5-4-17; 5-18-17; 7-27-17; 9-21-17; 12-14-17; 3-8-18; 3-29-18; 4-17-18; 5-17-18; 6-21-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: ORDER APPROVING STIPULATION UNDER FED.R.CIV.P.41(A) AND FED.R.BANKR.P.7041 TO DISMISS WITH PREJUDICE CLAIMS IN ADVERSARY PROCEEDING ARISING UNDER 11 U.S.C. SECTION 523 ENTERED 7/2/18**

**Courtroom Deputy:**

**CONTINUED: Continued to 8/2/18 at 9:30 a.m., Per Order Entered 6/14/18 (XX) - td (6/18/2018)**

**SPECIAL NOTE: Order Approving Stipulation Under Fed.R.Civ.P.41(A) and Fed.R.Bankr.P.7041 to Dismiss with Prejudice Claims in Adversary Proceeding Arising Under 11 U.S.C. Section 727 Entered 6/8/18; §523 still pending - (liz)**

**Tentative Ruling:**

**July 10, 2014**

Continue status conference to Oct. 30, 2014 at 9:30 a.m.; updated joint status report to be filed by Oct. 16, 2014. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, August 2, 2018

Hearing Room 5A

9:30 AM

CONT... Robert David Suer

Chapter 7

**December 4, 2014**

Continue status conference to May 21, 2015 at 9:30 a.m.; updated joint status report to be filed by May 7, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**May 21, 2015**

Continue status conference to July 30, 2015 at 9:30 a.m.; updated joint status report to be filed by July 16, 2015. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**July 30, 2015**

Discovery Cut-off Date:	Nov. 2, 2015
Pretrial Conference Date:	Dec. 17, 2015 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 3, 2015

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 18, 2017**

In light of pending settlement, continue matter as a status conference to June 15,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

CONT... **Robert David Suer**  
2017 at 9:30 a.m.

**Chapter 7**

*Special Note: The parties will need to address issue/case law re "settling" of 727 actions. See, e.g., In re Armond, 240 B.R. 51 (Bankr. CD 1999)*

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**July 27, 2017**

Pretrial Conference Date: Sept. 21, 2017 at 9:30 a.m.  
(XX)  
Deadline to Lodge Joint Pretrial Stipulation: Sept. 7, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Court's comments re the Joint Pretrial Stipulation (JPS):

1. The statement of admitted facts under Section A is extraordinarily long and in includes matters not typically seen in pretrial stipulations, to wit, deposition testimony as well as facts not relevant to the elements of 523 and 727. However, the court will not require that this portion of the JPS be re-done.

2. The statement of disputed facts under Section B is not acceptable and will require substantial modification. Generally speaking, in order to focus the parties, each disputed fact should begin with the word "Whether." More specific comments re Section B are noted below.

a. B(1): Delete. Too broad and does nothing to identify specific disputed facts.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

b. B(1), (2), and (3): Why are these matters disputed? For example, if no third amended complaint was properly filed and served, why wouldn't the second amended complaint be the operative complaint?

c. B(5): This is too broad and does not identify specific disputed facts relevant to 523 and/or 727.

d. B(19), (20) and (21): Setting forth interrogatories and the response does not advance the identification of specific disputed facts. This comment applies to all subsequent disputed facts that merely reference interrogatories and responses.

e. B(22), line 15: does "Adversary Complaint" refer to the Second Amended Complaint? (compare with A(23)).

f. B(24): see comments in 2(d) hereinabove.

g. B(25): What are the disputed facts? None are set forth in this paragraph.

h. B(26): see comments in 2(d) hereinabove.

i. B(27): What is the disputed fact?

j. B(28): What is the disputed fact?

k. B(29): see comments in 2(d) hereinabove.

l. B(30): Why is this listed as a disputed fact and why is this even mentioned if Def did not move to compel production or responses?

m. B(31) Why is this a disputed fact?

n. B(32): Why is this a disputed fact?

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Robert David Suer**

**Chapter 7**

o. B(33) - (41): What are the disputed facts?

p. B(53): see comments in 2(l) hereinabove.

q. B(114) (115), (117), (118), (120), (121): Does Def dispute the testimony referenced in each of these paragraphs?

r. B(125): This needs to be revised so as to clearly indicate the disputed facts -- not a mere recitation of deposition testimony.

s. B(166), (169) - (172), (180) (182) (183): Why are these disputed facts?

t. B(184) - (188): Why is it necessary to include all this testimony in the joint pretrial stipulation? The purpose of the JPS is to identify issues not to serve as a trial brief.

u. B(189) - (213): Reads like a trial brief rather than a list of disputed facts. Perhaps "Whether" requirement will bring the true disputed facts into focus.

**3. Issues of Law:**

a. Pg 56, par. 2: Does not accurately state the standard of proof under 523(a)(6). Intent to do an act that results in injury is not the standard. Rather, an intent to cause the injury itself is the standard.

b. Pg 56, par. 3: Breach of contract is not a legal issue to be decided in 523 trial.

c. Pg 56, par. 6: What is meant by "which DL contends should be adjudicated in a separate proceeding?" DL is seeking bifurcation of the trial? Why?

d. Pg. 56, par. 11: What is the legal basis for the "higher standard of accountability?" What exactly is plaintiff referring to -- the 523 or 727 claims? Plaintiff has the burden of proof in a nondischargeability matter.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

4. Other Matters, JPS Section F:

a. F(1)(a): Has a motion for relief been filed? What specific issues are included in this paragraph? How will issues be adjudicated in a Delaware court in time for the estipulated April 2018 trial date in this court?

b. F(1)(b): Has a motion for summary judgment been filed? The court could not locate any such motion on the docket. Can a motion for summary judgment realistically be filed and heard in advance of an April 2018 trial date?

c. When will all the other pretrial motions mentioned in Section F of the JPS be filed?

***Note: Appearances at this hearing are required.***

-----

**May 17, 2018**

In light of representations made in the joint status report filed May 3, 2018 [doc # 234], continue matter as a status conference to June 21, 2018 at 9:30 a.m. as a holding date. Updated joint status report must be filed by June 14, 2018 if the adversary proceeding remains pending as of such date. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert David Suer

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Robert David Suer**

**Chapter 7**

**Defendant(s):**

Robert David Suer Pro Se

**Plaintiff(s):**

Kan-Di-Ki, LLC d/b/a Diagnostic Represented By  
Monika S Wiener

**Trustee(s):**

David L Hahn (TR) Pro Se

David L Hahn (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#4.00** CON'TD STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged Administrative Claimant Out of Escrow

FR: 4-5-18; 6-21-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Joint status report not timely filed. Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed.  
-----

**June 21, 2018**

Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to file an updated status report or file a motion for default judgment.  
-----

**August 2, 2018**

Continue status conference to October 18, 2018 at 9:30 a.m.; court to issue Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution which will be set for the same date/time.

***Note: Appearance at this hearing is not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Bruce R Fink**

**Chapter 13**

**Party Information**

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085      Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#5.00 STATUS CONFERENCE RE: Complaint for Avoidance and Recovery of  
Fraudulent and Preferential Transfers**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons  
Issued 6/4/2018; New Status Conference on Amended Complaint Set for  
9/6/2018 at 9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 6/4/2018; New Status  
Conference on Amended Complaint Set for 9/6/2018 at 9:30 a.m. (xx) - td  
(6/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stuart Moore (USA) Ltd.**

Jeffrey S Shinbrot  
Jeffrey I Golden

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:00 AM

8:15-12052 Joe Blake

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
AMERICREDIT FINANCIAL SERVICES, INC. DBA GM FINANCIAL  
Vs.  
DEBTOR

Docket 39

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) / APO Entered  
8/1/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) / APO Entered 8/1/2018 - td (8/1/2018)**

**Tentative Ruling:**

**August 2, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine whether  
further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Joe Blake

Represented By  
Arlene M Tokarz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Joe Blake**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:00 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#7.00 CON'TD Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

REED SMITH LLP AND BANK OF AMERICA, N.A.

VS.

DEBTOR

FR: 7-10-18

Docket 170

**\*\*\* VACATED \*\*\* REASON: PARTIES STIPULATED TO RELIEF  
FROM STAY DURING JULY 31, 2018 CALENDAR TO ALLOW MOVANT  
TO SEEK ORDER RE APPELLATE FEES AND/OR COSTS BUT NO  
EXECUTION OF ANY JUDGMENT.**

**Courtroom Deputy:**

**OFF CALENDAR: PARTIES STIPULATED TO RELIEF FROM STAY  
DURING JULY 31, 2018 CALENDAR TO ALLOW MOVANT TO SEEK  
ORDER RE APPELLATE FEES AND/OR COSTS BUT NO EXECUTION OF  
ANY JUDGMENT.**

**Tentative Ruling:**

**July 10, 2018**

Continue hearing to August 2, 2018 at 10:00 a.m. to allow Movant to serve the chapter 7 trustee with the Motion as this case converted to one under chapter 7 after the filing of the Motion. (XX)

***Note: Appearances at this hearing are not required.***

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

BANK OF AMERICA, N.A. Represented By  
Christopher O Rivas

Reed Smith Represented By  
Christopher O Rivas

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:00 AM

8:18-12138 Judith Nicole Miranda

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
THE GOLDEN 1 CREDIT UNION  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Judith Nicole Miranda

Represented By  
Julie J Villalobos

**Movant(s):**

The Golden 1 Credit Union

Represented By  
Brian T Harvey

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Judith Nicole Miranda**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:00 AM

8:18-12253 Karin Maythe Berger

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

TOYOTA MOTOR CREDIT CORPORATION, SERVICING AGENT FOR  
TOYOTA LEASE TRUST

Vs.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Karin Maythe Berger

Represented By  
Ursula G Barrios

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:30 AM

8:06-10373 Jay Johnson and Debra Johnson

Chapter 7

#10.00 CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapides

[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ,  
CHAPTER 7 TRUSTEE]

FR: 7-13-17; 10-12-17; 12-14-17; 5-31-18

Docket 172

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/20/18 AT 10:30 A.M.,  
PER ORDER ENTERED 7/20/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 9/20/18 at 10:30 a.m., Per Order  
Entered 7/20/18 (XX) - td (7/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By

David M Reeder

James Andrew Hinds Jr

Paul R Shankman

Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

David M Reeder

James Andrew Hinds Jr

Paul R Shankman

Burton V McCullough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

#11.00 Hearing RE: Motion to Approve Stipulation Between Chapter 7 Trustee and Creditor, Roberto Yanez aka Roberto Yanez Contreras to Resolve Claim Amount of Claim No 4

Docket 115

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Grant motion.

*Special Note: The Motion includes several differing amounts re the agreed upon allowed claim, to wit: \$211,560 (Mot. pg. 5, line 18; \$238,860.85 (Mot. pg 5, line 21); and \$223,860.85 (Mot. pg 5, line 26). The court assumes the parties are clear on the actual amount of the allowed claim and will include the same in the order.*

**Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.**

**Party Information**

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, August 2, 2018

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

#12.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim of Tulip Landcare Corporation (Objection to Claim No. 5) [\$97,658.62]

Docket 113

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order on Stipulation Between Chapter 7 Trustee and Creditor, Tulip Landcare, and Joined by Debtor, Resolving Claim Objection to Tulip Landcare's Claim (Claim No 5) [Docket No 113]; and Order Vacating Hearing on Objection Entered 7/27/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order on Stipulation Between Chapter 7 Trustee and Creditor, Tulip Landcare, and Joined by Debtor, Resolving Claim Objection to Tulip Landcare's Claim (Claim No 5) [Docket No 113]; and Order Vacating Hearing on Objection Entered 7/27/2018 - td (7/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13051 Scott David Carlton**

**Chapter 7**

**#13.00** Hearing RE: Trustee's Motion for Order: (1) Authorizing Sale of Real Property Located at 14182 Klee Drive, Irvine, CA; (A) Outside the Ordinary Course of Business; (B) Free and Clear of Interests; (C) Subject to Overbids; (D) For Determination of Good Faith Purchaser Under Section 363(M); and (2) Compelling Debtor to Vacate and Turnover Real Property; (3) Establishing Procedures for Removal of Debtor's Personal Property

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Grant motion subject to overbid for all the reasons stated in the Motion and Reply.

Overrule objections as unpersuasive.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Scott David Carlton

Represented By  
Todd L Turoci

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
D Edward Hays  
Laila Masud

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13051 Scott David Carlton**

**Chapter 7**

**#14.00** Hearing RE: Debtor's Motion for Authority to Incur Loan Secured by Third Deed of Trust and for Conditional Dismissal of Chapter 7 Case

Docket 92

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Deny motion as not being in the best interest of creditors of the estate and the based upon the analysis set forth in Trustee's opposition, except that the court makes no findings regarding the likelihood that Debtor will re-file a subsequent bankruptcy case if he is unable to make the monthly interest payments or the balloon payment.

The bottom line is that creditors' interests are better served by a "bird in hand," i.e., an actual sale v. the possibility that Debtor's loan might fund and Debtor might pay off all creditors if the loan is funded.

**Party Information**

**Debtor(s):**

Scott David Carlton

Represented By  
Todd L Turoci

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
D Edward Hays  
Laila Masud

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11262 Jean A Butler-Boren**

**Chapter 13**

**#15.00** Hearing RE: Debtor's Motion for Order RE: Disallowing in Full Claim Numbers

1- Cavalry SPV I, LLC [\$30,531.55]

7 - Advanta Bank Corporation [\$22,644.34]

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Sustain objection

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jean A Butler-Boren

Represented By  
Thomas J Polis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#16.00** CON'TD Hearing RE: Debtor's Objection to Mitchell B. Hannah's Proof of Claim Number 2

FR: 5-31-18

Docket 102

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

The court is inclined to postpone the hearing on this objection to August 2, 2018 at 2:00 p.m. and to grant limited relief from stay to permit the Claimant to obtain an order in state court regarding the appellate attorneys fees/costs.  
-----

**August 2, 2018**

Claimant has submitted a copy of a proposed order but not an order signed by Superior Court. Claimant to advise the court re the status of the signed state court order

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#17.00** Hearing RE: Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(1) and 12(b)(6)

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Due to the conversion of the case to chapter 7, only the chapter 7 trustee has authority to prosecute this action as plaintiff. The trustee shall appear and advise the court if he has an opportunity to analyze the adversary proceeding and whether he wishes to continue prosecuting it. If so, this hearing will be continued to permit the trustee an opportunity to file an opposition.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Helen Galope Pro Se

**Movant(s):**

Helen Galope Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#18.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 7-10-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to August 2, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Helen Galope Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 2, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, August 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#1.00** CONT'D EVIDENTIARY Hearing RE: Bernard Bros., Inc.'s Motion to Compel Arbitration and Dismiss the Bankruptcy Complaint (RE: Transmittal/Receipt of Arbitration Agreement)

(Advanced from 6/14/18)  
Set at Hearing held 6/7/18  
FR: 7-27-18

Docket 8

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Joint Stipulation RE: 1. Taking Motion to Compel Arbitration and Dismiss Action Off Calendar; 2. Arbitration and Stay Proceedings Pending Arbitration Entered 8/2/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Joint Stipulation RE: 1. Taking Motion to Compel Arbitration and Dismiss Action Off Calendar; 2. Arbitration and Stay Proceedings Pending Arbitration Entered 8/2/2018 - td (8/2/2018)**

**Tentative Ruling:**

**June 7, 2018**

Set matter for evidentiary hearing re transmittal of the document containing the arbitration agreement. Available hearing dates (1/2 day): July 27, 2018 at 10:00 a.m.; August 3, 2018 at 10:00 a.m.

Basis for Tentative Ruling

The court has received conflicting written testimony regarding the transmittal and receipt of the document containing the arbitration agreement. Accordingly, an evidentiary hearing must be set. *In re Nicholson*, 435 BR 622, 636 (9th Cir. BAP 2010) (holding that "if a contested matter cannot be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, August 3, 2018

Hearing Room 5A

10:00 AM

CONT... **Koller Coatings Corporation**

Chapter 7

decided without resolving a disputed material issue of fact, an evidentiary hearing must be held at which testimony of witnesses is taken in the same manner as testimony is taken in an adversary proceeding . . .").

It is well-established that "[t]he party seeking to enforce an arbitration agreement bears the burden of showing that the agreement exists and that its terms bind the other party." *Alvarez v. T-Mobile USA, Inc.*, 2011 WL 6702424, at \*8 (E.D. Cal. Dec. 21, 2011) (citing *Sanford v. Memberworks, Inc.*, 483 F.3d 956, 962 (9th Cir. 2007)). "If doubts as to the formation of an agreement to arbitrate exist, the matter should be resolved through an evidentiary hearing or mini-trial." *Id.* (citing *Sandvik v. Advent Int'l Corp.*, 220 F.3d 99, 104–07 (3d Cir. 2000)). *Keijiro Sakaeda v. Kotobuki-Ya, Inc.*, No. CV1201995GAFJXC, 2012 WL 12896522, at \*4 (C.D. Cal. May 3, 2012).

"When one party disputes 'the making of the arbitration agreement,' the Federal Arbitration Act requires that "the court [ ] proceed summarily to the trial thereof" before compelling arbitration under the agreement. 9 U.S.C. § 4. *Sanford v. Memberworks, Inc.*, 483 F.3d 956, 962 (9th Cir. 2007). Issues regarding the validity or enforcement of a putative contract mandating arbitration should be referred to an arbitrator, but challenges to the existence of a contract as a whole must be determined by the court prior to ordering arbitration. *Id.*

Re *Craig v. Brown & Root, Inc.* 84 Cal App 4th 416 cited by Defendant:

- 1) This non-binding case cites California evidentiary law, not the Federal Evidence Code which is applicable here.
- 2) Even applying California Evidence Code, the appellate court in *Craig* made the following observation, which supports the requirement of an evidentiary hearing:

"If a party proves that a letter was mailed, the trier of fact is required to find that the letter was received *in the absence of any believable evidence*. However, if the adverse party denies receipt, the presumption is gone from the case. [emphasis added]. The trier of fact must then weigh the denial of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, August 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Koller Coatings Corporation**

**Chapter 7**

*the receipt against the inference of receipt arising from the proof of mailing and decide whether or not the letter was received."* [emphasis in the original]

*Id* at 821.

**EVIDENTIARY OBJECTIONS**

Plaintiff's Evidentiary Objections to Declaration of Linda Lospalluto

Objection #

Ruling

1	Re entire declaration: OVERRULED. Substantial compliance with USC 1746
---	--

All other objections are OVERRULED

Plaintiff's Evidentiary Objections to the Declaration of Ted Gropman

Objection #

Ruling

1	Re entire declaration: OVERRULED. Substantial compliance with USC 1746
---	--

2	SUSTAINED. Hearsay
---	--------------------

3	OVERRULED. Statement of a party opponent.
---	---

4	OVERRULED
---	-----------

5	OVERRULED
---	-----------

Plaintiff's Evidentiary Objections to the Declaration of John Sykes

All objections are overruled.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, August 3, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Koller Coatings Corporation**

**Chapter 7**

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Represented By  
Jeffrey M Goldman

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, August 3, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts

FR: 4-12-18; 6-7-18; 7-27-18  
(Advanced from 6-14-18)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/1/18 AT 9:30 A.M.,  
PER ORDER ENTERED 8/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 11/1/18 at 9:30 a.m., Per  
Order Entered 8/2/18 (XX) - td (8/2/2018)**

**Tentative Ruling:**

**April 12, 2018**

Continue status conference to June 14, 2018 at 2:00 p.m., same date/time as hearing on the pending motion to compel arbitration. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**Defendant(s):**

Bernards Bros. Inc., a California

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, August 3, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Koller Coatings Corporation**

**Chapter 7**

**Plaintiff(s):**

Richard A Marshack

Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 22, 2018**

**Hearing Room 5A**

11:00 AM

**8:18-12940 Karin Marcum**

**Chapter 13**

**#1.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate (**OST ENTERED 8/14/18**)

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 22, 2018**

Deny motion.

Basis for Tentative Ruling:

1. Section 362(c)(4)(D) provides that a case is "*presumptively filed not in good faith*" if two or more previous cases were pending and dismissed within one year of the current filing, which is the case here. Further the presumption of lack of good faith can only be rebutted "*by clear and convincing evidence to the contrary.*" (emphasis added).

2. Debtor has not presented clear and convincing evidence that this case has been filed in good faith.

a. Debtor asserts that this case is "different" from the prior cases because she intends to sell the property, which she claims is worth \$625,000 and there is sufficient equity to pay all secured debt. . However, Debtor has provided no evidence of the value of the property, other than her opinion. Though an owner's opinion as to the value of his/her property is admissible under the Federal Rules of Evidence, this court has discretion as to the weight to give such opinion. The court can take judicial notice of the fact that in Debtor's prior case # 18-10754, Debtor stated under penalty of perjury in her declaration dated March 13, 2018 in support of the motion to extend the stay in that case that the value of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, August 22, 2018

Hearing Room

5A

11:00 AM

CONT...

**Karin Marcum**

**Chapter 13**

the subject property was only \$505,243.00. See Declaration of Karin Marcum Supporting Motion to Extend the Automatic Stay at p.2. Docket #9. Debtor provides no evidence showing a twenty percent increase in the value of the property in just five months (i.e., from March 2018 to August 2018). Accordingly, the court gives no weight to Debtor's opinion as to the value of the property.

b. No evidence of the employment of a real estate or listing agreement. Notably, while Debtor claims to have engaged a real estate agent, her calculation of equity does not include the costs associated with the sale of the property, e.g., sales commission, reporting fees, etc. (rule of thumb is 8%).

c. If the true value of the property is \$505,000, creditors will not be paid in full as represented in the Motion. In fact, the plan only provides for approximately \$9,000 to be paid to unsecured creditors, which is not 100%.

d. Debtor's monthly income has decreased by approximately 50% since the last filing. Debtor asserts that her boyfriend will contribute \$2,348 per month but no contribution declaration accompanies the Motion showing that the boyfriend has committed to making such payments, or that he has the ability to do so.

e. Debtor asserts that her boyfriend will contribute a lump sum of \$15,000.00 but, again, no contribution declaration is provided showing a commitment or ability to make such a contribution.

f. Debtor has a history of bankruptcy filings and dismissals. This is Debtor's sixth bankruptcy case and the third filed this year.

Based upon the foregoing circumstances, Debtor has not met her burden of proving the case was filed in good faith by clear and convincing evidence.

**Party Information**

**Debtor(s):**

Karin Marcum

Represented By  
Andy C Warshaw

**Trustee(s):**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, August 22, 2018**

**Hearing Room 5A**

11:00 AM

**CONT...**     **Karin Marcum**  
Amrane (SA) Cohen (TR)

Pro Se

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 30, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12797 Johnny Phan**

**Chapter 13**

**#1.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 30, 2018**

Deny motion due to Debtor's failure to rebut the presumption that the case was not filed in good faith by clear and convincing evidence.

Basis for Tentative Ruling

1. The financial information set forth in Debtor's schedules I & J are inconsistent with Debtor's own testimony in support of the Motion.

a. Debtor states in his declaration in support of the Motion ("Declaration") that his monthly income as a plumber is \$5,000 and that he rents a room in his home for \$1350 per month for total monthly income of \$6,350. Declaration at para. 22. However, his Schedule I shows monthly income of only \$6100.00.

b. Debtor's Statement of Financial Affairs ("SOFA") shows annual rental income of \$18,000 for 2016 and 2017, or \$1500 per month. The SOFA also shows year to date rental income of \$12,600 or \$1575 monthly (\$12,600 divided by 8 mos). This is inconsistent with the lower rental indicated in the Declaration of \$1,350.

c. In Debtor's prior case, he listed monthly income of \$4750, which would have included \$1500 in rental income (see Comment 1(b) above), leaving only \$3,250 in monthly income from the plumbing business. No explanation is

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, August 30, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Johnny Phan**

**Chapter 13**

provided for the 35% increase in business income in a matter of months.

d. In the Declaration, Debtor testifies that the required plan payment, assuming arrearages to Wells Fargo of \$75,000, would need to be "about \$2,200". Declaration at para. 22. However, the chapter 13 plan only provides for monthly plan payments of \$1633.19. Similarly, Debtor's schedule J shows monthly disposable income of only \$1633.84.

2. Debtor's schedule I does not include any amount for state or federal income taxes.

3. Debtor's schedule I does not include a statement regarding expenses incurred by debtor re his plumbing businesss.

4. Debtor lists a dependent minor child on schedule J but lists no amount for medical or dental expenses or insurance.

The cumulative circumstances described in comments 1-4 above undermine any finding of good faith for purposes of 362(c)(3).

*Special Note:* The court did not consider the *Hernandez* case (No. 18-16066VZ). There, the debtor filed a bankruptcy case on May 25, 2018 while a foreclosure sale of the subject property was pending. Wells Fargo filed a motion for relief from stay which included a copy of a grant deed purporting to transfer a fractional interest in the property to Hernandez by Debtor and his spouse. Debtor filed an opposition to the RFS Motion which included his declaration indicating that he was unaware of the transfer and did not sign the grant deed.

**Party Information**

**Debtor(s):**

Johnny Phan

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate (set at s/c held 5-18-17)

FR: 11-3-16; 12-15-16; 2-16-17; 5-4-17; 5-18-17; 11-16-17; 1-17-18; 3-22-18; (advanced from 1-18-18); 3-29-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/8/18 AT 9:30 A.M.,  
PER ORDER ENTERED 4/25/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Stipulation for Order Continuing: (1) Discovery Cut-off Date; (2) Pre-trial Conference; and (3) Related Report Dates and Deadlines; Order Entered 4-25-18 - (Liz) (4-25-18) (XX)**

**Tentative Ruling:**

**May 4, 2017**

Continue status conference to May 18, 2017 at 2:00 p.m.; updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

SD Medical Clinic, Inc.

Pro Se

Pacific Western Bank

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#2.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Quiet Title to Real Property; 2. Declaratory Relief; 3. Objection to Claim; and 4. Avoidance of Unperfected Lien; 5. Recovery of Avoided Transfer

FR: 11-2-17; 5-31-18; 6-21-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/25/18 AT 2:00 P.M.,  
PER HEARING HELD 7/31/18 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Cotnined to 10/25/18 at 2:00 p.m., Per Hearing Held 7/31/18 (XX)- td (8/1/2018)**

Tentative Ruling:

**November 2, 2017**

Discovery Cut-off Date:	Mar. 1, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	Apr. 6, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#3.00 STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers**

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 8, 2018 at 9:30 a.m.; updated status report to be filed by October 25, 2018.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13488 Rubin J Skipper**

**Chapter 7**

Adv#: 8:18-01111 Skipper v. United States Department of Education

**#4.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m. to allow Plaintiff to properly serve the complaint and to timely file the proof of service re the same with the court.

Plaintiff has not filed the proof of service showing proper service of the complaint on the defendant, a United States agency. The proof of service attached to unilateral status report shows service at a P.O. box which is improper. Plaintiff will need to obtain another summons and properly serve the defendant. Plaintiff also needs to review the Federal Rules of Bankruptcy Procedure, the Local Rules, and the Court Manual of the Bankruptcy Court of the Central Dist of California re the proper method of service.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rubin J Skipper

Pro Se

**Defendant(s):**

United States Department of

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rubin J Skipper**

**Chapter 7**

**Plaintiff(s):**

Reuben J Skipper Pro Se

**Trustee(s):**

Weneta M Kosmala (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11063 Karem Angelica Blair**

**Chapter 7**

Adv#: 8:17-01112 Herrera et al v. Blair

**#5.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Debt to be Nondischargeable (11 USC Section 523)

FR: 9-21-17; 5-3-18; 5-17-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/6/18 AT 9:30 A.M.,  
PER ORDER ENTERED 9/5/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 12/6/18 at 9:30 a.m., Per  
Order Entered 9/5/18 (XX) - td (9/5/2018)**

**Tentative Ruling:**

**September 21, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 3, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Apr. 26, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**September 6, 2018**

No status report filed. Impose sanctions in the amount of \$100 against counsel for plaintiffs for failure to do so.

Plaintiffs' counsel to appear and advise the court re the outcome of the mediation

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**      **Karem Angelica Blair**  
and the status of this adversary.

**Chapter 7**

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karem Angelica Blair	Represented By Kelly Zinser
----------------------	--------------------------------

**Defendant(s):**

Karem Angelica Blair	Pro Se
----------------------	--------

**Plaintiff(s):**

Yvonne Herrera	Represented By Fritz J Firman
----------------	----------------------------------

Dylan Herrera	Represented By Fritz J Firman
---------------	----------------------------------

Ethan Herrera	Represented By Fritz J Firman
---------------	----------------------------------

**Trustee(s):**

Richard A Marshack (TR)	Represented By Kristine A Thagard Chad V Haes
-------------------------	---

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

8:17-14174 Jazmine Socorro Langford

Chapter 7

Adv#: 8:17-01162 Langford v. BMW Financial Services N.A., LLC

#6.00 PRETRIAL CONFERENCE RE: Complaint for sanctions and other injunctive relief for violation of the automatic stay as against BMW Financial Services, LLC

FR: 1-11-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO NOVEMBER 15, 2018  
AT 9:30 A.M. PER ORDER ON MOTION TO CONSOLIDATE ENTERED  
7/6/18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**January 11, 2018**

Discovery Cut-off Date: May 11, 2018  
Deadline to Attend Mandatory Mediation: June 29, 2018  
Pretrial Conference Date: Sept. 6, 2018 at 9:30 a.m. (XX)  
Deadline to File Joint Pretrial Stipulation: Aug. 23, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

BMW Financial Services N.A., LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room      5A**

9:30 AM

**CONT...      Jazmine Socorro Langford**

**Chapter 7**

Rebecca A Caley

**Plaintiff(s):**

Jazmine S Langford

Represented By  
Anerio V Altman

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Adv#: 8:18-01087 Albert-Sheridan v. Norman

**#7.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Jason Norman Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01088 Albert-Sheridan v. Pasillas et al

**#8.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Amelia Pasillas Pro Se

Lorenzo Pasillas Pro Se

**Plaintiff(s):**

Lenore Luann Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01089 Albert-Sheridan v. Lester

**#9.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Mark Lester Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01090 Albert-Sheridan v. Ballard et al

**#10.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Steven Ballard Pro Se

Catherine Olsen Pro Se

**Plaintiff(s):**

Lenore Luann Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01092 Albert-Sheridan v. Hannah et al

**#11.00 STATUS CONFERENCE RE: Complaint to Determine the Validity, Priority or Extent of Liens.**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Mitchell B Hannah Pro Se

The Education Resources Institute Pro Se

Friendly Ford Pro Se

10675 S Orange Park Blvd LLC Pro Se

Gary A Schneider Pro Se

Francis B Lantieri Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**#12.00 STATUS CONFERENCE RE: Complaint to Determine the Validity, Priority or Extent of Liens**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. Pending motion to dismiss filed by defendant is continued from October 11, 2018 at 2:00 p.m. to November 15, 2018 at 9:30 a.m. as a holding date.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Neal Kelley Represented By  
Donald K Dunn

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01094 Albert-Sheridan v. Bitzer et al

**#13.00 STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs;  
Indemnification**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

David Bitzer Pro Se

Zhejiang Crafab Electronic Co Ltd Pro Se

Jason Hartman Pro Se

Bonnie Kent Pro Se

Helen Koshak Pro Se

Norman Koshak Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01095 Albert-Sheridan v. Coast Huntington Business Centers et al

**#14.00 STATUS CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Coast Huntington Business Centers Pro Se

Icon Owner Pool 1, LA Business Represented By  
Robert S Gebhard

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

Eric P Israel  
Aaron E de Leest

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01096 Albert-Sheridan v. INTERNAL REVENUE SERVICE et al

**#15.00 STATUS CONFERENCE RE: Complaint to Determine the Validity, Priority or Extent of Lien; and Refund of Money Paid**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

INTERNAL REVENUE SERVICE Pro Se

UNITED STATES OF AMERICA Represented By  
Najah J Shariff

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

Eric P Israel  
Aaron E de Leest

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

9:30 AM

8:18-10862 Anthony James Hamilton

Chapter 7

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

#16.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A) and 523(a)(2)(B)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue Status Conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018.

A motion for default judgment may be self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Anthony James Hamilton

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Anthony James Hamilton**

**Chapter 7**

Kevin Tang

**Defendant(s):**

Anthony James Hamilton

Pro Se

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#17.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 5-17-18; 6-21-18; 7-19-18

Docket 140

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Deny Motion. Movant shall not assess attorneys fees/costs against Debtors' account for the preparation and prosecution of the Motion.

Debtors appear to account for all payments. The court notes that Movant previously filed a motion for relief from stay in 2016 and the parties continued the hearing for approximately 11 months until November 2017, at which time Movant withdrew its motion without even requesting an APO. The court assumes this was done because Debtors were determined to be current as of November 2017. So, as a preliminary matter, how could Debtors be seven payments delinquent just 5 months later? In any event, the documentation attached to the Opposition appears to demonstrate that all payments have been made as of April 2018.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Maricela Diaz and Ruben Diaz**

**Chapter 13**

-----  
**July 19, 2018**

At least one of the parties must appear and advise the court re the status of this matter. If more time is needed, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call by the courtroom clerk on the day of the hearing.

-----

**September 6, 2018**

One of the parties must appear and advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#18.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK  
MELLON, ET AL

VS.

DEBTOR

FR: 7-19-18

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion without 4001(a)(3) waiver.

Debtor's response is muddled and equivocal -- she doesn't state definitively whether she has made all postpetition payments or, if not, how many are missing. Merely attaching miscellaneous copies of checks (presumably for the court to try to decipher) is insufficient.

-----

**September 6, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rosa M Harding**

**Chapter 13**

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10646 Steve D. Howard**

**Chapter 13**

**#19.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WILMINGTON SAVINGS FUND SOCIETY, FSB

VS.

DEBTOR

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steve D. Howard

Represented By  
Julie J Villalobos

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Erin M McCartney

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Steve D. Howard**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#20.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(b)(3) waiver unless the parties are able to reach a resolution prior to the hearing. If all parties agree that more time is needed, the hearing may be continued to October 11, 2018 at 10:00 a.m. by requesting the same during the court's calendar roll call prior to the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Joseph Stoffel

Represented By

Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By

Thomas E Brownfield

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

Darlene C Vigil  
Rosemary Allen  
Katie M Parker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:17-11995 Jesus M Razo

Chapter 13

#21.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

CITIGROUP MORTGAGE LOAN TRUST INC.

VS.

DEBTOR

FR: 7-19-18

Docket 64

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) / APO Entered  
9/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) / APO Entered 9/5/2018 - td (9/5/2018)**

**Tentative Ruling:**

**July 19, 2018**

Grant with 4001(a)(3) waiver unless the parties are able to reach a resolution.

If more time is need to discuss resolution, the hearing may be continued to either  
July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance  
during the calendar roll call just prior to the hearing.

-----

**September 6, 2018**

One of the parties must appear and advise the court re the status of this matter.  
Continued hearing date if necessary: October 11, 2018 at 10:00 a.m.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Jesus M Razo

**Chapter 13**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jesus M Razo

Represented By  
Christopher J Langley

**Movant(s):**

Citigroup Mortgage Loan Trust Inc.,

Represented By  
Tyneia Merritt

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11995 Jesus M Razo**

**Chapter 13**

**#22.00 CON'TD Hearing RE: Motion to Reconvert Case From Chapter 13 to Chapter 7  
FR: 7-19-18**

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Deny motion if Debtor has entered into an adequate protection agreement with the lender. If there is an agreement, the agreement shall provide for notice to the former chapter 7 trustee in the event of an uncured default under the APO, in which case the chapter 7 trustee may file a declaration re the same along with an order converting the case to chapter 7.

-----

**September 6, 2018**

Grant motion if relief from stay is granted. Deny motion if relief from stay is denied. Continue hearing to October 11, 2018 at 10:00 a.m. if the relief from stay hearing is continued.

**Party Information**

**Debtor(s):**

Jesus M Razo

Represented By  
Christopher J Langley

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jesus M Razo**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12702 Rogelio B. Escobido, Jr.**

**Chapter 13**

**#23.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 35

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled byStipulation) Entered 8/31/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled byStipulation) Entered 8/31/2018 - td (8/31/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rogelio B. Escobido Jr.

Represented By  
Tina H Trinh

**Movant(s):**

Bank of America, N.A.

Represented By  
Nancy L Lee  
Jennifer C Wong

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14455 BobbiJo Cook**

**Chapter 13**

**#24.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

BobbiJo Cook

Represented By  
Julie J Villalobos

**Movant(s):**

Nationstar Mortgage LLC d/b/a Mr.

Represented By  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... BobbiJo Cook**

**Chapter 13**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#25.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS

DEBTOR

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(a)(3) waiver unless the parties are able to reach a resolution prior to the hearing. Available continued hearing date if necessary: October 11, 2018 at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11166 Santiago David Silva**

**Chapter 13**

**#26.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant without 4001(a)(3) waiver.

The plan does provide for a lump sum payment of the arrearages in month 7 of the plan. However, the plan also specifically provides for payment of monthly current payments. It appears that Debtor is not post-confirmation current and, therefore, relief from stay is warranted.

*Special note: The plan also provides for automatic relief from stay in favor of Wells Fargo on November 4, 2018.*

**Party Information**

**Debtor(s):**

Santiago David Silva

Represented By  
Christopher J Langley

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Santiago David Silva**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

**#27.00** Hearing RE: Amended Motion for relief from the automatic stay  
[REAL PROPERTY]

AMERICANA TRUST DEED SERVICES

VS.

DEBTOR

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant without 4001(a)(3).

1. The plan does not provide for treatment of this creditor despite the fact that its claim is all due and payable. This defect in the plan has been known to Debtor at least since June 2018 when the trustee pointed it out in his objection to the plan.
2. Insufficient evidence of the employment of a real estate broker. Oddly, Debtor attaches the declaration of a broker who is unrelated to the case to identify the listing agent. Why is there no declaration from the actual agent, along with a listing agreement with Debtor?
3. Evidence of equity is irrelevant where the plan does not provide for treatment of a particular objecting creditor.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Paula Gilbert-Bonnaire**

Julie J Villalobos

**Chapter 13**

**Movant(s):**

Americana Trust Deed Services

Represented By  
Paul V Reza

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12033 Seunghwan Jeong and Amy Park Jeong

Chapter 7

#28.00 Hearing RE: Motion for relief from the automatic stay[PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTORS

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Joint Debtor(s):**

Amy Park Jeong

Represented By  
Hyong C Kim

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Seunghwan Jeong and Amy Park Jeong**

**Chapter 7**

Austin P Nagel

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12116 Alma Aramis Lopez

Chapter 13

#29.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DEUTSCHE BANK TRUST COMPANY

VS.

DEBTOR

Docket 13

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 7/23/18. Notice of Movant's Intent to Proceed on Motion for In Rem Relief from Automatic Stay Despite Dismissal of BK Case filed 7/27/18 - td (7/27/2018)**

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver and 362(d)(4) relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Alma Aramis Lopez

Pro Se

**Movant(s):**

DEUTSCHE BANK TRUST

Represented By  
Dane W Exnowski



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Alma Aramis Lopez**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

#30.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(RE: Emma Borges et al vs. Advance Specialty Care, et al., Docket Number:  
30-2016-00830408-CU-MM-CJC, California Superior Court, County of Orange,  
Central Justice Center)**

EMMA BORGES, A MINOR AND THROUGH HER GUARDIAN AD LITEM  
KELLY SELLON

VS.

DEBTOR

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion with 4001(a)(3) waiver to allow Movant to recover against third parties and to file a proof of claim against Debtor's estate. To the extent that the Motion seeks relief from stay to pursue a claim against Debtor personally without benefit of a nondischargeability judgment, such relief is denied.

*Special note: Though no party has provided the court with a copy of the underlying state court complaint setting forth the causes of action, it appears that the claims are based on negligence and not on intentional torts. If this is the case and Debtor receives a discharge, there will be no personal liability and Movant will only be entitled to recover from the estate through the claim process. To the extent that Debtor is objecting to Movant pursuing a claim against the bankruptcy estate, Debtor's opposition is overruled.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Tung Phuong Nguyen-Phuc

Chapter 7

***Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Movant(s):**

Emma Borges

Represented By  
Thomas J Polis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

#31.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(RE: Emma Borges vs. Tung Nguyen, et al., Docket Number: G056386, Court  
of Appeal of the State of California, Fourth Appellate District, Division  
Three)**

EMMA BORGES, A MINOR AND THROUGH HER GUARDIAN AD LITEM  
KELLY SELLON

VS.

DEBTOR

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion with 4001(a)(3) waiver to allow Movant to recover against third parties and to file a proof of claim against Debtor's estate. To the extent that the Motion seeks relief from stay to pursue a claim against Debtor personally without benefit of a nondischargeability judgment, such relief is denied.

*Special note: Though no party has provided the court with a copy of the underlying state court complaint setting forth the causes of action, it appears that the claims are based on negligence and not on intentional torts. If this is the case and Debtor receives a discharge, there will be no personal liability and Movant will only be entitled to recover from the estate through the claim process. To the extent that Debtor is objecting to Movant pursuing a claim against the bankruptcy estate, Debtor's opposition is overruled.*

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

CONT... Tung Phuong Nguyen-Phuc

Chapter 7

***Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***

Party Information

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Movant(s):**

Emma Borges

Represented By  
Thomas J Polis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12429 Maria del Carmen Alvarez-Bertran**

**Chapter 7**

**#32.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

TD AUTO FINANCE LLC

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria del Carmen Alvarez-Bertran

Represented By  
Joseph M Tosti

**Movant(s):**

TD Auto Finance LLC

Represented By  
Sheryl K Ith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Maria del Carmen Alvarez-Bertran**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12445 David Fernandez

Chapter 7

#33.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

David Fernandez

Represented By  
Christopher J Langley

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... David Fernandez**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12446 Lucia Negrete**

**Chapter 7**

**#34.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTOR; AND RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lucia Negrete

Represented By  
Alaa A Ibrahim

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lucia Negrete**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12528 Amir Abdulhussain**

**Chapter 7**

**#35.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTOR; AND THOMAS H. CASEY, CHAPTER 7 TRUSTEE

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amir Abdulhussain

Represented By  
Peter Rasla

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Amir Abdulhussain**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 6, 2018

Hearing Room 5A

10:00 AM

8:18-12538 Denise Jeanette Kelly

Chapter 7

#36.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR; URIAH J.E. MOLLE, NON-FILING CO-DEBTOR

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in the Motion except relief request #11.

This court does not grant *in rem* relief in perpetuity.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Denise Jeanette Kelly

Pro Se

**Movant(s):**

The Bank of New York Mellon

Represented By  
Tyneia Merritt

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Denise Jeanette Kelly**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12569 Brian Nelson Willis and Snizhana Willis**

**Chapter 7**

**#37.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

JIN GUO

VS.

DEBTORS

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant with 4001(a)(3) waiver. Deny request for co-debtor relief which does not apply in chapter 7 cases.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian Nelson Willis

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Snizhana Willis

Represented By  
Joseph A Weber



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Brian Nelson Willis and Snizhana Willis**

**Chapter 7**

**Movant(s):**

Jin Guo

Represented By  
Luke P Daniels

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12905 Marvin O Sanders**

**Chapter 13**

**#38.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
KDP INVESTMENTS LLC  
VS.  
DEBTOR

Docket 8

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/27/2018 - td (8/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marvin O Sanders

Pro Se

**Movant(s):**

KDP INVESTMENTS LLC

Represented By  
Barry L O'Connor

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#39.00** Hearing RE: Creditor The Bascom Group, LLC's Motion for Order RE:  
1. Reconsideration of the Court's July 20, 2018 Order RE: disallowance of The Bascom Group, LLC's Claim No. 1 [ECF No. 310] pursuant to Section 502(j) of the Bankruptcy Code and Rule 3008 of the Federal Rules of Bankruptcy Procedure based on Movant Douglas Patrick's fraud, use of perjured testimony and non-disclosure of critical facts and perpetuation of Patrick's perjured testimony by his counsel; and/or 2. Relief from the Court's July 20, 2018 Order RE: Disallowance of The Bascom Group LLC's Claim [ECF No. 310] based on Movant's [Douglas Patrick] fraud pursuant to Rules 9023 and/or 9024 of the Federal Rules of Bankruptcy Procedure [F.R.C.P. Sections 59 and/or 60(b)(3)]

Docket 316

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 9/20/18 AT 10:30 A.M.,  
PER ORDER ENTERED 8/10/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 9/20/18at 10:30 a.m., Per Order  
Entered 8/10/18 (XX) - td (8/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-11153 Beneficial Services, Inc.**

**Chapter 7**

**#40.00** Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. Section 350(b)

Docket 203

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Beneficial Services, Inc.

Represented By  
J Scott Williams  
Paul J Kurtzhall

**Trustee(s):**

John M Wolfe (TR)

Represented By  
Robert E Huttenhoff  
John M Wolfe (TR)  
Leonard M Shulman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-15304 Michelle Mcvay**

**Chapter 7**

**#41.00** Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. Section 350(b)

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michelle Mcvay

Represented By  
Joel M Feinstein

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room

5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#42.00 CON'TD Post Confirmation Status Conference RE: Second Amended Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. Held 8/19/14)

FR: 2-12-15; 8-20-15; 2-11-16; 8-4-16; 9-22-16; 11-3-16; 1-19-17; 2-16-17, 7-27-17, 1-17-18 (advanced from 1-18-18); 2-22-18

Docket 107

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**February 12, 2015**

Continue post-confirmation status conference to August 20, 2015 at 10:30 a.m.; updated status report to be filed by August 6, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 20, 2015**

Continue post-confirmation status conference to February 11, 2016 at 10:30 a.m.; updated status report to be filed by January 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**February 11, 2016**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

Continue post-confirmation status conference to August 4, 2016 at 10:30 a.m.; updated status report to be filed by July 21, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----  
**August 4, 2016**

Updated status report not filed. Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

-----  
**September 22, 2016**

Impose sanctions in the amount of \$100.00 against Debtor's counsel for failure to timely file an updated status report or to file a motion to dismiss the case.

***Note: Appearance at this hearing is required.***

-----  
**January 19, 2017**

Updated postconfirmation status report has not been filed. Since August, 2016, Debtor has failed to timely file postconfirmation status reports. See tentative ruling comments for matter #31 on today's calendar.

Take matter off calendar if the case is dismissed.

-----  
**February 16, 2017**

Continue Post Confirmation Status Conference to July 27, 2017 at 10:30 a.m.;

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alicia Elizabeth Blackman

Chapter 11

updated status report must be filed by July 13, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**July 27, 2017**

Continue Post Confirmation Status Conference to January 18, 2018 at 10:30 a.m.; updated status report must be filed by January 4, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**January 17, 2018**

Debtor's counsel to appear and advise the court of the status of the 2nd distribution to class 6(b) shortfall of \$2823.14. Has this shortfall been paid? If not, when will it be paid?

-----

**February 22, 2018**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

-----

**September 6, 2018**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Alicia Elizabeth Blackman**

**Chapter 11**

Continue Post Confirmation Status Conference to February 7, 2019 at 10:30 a.m.; updated status report must be filed by January 24, 2019.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alicia Elizabeth Blackman

Represented By  
Bert Briones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

8:14-14520 Philip M. Arciero, Jr.

Chapter 11

#43.00 Hearing RE: Debtor/Debtor-in-Possession's Motion for Order Entering Final Decree and Order Closing Case - Chapter 11

Docket 355

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#44.00** Hearing RE: Plaintiff's Motion for Order Authorizing Service Pursuant to Federal Rule of Civil Procedure 4(f)(3)

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01042 Kosmala v. Liebeck et al

**#45.00** Hearing RE: Preliminary Injunction

FR: 7-31-18

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

Legal Standard

Due to the extraordinary nature of the remedy sought, a preliminary injunction may only be granted if the Debtor has shown each of the below elements both clearly and convincingly. *Regency Realty Assocs. v. Howard Fertilizer, Inc. (In re Regency Realty Assocs.)*, 179 B.R. 717, 720 (Bankr. M.D. Fla. 1995). Courts must balance the claims of injury and consider the effect of granting or withholding the requested relief on each party. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). Under a court's sound discretion, courts of equity should pay particular regard for public consequences in employing such remedy. Id. In order to succeed on a motion for preliminary injunction, a Plaintiff must prove:

- 1) likely to succeed on the merits;
- 2) the likelihood of irreparable injury to plaintiff if preliminary relief is not granted;
- 3) a balance of hardships favoring the plaintiff; and
- 4) advancement of the public interest (in some cases). Id., at 20.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room

5A

10:30 AM

CONT...

**Denny Roy Steelman**

**Chapter 7**

As a preliminary matter, as the Defendants offered no rebuttal arguments regarding the 2<sup>nd</sup> to 4<sup>th</sup> factors for issuance of preliminary injunction in the Opposition. While irreparable harm is arguably undermined by the fact that the Nationwide Proceeds were deposited into the Bank Account approximately 1 ½ years ago (on March 5, 2017) and the Adversary Proceeding has been pending since, no counter arguments were raised, the Defendants appear to have conceded these points. Thus, the focus appears to be on the first factor only.

*Likely to Succeed on Merits*

Fraudulent Transfer

(a) Actual Fraud

The Defendants, relying on *In re Stern*, 345 F.3f 1036, 1044 (9<sup>th</sup> Cir. 2003), argue that Trustee cannot establish fraudulent intent because Trustee has no evidence other than conclusory statements. The *Stern* court found that the "principal evidentiary inference relied upon by the [t]rustee," that nonexempt assets were converted into exempt assets prior to bankruptcy, was insufficient to establish fraudulent transfer as a matter of law. *Id.*

This argument is unpersuasive because Trustee relies on more than just conclusory statement. Trustee relies on the following facts to establish the badges of fraud: (1) the Pension Plan Litigation was pending since August 24, 2015 with trial set for June 14, 2016; (2) the PRT was established on December 9, 2015 by RWM; (3) there is no supporting evidence presented by the Defendants that RWM was Debtor's employer; (4) Debtor sold real property in San Juan Capistrano in December of 2015 for \$1,550,000, (5) between December 28, 2015 and March 21, 2016, Debtor transferred \$1,358,086.15 into the PRT, (6) there is no evidence of contributions from RWM into the PRT; (7) PRT was an insider of Debtor, having been created by RWM, which was created by the Survivor's Trust, and Debtor was trustee of the Survivor's Trust, and (8) Debtor received no consideration for these transfers. Trustee is likely to succeed on the merits of her actual fraud cause of action.

(b) Constructive Fraud

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

Trustee is also likely to succeed on constructive fraudulent transfer cause of action. Debtor's schedules indicate that the PRT was Debtor's main asset and even without subtracting the value of the PRT from solvency calculations, Debtor assets (\$2,700,762.74) do not exceed Debtor's scheduled liabilities (-\$3,228,953.00) at the time of the Transfers and the Pension Plan was a creditor of Debtor.

As a corollary to prevailing on the fraudulent transfer causes of action, Trustee would succeed on the § 550 causes of action, § 551 causes of action, 542 causes of action, and § 105 injunctive relief cause of action.

Declaratory Relief

Trustee is likely to succeed on Trustee's first cause of action that the PRT is property of the estate.

As a preliminary matter, Debtor scheduled the PRT on his schedules under penalty of perjury. Implicit in the Defendants affirmative defense that the PRT is an exempt private retirement plan, is the requirement that the PRT be property of the estate before it is exempted. Accordingly, it appears the parties do no dispute that the PRT is property of the estate.

The dispute focuses on whether the PRT is private retirement plan under CCP § 704.115(a)(1) which exempts "Private retirement plans, including, but not limited to, union retirement plans." If exempt, the full amount of the retirement plan is exempt under § 704.115 (b).

To determine whether a plan qualifies as "private retirement plan," courts have examined whether the plan was "designed and used or retirements purposes. *Bloom v. Robinson* (In re Bloom), 839 F.2d 1376, 1378 (9<sup>th</sup> Cir. 1988) (finding private retirement plan's unsecured loans to debtor did not cause loss of exemption because plan procedures were followed for the loans, reasonable rate of interest was charged, and regular interest payments were made a period of several years).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room

5A

10:30 AM

CONT...

**Denny Roy Steelman**

**Chapter 7**

All factors are relevant without any one factor being dispositive. *Id.* at 1379. Among the factors courts have considered are: (1) whether plan procedures for obtaining loans were followed, (2) reasonable rate of interest on plan loans; (3) regular repayment over period of years; (4) and any indication whether the plan was used to hide otherwise nonexempt assets from bankruptcy administration. *See, Bloom*, 839 F.2d at 1379. There is not an exhaustive list of factors, however, and no one factor is dispositive. Instead, all of the circumstances "must be considered in the light of the fundamental inquiry—whether the plan was designed and used for a retirement purpose." *Id.* at 1379-80. Courts look at the "totality of the circumstances" with deference given to a bankruptcy court's factual findings. *In re Rucker*, 570 F.3d 115, 1159 (9<sup>th</sup> Cir. 2009)(holding debtor's plan was not private retirement plan because the debtor overfunded the plan in violation of IRS rules, the corporation's contributions to the plan were greater than wages paid to the debtor, and debtor's credibility and subjective intent).

In this case, the PRT does not appear to be a private retirement plan under CCP § 704.115(a) because:

(1) The PRT was not established by Debtor's employer. There is no evidence provided by the Defendants that RWM employed Debtor at any time (paystubs, W2, employment contracts, etc.). *See, In re Lieberman*, 245 F.3d 1090, 1095 (9<sup>th</sup> Cir. 2001)(concluding that retirement plans under CCP § 704.115(a) are only exempt if create by private employers or employee organizations, and not arrangements by individuals to use assets for retirement purposes);

(2) All contributions to the PRT were made by Debtor; RWM contributed \$0 to the alleged employer sponsored retirement plan;

(3) The Transfers into the PRT were not a gradual accumulation of assets as contemplated by a retirement plan. *See, In re Beverly*, 275 B.R. 889, 896 (Bankr. E.D. Cal. 2002)(finding that a retirement plan requires more than lump-sum, transmutation of nonexempt assets, but the "gradual accumulation of money to fund a future retirement");



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

CONT...

Denny Roy Steelman

Chapter 7

(4) A substantial portion of the PRT Funds- \$815,0000 were used before Debtor retired as the PRT Loan issued March 16, 2016 (approximately, 3 months after the PRT was created) to purchase the Real Property. *Daniel*, 771 F.2d at 1357 (stating that if debtor's concern was really retirement, instead of buying a residence with the funds, debtor surely could have instead invested in assets which would have yielded a competitive market rates)

(5) The alleged independent control of the PRT by the PRT trustee is undermined by the fact that Debtor is the trustee of the Survivor's Trust, which created the RWM, which in turn created the PRT.

(6) The alleged independent control of the PRT Trustee is further undermined by the terms of the PRT Loan which appear to be a disguised withdrawal of the PRT Funds. While the PRT Loan is evidenced by the PRT Note and PRT DOT, the below market interest rate for the loan, with a large balloon payment required from the Survivor's Trust (the alleged obligor but with no information regarding the Survivor's Trust financial condition presented in the Opposition) at the end of the term indicates that a higher interest should have been charged for the PRT Loan. See, Grobstein Decl., ¶¶ 24-27.

Based upon the totality of the circumstances, the PRT appears not to have been designed and used for retirement purposes and therefore may not be exempt under CCP § 704.115(a). Trustee is therefore likely to succeed on the first cause of action for declaration that the PRT is property of the estate.

Evidentiary Objections

The evidentiary objections are overruled. Howard Grobstein qualifies as an expert.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Defendant(s):**

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

Mark Ziebold

Represented By  
J Scott Williams

Shaunah Lynn Steelman

Pro Se

Jodi Denise Steelman

Pro Se

Nationwide Life Insurance Company

Represented By  
Daniel M Anderson

Nationwide Life and Annuity

Represented By  
Daniel M Anderson

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Faye C Rasch  
Reem J Bello

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

8:16-15264 Kristina Thi Lin

Chapter 7

#46.00 Hearing RE: Trustee's Motion for an Order: (1) Approving Compromise Between Trustee and Dr. David Lin; and (2) Authorizing a Sale of the Estate's Interest in Certain Claims to Dr. David Lin

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kristina Thi Lin

Represented By  
Jeffrey B Smith

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Richard A Marshack

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh**

**Chapter 7**

**#47.00** Hearing RE: Chapter 7 Trustee's Motion for Order Approving Sale of Real Property (1509 E. Culver Ave., Orange, CA), and Ancillary Relief

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion, subject to overbid.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wayne Ralph Marsh

Represented By  
Andy J Epstein

**Joint Debtor(s):**

Jennifer R. Marsh

Represented By  
Andy J Epstein

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

#48.00 Hearing RE: First and Final Application for Allowance of Fees and Costs

**[DOLING SHAW & HANOVER, APC AS GENERAL COUNSEL FOR CHAPTER  
7 TRUSTEE RICHARD A. MARSHACK]**

Docket 128

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anavelia Prado

Represented By  
Bruce A Boice

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Summer M Shaw  
Jenny L Doling

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#49.00** Hearing RE: Motion Dismissing Case for Want of Prosecution

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Deny motion.

The court is not persuaded that dismissal of the adversary proceeding is warranted or justified based on the moving papers and opposition submitted.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Represented By  
Baruch C Cohen

**Plaintiff(s):**

Bin Hao

Represented By  
Chi L Ip

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#50.00** CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Determination of Non-Dischargeability of Debt Under 11 U.S.C. Section 523(a)(2)

FR: 8-31-17; 10-19-17; 5-31-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Continue Status Conference to Oct. 19, 2017 at 9:30 a.m.; updated status report to be filed by Oct. 5, 2017 unless a motion for default judgment has been filed by such date. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

CONT... Farhad Naderi

Chapter 7

-----  
**October 19, 2017**

Discovery Cut-off Date:	April 5, 2018
Deadline to Attend Mediation:	April 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 31, 2018**

Court's Comments:

1. No party filed a timely joint or unilateral pretrial stipulation. See LBR 7016-1(c) and 7016-1(e)(2).
2. Plaintiff filed an untimely unilateral pretrial statement which appears to be incomplete. The default judgment does not include any indication that the judgment was based on the fraud in the second amended complaint. For example, no punitive damages were awarded. Because the second amended complaint includes dischargeable causes of action such as negligence and breach of contract, the judgment *could* have been rendered on such claims without consideration of the fraud causes of action. Accordingly, claim and/or issue preclusion would appear to not be applicable. One of the elements for collateral estoppel or res judicata is that a particular issue or claim must have necessarily been decided. As previously noted, the default judgment gives no indication that the fraud claim was decided. For that reason, the pretrial stipulation must set forth all facts, disputed and undisputed, that establish the elements of fraud.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

3. Defendant filed an improper "objection" to Plaintiff's unilateral pretrial statement and did not file a unilateral pretrial statement that complies with LBR 7016-1(e)(2).

4. Defendant complains that Plaintiff has not complied with FRCP 26 but fails to address whether *he* has complied with the same. Rule 26 requires that "*a party*, without awaiting a discovery request" provide certain information "that the disclosing party may use to support its claims *or defenses*" . . . . (emphasis added). Compliance with Rule 26 is not limited to plaintiffs. Moreover, it appears that Plaintiff has complied with Rule 26 by making disclosures to Defendant's prior attorney on October 31, 2017. See Reply of Plaintiff filed May 25, 2018 [Docket #35].

5. Any disputes re FRBP 7026 must be addressed strictly in accordance with LBR 7026-1(c).

6. Attorney of record, in the court's view, includes all attorneys working for a law firm -- in this case the Law Offices of Edward C. Ip & Associates. Both Ms. Bhupinder Malik and Ms. Jenny Zhao appear on the firm's website. Even if Ms. Zhao no longer works at the firm, she was apparently associated with the firm at some point during the pendency of this adversary proceeding as evidenced by the fact that Defendant's current counsel, Mr. Cohen, served Ms. Zhao (via NEF) with his substitution of attorney. See Docket #26, proof of service: "jenny@lawyer4property.com"

7. The parties are encouraged to ratchet down the querulous rhetoric and start working together in a civil manner. This court expects no less.

6. Due to Defendant's own failure to comply with Rule 26 and LBR 7016-1(e)(2), and possibly LBR 7026-1(c)(1)-(3), the court will not dismiss this adversary proceeding at this time.

*Special note: The court is aware that Defendant filed a motion to dismiss on 5/22/18; however such motion does not relieve Defendant from complying with LBR 7016-1(e)(2).*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

CONT... Farhad Naderi

Chapter 7

***Note: Appearances at this hearing are required.***  
-----

**September 6, 2018**

Continue pretrial conference to October 18, 2018 at 9:30 a.m.; revised joint pretrial stipulation must be filed by September 27, 2018.

The pretrial stipulation requires substantial revision. See comments below.

Comments re the Joint Pretrial Stipulation filed Aug. 22, 2018 (docket #42):

1. Re paragraph B(15)(a)(i):

This issue of fact shall be included -- overruler Defendant's objection.

2. Re paragraph B(15)(b):

a. Re paragraph i. Basis for the assertion that this court limited Plaintiff's trial exhibits to the five documents referenced therein. Is there an entered order to that effect?

b. Re paragraphs vi, viii, x, xii, xiii, xiv, xv: Why is/are the conduct and/or actions of Lynn Yang relevant to this action? *Defendant's* actions/conduct are the focus of 523(a)(2)(A).

c. Re paragraphs xvi, xvii, xviii, xix, xx, xxi, xxii, xxiii and xxiv: Unless Plaintiff can establish that the state court judgment necessarily decided fraud causes of action (as opposed to non-fraud causes of action), neither res judicata or estoppel applies and, as a consequence, the issues identified in these paragraphs are irrelevant to this adversary and need not be decided at trial. . Does Plaintiff intend to assert res judicata or collateral estoppel?

3. Re Paragraphs C(1) - (5) and (a)(i), (ii) and (iii)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Farhad Naderi**

**Chapter 7**

If Plaintiff is not asserting collateral estoppel, these paragraphs should be deleted as irrelevant.

4. Re Paragraphs C(a)(iv), (v), (vi),(vii):

These issues relate to the sufficiency of evidence to be determined at trial and are not "issues of law." For example, paragraph vii even includes argument (last sentence). Delete.

5. Re Paragraphs C(a)(viii, ix, and x)e

These issues relate to the admission or exclusion of evidence and are not "issues of law." Moreover, the issues are already addressed in Paragraph F re motions in limine.

6. Re Paragraph F(2):

This paragraph states that defendant shall file motions in limine, motion for summary judgment and/or nonsuit, motion for directed verdict, *once Plaintiff rests*. The court assumes that "once Plaintiff rests" refers only to nonsuit and not to motions in limine or summary judgment, both of which must be filed and heard before trial.

7. Re Time Estimate of 2-3 days: Does Plaintiff assume direct testimony will be declaration or live? This court's normal trial practice to require the parties to submit direct testimony by declaration prior to trial (exclusive of adverse or rebuttal testimony).

8. Re Witness List

a. Is this a joint plaintiff/defendant witness list?

b. Re witness Bin Hao, reference is made to the "fraud" judgment she obtained in LA Superior Court. What fraud judgment? There is no finding of fraud in the judgment attached to the Complaint as exhibit 2. Absent an actual fraud judgment, the description of testimony must be specified.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

c. Re defendant Naderi: The testimony description is inadequate if limited to "knowledge about the civil case" in Superior Court. What about his knowledge about the transaction in dispute?

d. Re witness Henry Hirsch: Testimony description is inadequate. Simply states he was a defendant and does not describe the nature of his testimony in this matter.

e. Re witness Lynn Yang: same comments as for Henry Hirsch.

f. Re witness C. Ip: Testimony description is inadequate. What will he testify about?

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Bin Hao

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:30 AM

CONT... Farhad Naderi

**Chapter 7**

Chi L Ip

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#51.00** CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 3-8-18; 6-7-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Chapter 11 Status Report not filed as required by this court's Order entered 1/10/18 [docket #4]. Debtor's counsel to advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

Deadline to file plan/disclosure statement: May 22, 2018  
Claims bar date: May 15, 2018 (notice by 3/15/18)  
Continued Status Conference: Jun 14, 2018 at 10:30 a.m. (XX)  
Deadline to file updated Status Report: May 31, 2018 (waived if plan & disclosure statement are filed)

***Note: Appearance at this hearing is required.***

-----

**June 7, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

---

10:30 AM

CONT...      **Tri-Star Construction and Restoration Services, In**      **Chapter 11**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018 unless a plan and disclosure statement have been filed by such date, in which case the requirement of an updated status report will be waived and the status conference will be continued to the date/time set for hearing on approval of the disclosure statement. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the UST prior to the hearing.***

-----

**September 6, 2018**

Continue hearing to September 13, 2018 at 10:30 a.m., same day/time as hearing on approval of disclosure statement.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

**8:18-10405 Francine McGwire**

**Chapter 13**

**#52.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation as Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 30

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation Regarding Counsel Fees Pursuant to U.S. Trustee Motion Under  
11 U.S.C. §329 Entered 8/31/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Regarding Counsel Fees  
Pursuant to U.S. Trustee Motion Under 11 U.S.C. §329 Entered 8/31/2018 -  
td (8/31/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Francine McGwire

Represented By  
Lionel E Giron

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#53.00** Hearing RE: Debtor's Objection to Proof of Claim No. 4-2 Filed by Daniel Ruan Partida in the Amount of \$23,000.00

Docket 49

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
Entered 8/15/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case Entered 8/15/2018 - td (8/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#54.00** Hearing RE: Debtor's Motion to Release Funds Paid into Chapter 13 Plan

Docket 221

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Deny Motion as moot.

Basis for Tentative Ruling:

1. According to the Trustee's response, \$818.52 has been remitted to Debtor in accordance with LBR 3015-1(q)(6).
  
2. Regarding the additional "original" \$310.00, there is no evidence that this additional amount was paid as a plan payment. Debtor may be referring to the original chapter 13 filing fee. The filing fee for a chapter 13 case is \$310.00, but that amount is not recoverable upon conversion. The filing fee for a chapter 7 is \$335.00 and when a case converts from chapter 13 to chapter 7, an additional fee of \$25.00 is normally required. However, in this case, the court waived the \$25.00 "conversion fee." The court did not, however, retroactively waive the original chapter 13 filing fee of \$310.00.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10611 Stacey Gallagher**

**Chapter 7**

**#55.00** Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Debtor's Claimed Exemption and Requiring Turnover of Non-exempt Funds

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

The court finds Debtor's legal analysis and dual tracing methods persuasive and, for that reason, is inclined to deny the Motion. Should Trustee's oral argument at the hearing prove more persuasive than her Moving and Reply pleadings, the court will set the matter for an evidentiary hearing on the tracing issue.

*Special note: The court strongly urges the parties to reach a resolution on their own as an evidentiary hearing would render the matter cost-ineffective for both sides.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stacey Gallagher

Represented By  
Lane K Bogard

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat**

**Chapter 11**

**#56.00 STATUS CONFERENCE HEARING RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Debtor's counsel to address the following issues which are not addressed in the status report:

1. Cash Collateral: Debtor has rental income but there is no mention of seeking authorization to use cash collateral or a cash collateral stipulation.
2. State Court Litigation: More information regarding the nature and procedural posture of the state court action is required. What was going on in the litigation that caused this case to be filed? How will this litigation be dealt with in the bankruptcy case?
3. Plan/Disclosure Statement: This case appears to be relatively straightforward but the timing of filing a plan and disclosure statement is not discussed in the status report.

Tentative Schedule:

Claims Bar Date:	Nov. 19, 2018 (notice by Sept. 17, 2018)
Deadline to file Plan/DS:	Nov. 29, 2018
Con't Status Conf:	Dec. 20, 2018 at 10:30 a.m.
Updated Status Report Due:	Dec. 6, 2018 (waived if plan/DS timely filed)

***Note: Appearance at this hearing is required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Amir Keivan Hedayat and Minou M. Hedayat**

**Chapter 11**

**Party Information**

**Debtor(s):**

Amir Keivan Hedayat

Represented By  
J Scott Williams

**Joint Debtor(s):**

Minou M. Hedayat

Represented By  
J Scott Williams

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12322 Tung Phuong Nguyen-Phuc**

**Chapter 7**

**#57.00** Hearing RE: Stipulation Regarding U.S. Trustee Report of Chapter 7 Election

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Counsel for creditor Emma Borges to appear and advise the court as to the reasons for the proposed election of Karl Anderson as chapter 7 trustee.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12391 Jesse Lawrence Brown**

**Chapter 7**

**#58.00** Hearing RE: Debtor's Motion to Excuse Requirement That Credit Counseling Be Completed 180-Days Prior to Commencement of the Case (11 U.S.C. Sections 109(h) and 521(l)(4))

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jesse Lawrence Brown

Represented By  
Michael G Spector

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 6, 2018

Hearing Room 5A

10:30 AM

8:18-12392 Reanna Nicole Brown

Chapter 7

#59.00 Hearing RE: Debtor's Motion to Excuse Requirement That Credit Counseling Be Completed 180-Days Prior to Commencement of the Case (11 U.S.C. Sections 109(h) and 521(l)(4))

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Reanna Nicole Brown

Represented By  
Michael G Spector

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

Adv#: 8:18-01061 Kosmala v. The Nazareno Family Trust et al

**#60.00** Hearing RE: Chapter 7 Trustee's Motion for Summary Judgment, or in the Alternative, for a Determination of Facts Not Genuinely in Dispute

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion in its entirety and enter judgment in favor of the chapter 7 trustee

The court incorporates by reference herein the analysis and evidence set forth in the Motion, the Declaration of Weneta Kosmala attached to the Motion and the Statement of Uncontroverted Facts. Defendants have filed no substantive response to the motion or presented any evidence to refute the evidence provided by the Plaintiff, nor have defendants raised any substantive legal issues. Viewing the evidence in the light most favorable to Defendants, the court finds that there are no issues of material fact and that Plaintiff is entitled to judgment in her favor as a matter of law.

Note: Defendants' August 30, 2018 late-filed "response" to Plaintiff's is supplemental pleading is non substantive and merely seeks a 60-day continuance to allow Debtor to file a (second) motion to convert the case to chapter 13 in order to circumvent the Motion. Debtor's first motion to convert the case was denied by the court. Defendants' August 30 filing has no legal bearing on the efficacy of the Motion.

**Party Information**

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Bryson N Nazareno**

**Chapter 7**

**Defendant(s):**

The Nazareno Family Trust

Represented By  
Edward A Villalobos

Bryson S Nazareno

Represented By  
Edward A Villalobos

Christopher Nazareno

Represented By  
Edward A Villalobos

Elma S Nazareno

Represented By  
Edward A Villalobos

Laura Trujillo Nazareno

Represented By  
Edward A Villalobos

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Erin P Moriarty

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

Adv#: 8:18-01061 Kosmala v. The Nazareno Family Trust et al

**#61.00** CONT'D STATUS CONFERENCE RE: Complaint for Avoidance of Fraudulent Transfer (11 U.S.C. §548, §544); Declaratory Relief Determining Estate's Interest in Real Property; Turnover and Possession of Real Property (11 U.S.C. §542); and Injunctive and Ancillary Relief

(Advanced from 6-14-18)  
FR: 6-7-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 7, 2018**

Continue status conference to September 6, 2018 at 2:00 p.m., the same date/time set for hearing on the pending motion for summary judgment; updated status report not required. (XX)

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing is not required.***

-----

**September 6, 2018**

Take matter off calendar in light of granting of motion for summary judgment in favor of Plaintiff.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Bryson N Nazareno**

**Chapter 7**

**Defendant(s):**

The Nazareno Family Trust	Pro Se
Bryson S Nazareno	Pro Se
Christopher Nazareno	Pro Se
Elma S Nazareno	Pro Se
Laura Trujillo Nazareno	Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala	Represented By Erin P Moriarty
---------------------	-----------------------------------

**Trustee(s):**

Weneta M Kosmala (TR)	Represented By Erin P Moriarty
-----------------------	-----------------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13311 Ruby's Diner, Inc., a California corporation**

**Chapter 11**

**#62.00** Hearing RE: Emergency Motion by Debtor for Order (A) Authorizing Interim Use of Cash Collateral, (B) Granting Adequate Protection for Use of Prepetition Collateral, and (C) Granting Related Relief

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruby's Diner, Inc., a California

Represented By  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13311 Ruby's Diner, Inc., a California corporation**

**Chapter 11**

**#63.00** Hearing RE: Emergency Motion for an Order Authorizing the Debtor to (1) Pay and/or Honor Prepetition Wages, Salaries, Employee Benefits, and Other Compensation; (II) Remit Withholding Obligations; (III) Maintain Employee Compensation and Benefits Program and Pay Related Administrative Obligations; and (IV) Have Applicable Banks and Other Financial Institutions Received, Process, Honor, and Pay Certain Checks Presented for Payment and Honor Certain Fund Transfer Requests

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruby's Diner, Inc., a California

Represented By  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13311 Ruby's Diner, Inc., a California corporation**

**Chapter 11**

**#64.00** Hearing RE: Emergency Motion for an Order Authorizing the Debtor to Honor Certain Prepetition Gift Card Obligations to Customers and to Otherwise Continue Certain Gift Card Programs in the Ordinary Course of Business on a Postpetition Basis; and to Continue Honoring Quality Assurance Cards for a Limited Period,

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ruby's Diner, Inc., a California

Represented By  
William N Lobel



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13311 Ruby's Diner, Inc., a California corporation**

**Chapter 11**

**#65.00** Hearing RE: Emergency Motion of Debtor's Motion for Order Approving Incentive Program for Certain Key Employees Pursuant to 11 U.S.C. Sections 105(A), 363 and 503(C)

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruby's Diner, Inc., a California

Represented By  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13311 Ruby's Diner, Inc., a California corporation**

**Chapter 11**

**#66.00** Hearing RE: Emergency Motion of Debtor for Order Limiting Scope of Notice

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ruby's Diner, Inc., a California

Represented By  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

**#1.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Breach of Contract; (2) Restitution and/or Unjust Enrichment; (3) To Avoid and Recover Fraudulent Transfers; and (4) To Avoid and Recover Preferential Transfers **[Debtor: SunCal Oak Knoll, LLC]**

FR: 8-1-18

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

**#2.00** CONT'D STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers [**Debtor: SunCal Torrance, LLC**]

FR: 8-1-18

Docket 327

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

**Represented By**

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch

Argent Management, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, September 11, 2018

Hearing Room 5A

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01022 Speier v. SunCal Management LLC et al

**#3.00** CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal PSV, LLC]**

FR: 8-1-18

Docket 329

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

**Represented By**

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch

Argent Management, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01023      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#4.00**      CON'TD STATUS CONFERENCE RE: Third Amended Complaint (1) To Avoid and Recover Fraudulent Transfers and (2) To Avoid and Recover Preferential Transfers [**Debtor: Palmdale Hills Property, LLC**]

FR: 8-1-18

Docket      298

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

**Represented By**

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

Argent Management LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, September 11, 2018

Hearing Room 5A

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01024 SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#5.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) To Avoid and Recover Fraudulent Transfers **[Debtor: SunCal Summit Valley, LLC]**

FR: 8-1-18

Docket 68

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

Argent Management LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01025      SPEIER v. SUNCAL MANAGEMENT, LLC et al

**#6.00**      CONT'D STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) To Avoid and Recover Fraudulent Transfers  
**[Debtor: SunCal Bickford Ranch, LLC]**

FR: 8-1-18

Docket      77

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SUNCAL MANAGEMENT, LLC

Represented By  
Craig H Averch

Argent Management LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

STEVEN M. SPEIER

Represented By  
Evan C Borges  
Mike D Neue  
William N Lobel  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

**#7.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) To Avoid and Recover Preferential Transfers; (2) For Declaratory Relief, (3) In the Alternative, Breach of Contract; (4) Restitution and/or Unjust Enrichment; and (5) to Avoid and Recover Fraudulent Transfers [**Debtor: SunCal Emerald Meadows, LLC**]

FR: 8-1-18

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch

Argent Management, LLC

Represented By  
Craig H Averch

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

**#8.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief; (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fradudulent Transfers; and (5) To Avoid and Recover Preferential Transfers  
**[Debtor: SunCal Marblehead, LLC]**

FR: 8-1-18

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Doah Kim  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Doah Kim  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

**#9.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers  
**[Debtor: SunCal Heartland, LLC]**

FR: 8-1-18

Docket 99

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01127 Speier v. SunCal Management LLC et al

**#10.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers  
**[Debtor: SunCal Northlake, LLC]**

FR: 8-1-18

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

**#11.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; and (4) to Avoid and Recover Fraudulent Transfers **[Debtor: LBL-SunCal Oak Valley, LLC]**

FR: 8-1-18

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

**#12.00** CON'TD STATUS CONFERENCE RE: Second Amended Complaint: (1) For Declaratory Relief, (2) In the Alternative, Breach of Contract; (3) Restitution and/or Unjust Enrichment; (4) To Avoid and Recover Fraudulent Transfers; and (5) To Avoid and Recover Preferential Transfers  
**[Debtor: Delta Coves Venture LLC]**

FR: 8-1-18

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By  
Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Palmdale Hills Property, LLC**

**Chapter 11**

Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Defendant(s):**

SunCal Management LLC

Represented By  
Craig H Averch  
Aalok Sharma

Argent Management, LLC

Represented By  
Craig H Averch  
Aalok Sharma

**Plaintiff(s):**

Steven M Speier

Represented By  
Mike D Neue  
Gary A Pemberton  
Heather B Dillion  
Brianna L Frazier

**Trustee(s):**

Steven M Speier (TR)

Represented By  
Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:18-01118 Smith, III v. Swindell et al

**#1.00 STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief**

Docket 3

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons  
Issued 8/21/18; New Status Conference Set for 11/8/18 at 9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 8/21/18; New Status  
Conference Set for 11/8/18 at 9:30 a.m. (xx) - td (8/21/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Patrick Swindell

Pro Se

David P Hutchens

Pro Se

Casey Swindell

Pro Se

Kimberly Amaral

Pro Se

**Plaintiff(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10359 Fantasy Aces LP**

**Chapter 7**

Adv#: 8:17-01103 Marshack v. Frisina et al

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for Breach of Officers' & Directors' Duties of Care and Equitable Indemnity or Contribution

FR: 8-31-17; 5-31-18; 6-28-18; 7-19-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation for Dismissal of Adversary Proceeding Entered 9/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation for Dismissal of Adversary  
Proceeding Entered 9/11/2018 - td (9/11/2018)**

**Tentative Ruling:**

**August 31, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**July 19, 2018**

In light of pending motion seeking approval of settlement between Plaintiff and Defendant, continue this hearing as a status conference one final time to September 13, 2018 at 9:30 a.m. An updated status report must be filed by September 6, 2018 if an order approving the settlement has not been entered by

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Fantasy Aces LP**  
such date. (XX)

**Chapter 7**

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**Defendant(s):**

Tom Frisina

Represented By  
Christopher B Queally  
Raphael Cung

Bryan Frisina

Represented By  
Christopher B Queally  
Raphael Cung

Trent Frisina

Represented By  
Christopher B Queally  
Raphael Cung

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Golsa Honarfar

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Golsa Honarfar

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 13, 2018

Hearing Room 5A

9:30 AM

8:17-12846 James Patrick Haggerty

Chapter 7

Adv#: 8:17-01192 Bartolo v. Haggerty

#3.00 PRETRIAL CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 USC Section 523(a)(6)

FR: 1-11-18

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order to Dismiss with Prejudice Entered 6/13/2018

Courtroom Deputy:

OFF CALENDAR: Order to Dismiss with Prejudice Entered 6/13/2018 - td (6/13/2018)

Tentative Ruling:

January 11, 2018

Discovery Cut-off Date: June 15, 2018  
Deadline to Attend Mandatory Mediation: July 27, 2018  
Pretrial Conference Date: Sept. 13, 2018 at 9:30 a.m.  
(XX)  
Deadline to File Joint Pretrial Stipulation: Aug. 30, 2018

*Special note: As Defendant has filed an answer, a Rule 12(b)(6) motion does not appear to be procedurally appropriate.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... James Patrick Haggerty**

**Chapter 7**

**Debtor(s):**

James Patrick Haggerty

Pro Se

**Defendant(s):**

James Patrick Haggerty

Represented By  
Corey A Carter

**Plaintiff(s):**

Steve Bartolo

Represented By  
William C Kersten

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14074 James Arthur Ciardullo**

**Chapter 7**

Adv#: 8:17-01242 Schmidt et al v. Ciardullo

**#4.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability  
(set at s/c held 3-8-18)**

FR: 3-8-18; 6-28-18; 7-19-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulated Judgment for Debt to be Nondischargeable Entered 9/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulated Judgment for Debt to be  
Nondischargeable Entered 9/11/2018**

**Tentative Ruling:**

**March 8, 2018**

Deadline to meet/confer per LBR 7026-1	Mar. 22, 2018
Discovery Cut-off Date:	May 8, 2018
Deadline to Attend Mediation:	May 31, 2018
Pretrial Conference Date:	June 28, 2018 at 9:30 a.m.
(XX)	
Deadline to Lodge Joint Pretrial Stipulation:	June 14, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**July 19, 2018**

In light of settlement of this matter, continue as a status conference to September 13, 2018 at 9:30 a.m.; an updated status report must be filed by September 6, 2018 if an order approving the settlement has not been entered by



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... James Arthur Ciardullo**  
such date. (XX)

**Chapter 7**

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Arthur Ciardullo

Represented By  
Tomaso Camejo Calienes

**Defendant(s):**

James Arthur Ciardullo

Represented By  
Michael D Franco

**Plaintiff(s):**

Philip Schmidt

Pro Se

Schmidt & Schmidt

Represented By  
Philip Schmidt

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14626 Leon Laird**

**Chapter 7**

Adv#: 8:18-01056 On the Mark, Inc. v. Laird et al

**#5.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge

FR: 5-31-18; 6-26-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 26, 2018**

Updated status report not timely filed. The parties to advise the court re the status of the settlement. The cautions the parties to consider whether settlement in this matter is appropriate in light of the 727 claims for relief. See, e.g., *In re Armond*, 240 B.R. 51 (Bankr.CD Cal. 1999) ((1) creditor that assumed fiduciary duties to creditors as whole, by joining denial-of-discharge claim with its own individual claim to except debt from discharge, could not dismiss denial-of-discharge claim in exchange for settlement of its nondischargeability cause of action if settlement would inure solely to creditor's own benefit; (2) settlement could be approved only if proceeds of settlement were turned over to trustee for distribution according to rules and priorities of Chapter 7).

***Note: Appearances at this hearing are required.***

-----  
**September 13, 2018**

Take matter off calendar in light of court's approval of settlement of 523 claims and dismissal of 727 claims (notice to creditors completed).

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Leon Laird**

**Chapter 7**

**Debtor(s):**

Leon Laird

Represented By  
Dianna M Heck

**Defendant(s):**

Leon E Laird

Represented By  
Dianna M Heck

MaryJo Laird

Represented By  
Dianna M Heck

**Joint Debtor(s):**

MaryJo Laird

Represented By  
Dianna M Heck

**Plaintiff(s):**

On the Mark, Inc.

Represented By  
Ryan A. Ellis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01114 Albert-Sheridan v. Tessler et al

**#6.00 STATUS CONFERENCE RE: Complaint Seeking Declaration that ViewCrest Debt is Dischargeable; Extortion**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; updated status report must be filed by November 1, 2018

*Special Note: The chapter 7 trustee has requested a 60-day continuance based upon his intent to abandon this claim. However, the court notes that 1) this adversary appears to be seeking a determination of dischargeability, and 2) though the trustee's unilateral report indicates that all defendants were served with the summons and complaint, there is no filed proof of service indicating that defendants were served.*

**Note: Appearances at this hearing are not required**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Irwin Tessler	Pro Se
---------------	--------

Michael Tessler	Pro Se
-----------------	--------

ViewCrest Road Properties, LLC	Pro Se
--------------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Art Carvalho

Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12316 Steven Darrell Strobele and Elda Strobele**

**Chapter 13**

**#7.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

POPULAR BANK

VS.

DEBTORS

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Darrell Strobele

Represented By  
Scott Dicus

**Joint Debtor(s):**

Elda Strobele

Represented By  
Scott Dicus

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Steven Darrell Strobele and Elda Strobele**

**Chapter 13**

**Movant(s):**

Popular Bank

Represented By  
Michael F Chekian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

10:00 AM

**8:18-11760 Luis Manzo Segura and Maria Lopez de Manzo**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DARRYL R. OWEN AND MERCEDES OWEN

VS.

DEBTORS

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Court's comments regarding this Motion:

1. It is not clear to the court the purpose for which the moving parties seek relief. To do what? For example, sometimes a bank files a motion for relief from stay to foreclose on the property. Or a landlord files a motion for relief from stay to proceed with unlawful detainer proceedings in state court. Or a party to a lawsuit might file such a motion in order to continue with litigation in a pending state court action. Are the moving parties seeking relief from the bankruptcy stay to proceed with some kind of legal action against the debtors in state court? What kind of action? The court cannot ascertain from the motion or the supporting declaration what the Owens seek relief to do. Particularly since the debtors appear to be willing to surrender any interest they may have in the property.

2. The moving parties have requested that relief from the stay be granted under Section 362(d)(4) of the Bankruptcy Code. This relief is extraordinary in that it is effective as to any bankruptcy case filed for two years. However, Section 362(d)(4) only applies to a creditor who has a security interest or lien against the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:00 AM

CONT... **Luis Manzo Segura and Maria Lopez de Manzo** **Chapter 7**  
property. The moving parties have provided no evidence of a lien or mortgage in their favor. In fact, they claim to be *owners* of the property. Section 362(d)(4) does not apply to owners.

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luis Manzo Segura

Represented By  
Yolanda Flores-Burt

**Joint Debtor(s):**

Maria Lopez de Manzo

Represented By  
Yolanda Flores-Burt

**Movant(s):**

Mercedes Owen-Napoles

Pro Se

Darryl R. Owen

Pro Se

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 13, 2018

Hearing Room 5A

10:00 AM

8:18-12116 Alma Aramis Lopez

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS  
DEBTOR

Docket 17

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 7/23/18; Notice of Movant's Intent to Proceed on Motion to Annul the Automatic Stay and for In Rem Relief from the Automatic Stay Despite Dismissal of Bankruptcy Case filed 8/14/18 - td (8/14/2018)**

**Tentative Ruling:**

**September 13, 2018**

Grant with 4001(a)(3) waiver and all other relief requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Alma Aramis Lopez

Pro Se

**Movant(s):**

Deutsche Bank National Trust

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Alma Aramis Lopez**

James F Lewin

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12448 Saul Vasquez Santiago**

**Chapter 7**

**#10.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
AMERICREDIT FINANCIAL SERVICES, INC.  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Saul Vasquez Santiago

Pro Se

**Movant(s):**

Americredit Financial Services,

Represented By

Mandy D Youngblood

Sheryl K Ith

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Saul Vasquez Santiago**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12517 Froilan Sarceno**

**Chapter 7**

**#11.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TD AUTO FINANCE LLC  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Froilan Sarceno

Represented By  
Kevin J Kunde

**Movant(s):**

TD Auto Finance LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Froilan Sarceno**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#12.00** Hearing RE: Amended Motion for relief from the automatic stay [UD]

DDD PHAM LLC

VS

DEBTOR

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue hearing to October 11, 2018 at 10:00 a.m. to allow movant to correct defective service: the twenty largest unsecured creditors were not served as required by FRBP 4001(d)(1)(C) and LBR 4001-1(1)(C)(v).

***Note: If Movant and Debtor accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**Movant(s):**

DDD Pham LLC

Represented By  
Chi L Ip



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

**8:10-25751 Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**#13.00** Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 278

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice Filed 8/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 10:30 a.m. on Court's Own Motion; See Court's Notice filed 8/15/2018 (XX) - td (8/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

**8:10-25751 Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**#14.00** Hearing RE: First and Final Fee Application

**[GOE & FORSYTHE, LLP AS GENERAL COUNSEL FOR CHAPTER 7  
TRUSTEE KAREN NAYLOR]**

Docket 273

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice Filed 8/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 10:30 a.m. on Court's Own  
Motion; See Court's Notice filed 8/15/2018 (XX) - td (8/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Movant(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

8:10-25751 Arthur A Menchaca and Christine L. Menchaca

Chapter 7

#15.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses [June 4, 2015 through March 31, 2018]

**[BURD & NAYLOR, AS SPECIAL COUNSEL FOR TRUSTEE]**

Docket 267

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice Filed 8/15/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 10:30 a.m. on Court's Own Motion; See Court's Notice filed 8/15/2018 (XX) - td (8/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Movant(s):**

Burd & Naylor

Represented By  
William M Burd

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

**8:10-25751 Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**#16.00** Hearing RE: Application for Payment of Final Fees and/or Expenses

**[RINGSTAD & SANDERS, LLP, ATTORNEY FOR KAREN SUE NAYLOR,  
CHAPTER 7 TRUSTEE]**

Docket 269

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Court's Notice Filed 8/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 10:30 a.m. on Court's Own  
Motion; See Court's Notice filed 8/15/2018 (XX) - td (8/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Movant(s):**

Ringstad & Sanders LLP

Represented By  
William M Burd

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:11-24019 HECTOR FLORES and TANYA FLORES

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

HECTOR FLORES

Represented By  
David Turajski - SUSPENDED -

**Joint Debtor(s):**

TANYA FLORES

Represented By  
David Turajski - SUSPENDED -

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT...**

**HECTOR FLORES and TANYA FLORES**

**Chapter 7**

Erin P Moriarty  
Darsey L Pfof  
Doug Monsour  
Justin Witkin  
Robert Salim  
Peter Flowers

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:11-24019 HECTOR FLORES and TANYA FLORES

Chapter 7

#18.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LAW OFFICES OF WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

HECTOR FLORES

Represented By  
David Turajski - SUSPENDED -

**Joint Debtor(s):**

TANYA FLORES

Represented By  
David Turajski - SUSPENDED -

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty  
Darsey L Pfof



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... HECTOR FLORES and TANYA FLORES**

**Chapter 7**

Doug Monsour  
Justin Witkin  
Robert Salim  
Peter Flowers

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty  
Darsey L Pfof  
Doug Monsour  
Justin Witkin  
Robert Salim  
Peter Flowers

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:11-27644 Frederick Moreno Rivera and Laura Sainz Rivera

Chapter 7

#19.00 Hearing RE: Debtors' Motion to Avoid Lien [Creditor: Citibank (South Dakota) N.A.]

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Deny motion without prejudice due to improper service and insufficient evidence in support of the Motion.

Basis for Tentative Ruling:

1. Service: Citibank (South Dakota), NA has apparently been inactive since July 1, 2011 and was acquired by Citibank NA. Service should be to Citibank NA. In addition, service was not made in accordance with FRBP 7004(h) which requires that service to an bank (insured depository) be made by certified mail to the attention of an officer of the institution. Service to a P.O. Box or to the creditor's attorney is generally insufficient.

2. Merits: No evidence Citibank's judicial lien is provided, such as a copy of the abstract of judgment.

*Special note: The court has serious concerns about the assistance Debtor has received from Mr. Kelly Johnson, who is currently not licensed to practice law. The assistance provided -- assisting in preparing the motion and supporting documents and declaration, assistance in identifying applicable laws, rules, and court forms, and filing pleadings in court on behalf of Debtor -- may very well constitute the unauthorized practice of law.*

**Note: Debtor's appearance at this hearing is required.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**Debtor(s):**

Frederick Moreno Rivera

Represented By  
John L Greifendorff - INACTIVE -

**Joint Debtor(s):**

Laura Sainz Rivera

Represented By  
John L Greifendorff - INACTIVE -

**Movant(s):**

Frederick Moreno Rivera

Represented By  
John L Greifendorff - INACTIVE -

Laura Sainz Rivera

Represented By  
John L Greifendorff - INACTIVE -  
John L Greifendorff - INACTIVE -  
John L Greifendorff - INACTIVE -

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-27644 Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**#20.00** Hearing RE: Debtors' Motion to Avoid Lien [Creditor: Franchise Tax Board, State of California (1 of 3 Junior Liens)]

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Deny motion with prejudice (motion may not be refiled).

Basis for Tentative Ruling:

Section 522(f) only allows the avoidance of 1) a judicial lien or 2) a nonpossessory, nonpurchase money security interest in certain personal (non real estate) property.

As clearly established by the opposition filed by the Franchise Tax Board (FTB), the liens of the FTB are statutory liens (created by state statute) and not judicial liens (created by the entry of a judgment in a state court lawsuit). As such, avoidance under 522(f) is not allowed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

**Joint Debtor(s):**

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**Movant(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-27644 Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**#21.00** Hearing RE: Debtors' Motion to Avoid Lien [Creditor: Franchise Tax Board, State of California (2 of 3 Junior Liens)]

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Deny motion with prejudice (motion may not be refiled).

Basis for Tentative Ruling:

Section 522(f) only allows the avoidance of 1) a judicial lien or 2) a nonpossessory, nonpurchase money security interest in certain personal (non real estate) property.

As clearly established by the opposition filed by the Franchise Tax Board (FTB), the liens of the FTB are statutory liens (created by state statute) and not judicial liens (created by the entry of a judgment in a state court lawsuit). As such, avoidance under 522(f) is not allowed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

**Joint Debtor(s):**

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**Movant(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:11-27644 Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**#22.00** Hearing RE: Debtors' Motion to Avoid Lien [Franchise Tax Board, State of California  
(3 of 3 Junior Liens)]

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Deny motion with prejudice (motion may not be refiled).

Basis for Tentative Ruling:

Section 522(f) only allows the avoidance of 1) a judicial lien or 2) a nonpossessory, nonpurchase money security interest in certain personal (non real estate) property.

As clearly established by the opposition filed by the Franchise Tax Board (FTB), the liens of the FTB are statutory liens (created by state statute) and not judicial liens (created by the entry of a judgment in a state court lawsuit). As such, avoidance under 522(f) is not allowed.

**Party Information**

**Debtor(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

**Joint Debtor(s):**

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**Movant(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

John L Greifendorff - INACTIVE -

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#23.00** CONT'D Hearing RE: Order to Show Cause Issued to Mir Mohammad Motamed, aka Shawn Auto, and Nastaran Maboubi RE: Contempt for Failure to Appear for Examination (OSC Issued 4/16/18)

FR: 6-21-18

Docket 130

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**June 21, 2018**

No response to OSC filed. If examinees do not appear for examination on this date, they will be found to be in contempt.

-----  
**September 13, 2018**

Judgment creditor's counsel to appear and advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

Mir Mohammad Motamed

Represented By

Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

**Plaintiff(s):**

Smelli, Inc

Represented By

Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11100 Mir Mohammad Motamed**

**Chapter 7**

Adv#: 8:15-01274 Smelli, Inc v. Motamed

**#24.00** CON'TD Examination of Third Person Nastaran Maboudi RE: Enforcement of Judgment

FR: 7-11-17; 8-31-17; 10-19-17; 12-21-17; 4-5-18; 6-21-18

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 11, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**August 31, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**October 19, 2017**

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**December 21, 2017**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

examination will take place outside the courtroom.  
-----

**April 5, 2018**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**June 21, 2018**

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.  
-----

**September 13, 2018**

Judgment creditor's counsel to appear and advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11100 Mir Mohammad Motamed**  
Adv#: 8:15-01274 Smelli, Inc v. Motamed

**Chapter 7**

**#25.00** CON'TD Examination of Judgment Debtor Mir Mohammad Motamed, aka Shawn  
Auto RE: Enforcement of Judgment

FR: 7-27-17; 8-31-17; 10-19-17; 12-21-17; 4-5-18; 6-21-18

Docket 74

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 27, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**August 31, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**October 19, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**December 21, 2017**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Mir Mohammad Motamed**

**Chapter 7**

clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**April 5, 2018**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**June 21, 2018**

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.  
-----

**September 13, 2018**

Judgment creditor's counsel to appear and advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mir Mohammad Motamed

Represented By  
Randal A Whitecotton

**Defendant(s):**

Mir Mohammad Motamed

Pro Se

**Plaintiff(s):**

Smelli, Inc

Represented By  
Marvin Maurice Oliver

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:16-10779 Jason H Hong

Chapter 7

#26.00 CON'TD Hearing RE: Debtor's Motion to Dismiss Voluntary Petition

FR: 5-31-18; 6-26-18

Docket 107

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Debtor's Motion to Dismiss Voluntary Petition, filed 9/6/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Debtor's Motion to Dismiss  
Voluntary Petition, filed 9/6/2018 - td (9/6/2018)**

**Tentative Ruling:**

**June 26, 2018**

Movant to advise the court re the outcome of the state court trial.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jason H Hong

Represented By  
Thinh V Doan

**Movant(s):**

Jason H Hong

Represented By  
Thinh V Doan

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Erin P Moriarty



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#27.00**      Hearing RE: Plaintiff's Motion for Order to Show Cause Why Defendant Stephen J. Haythorne and His Former Counsel of Record, David S. Henshaw and The Henshaw Law Office, Should Not be Held in Contempt of Court for Their Failure to Comply with the Court's Order Granting in Part and Denying in Part Plaintiff's Motion to Compel Defendant to Produce Documents and for an Award of Further Monetary Sanctions Against Stephen J. Haythorne and his Counsel, and for Terminating Sanctions

Docket      61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Unless Defendant has, as of the hearing, fully and completely complied with the Court's Compel Order entered on December 6, 2017, grant Plaintiff's request to find Defendant in contempt and grant terminating sanctions striking Defendant's answer. Impose compensatory monetary sanctions in the amount of \$6,754.00, half of which (\$3,377) is payable in 60 days and the remaining half (\$3,377) payable within 120 days of entry of the order re the same.

Basis for Tentative Ruling:

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Movant(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

#28.00 CON'TD Hearing RE: Debtor's Motion for Reconsideration of Order Overruling Objections of Debtor Thomas J . Smith, III to Proof of Claim #1 Filed by Kimberly Amaral, Casey Swindell and Patrick Swindell

FR: 3-8-18; 5-31-18; 6-26-18

Docket 93

**Courtroom Deputy:**

**SPECIAL NOTE: Order Permitting Withdrawal of Proof of Claim No. 1 by Creditors Casey Swindell and Kimberly Amaral to be Filed Concurrently with Debtor's Dismissal of Adversary Complaint for Sanctions as to Defendants Casey Swindell and Kimberly Amaral ONLY Entered 8/27/2018 - td (9/4/2018)**

**Tentative Ruling:**

**March 8, 2018**

Deny Motion.

Basis for Tentative Ruling:

By way of background, on September 17, 2016, Thomas J. Smith, III ("Debtor") filed a voluntary Chapter 7 petition. Jeffrey I. Golden was duly appointed the Chapter 7 trustee (the "Trustee"). Debtor received his discharge on January 9, 2017. The deadline for filing claims was April 14, 2017. Debtor's 341(a) meeting of creditors has been continued to March 21, 2018. The Trustee commenced an adversary proceeding against Kyle Patric Mount on December 22, 2016 (the "Golden Adversary"), Adv. No. 16-01263, which is ongoing.

On January 9, 2017, Kimberly Amaral, Casey Swindell, and Patrick Swindell (the "Creditors" or the "Claimants") filed a proof of claim ("POC #1")

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

asserting an unsecured claim in the amount of \$350,000.00, and listed the basis of said claim as "Debtor fraudulently took money while acting as trustee." See POC #1. Meanwhile, Claimants commenced an adversary proceeding on December 30, 2016, Adv. No. 16-01269, for nondischargeability, turnover, and fraudulent transfer (the "Adversary Proceeding").

Debtor filed the objection to POC #1 on June 25, 2017 (the "Objection"). The court entered its order overruling the Objection without prejudice on August 3, 2017, on the basis that the pending Adversary Proceeding eclipsed the same substantive issue the Objection raised. The court did not address the merits of any of the substantive factual or legal issues raised. Subsequently, the court issued an Order to Show Cause (the "OSC") in the Adversary Proceeding, which was set for October 19, 2017 and ultimately resulted in dismissal of the Adversary Proceeding for failure to prosecute on December 5, 2017.

On September 22, 2017, Debtor filed his first motion for reconsideration. The hearing was set for October 19, 2017, and continued to November 30, 2017 to allow Debtor to serve the motion on Claimants directly due to their attorney's ineligibility to practice law as of September 1, 2017.

At the November 30, 2017 hearing the court noted on the record that POC #1 is an unliquidated claim, involving purely state law issues, and that the only way to liquidate the claim would be to decide these state law issues. Notably, Claimants have not sought relief from stay. Counsel for Debtor sought a continuance to try to reach a global settlement when he asked: "Can you give me an opportunity to speak with Mr. Casey and see if we can wrap everything up?" [per FTRgold recording at November 30, 2017, at 11:30:31AM]. This court explicitly informed Debtor's counsel that: "My tentative is going to be the same for the next hearing, just so you know" [per the FTRgold recording at November 30, 2017, 11:35:37AM]. In other words, the court intended to overrule the claim objection/deny the motion on the merits, and the tentative ruling for November 30 reflected the same. Accordingly, this matter was continued as a status conference to be heard at the same time as the status conference in the Golden Adversary, which was heard on January 17, 2018 at 9:30am.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

Without the court's express authorization, Debtor filed a series of documents and pleadings. See Docket Nos. 68-87. In turn, the court issued the following tentative ruling for January 17, 2018:

**January 17, 2018**

Deny motion.

Same tentative as for 11/30/17. See above.

There is no substantive difference between an objection to claim and disallowance of a claim. The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018.

The following colloquy took place at the hearing on January 17, 2018:

Counsel: Many of my bases for having this claim allowed have arisen since August 3rd, and even since October 19th, they arose when these people...

The Court: Then it sounds like you need to file a new motion.

Counsel: That's right. That's exactly what I think I have to do.

The Court: Okay.

[...]

The Court: For the record, I am, because this is the original motion and that's the only thing that got continued, for the reasons stated on my November 30, 2017 tentative ruling, I am denying this motion for reconsideration. It is without prejudice, okay. So if you feel that there have been events that have come up, you now need to file a new something, then you can file that. Make sure that you properly serve it and I'll take it up in due course.

[per the FTRgold recording at January 17, 2018, 10:22 AM]

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Ultimately, the court entered the order denying Debtor's motion for reconsideration on January 29, 2018. See Docket No. 92. The court's November 30, 2017 tentative ruling, which was adopted therein, is attached as Exhibit M to Docket No. 93.

Admittedly, the court anticipated the filing of a new "something" by Debtor, given the purported developments alluded to by Debtor's counsel that took place since the filing of the original Objection. As a result, Debtor filed the instant motion for reconsideration (the "Motion") on January 29, 2018. Docket No. 93.

Notice

Claimants did not disclose an address to which notices should be served in Part 1 of their POC #1, and their counsel at the time of filing POC #1 has since been found ineligible to practice law. Debtor served Claimants directly at individual mailing addresses. See Docket No. 94, Proof of Service.

Applicable Legal Standard

11 U.S.C. § 502(j) provides that a claim that has been allowed or disallowed by the court may be reconsidered for cause "according to the equities of the case." FRBP 3008 provides that "[a] party in interest may move for reconsideration of an order allowing or disallowing a claim against the estate. The court after a hearing on notice shall enter an appropriate order." Additionally, there is no time limit for bringing a Rule 3008 motion. See *In re Levoy*, 182 B.R. 827, 831–32 (B.A.P. 9th Cir. 1995).

As a threshold matter, while federal courts generally do not recognize a "Motion for Reconsideration," the Ninth Circuit has long noted that "nomenclature is not controlling". See *Ranch Association v. California Coastal Zone Conversation Comm 'ns* 537 F.2d 1058, 1061 (9th Cir. 1976). However, as the court observed in *Van Skiver v. United States*, 952 F.2d 1241, 1243 (10th Cir. 1991), that "case illustrates the dangers of filing a self-styled 'motion to reconsider.'" *Id.* This court is faced with a similar situation here where Debtor filed a motion for reconsideration without explicitly stating whether he seeks relief

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

under FRCP 59 or FRCP 60. Instead, Debtor refers to 11 U.S.C. 502(j) and FRBP 3008, and cites to a treatise, which states the standard as follows:

"[C]ourts have generally held that regardless of title, a motion filed within ten days of the entry of judgment is treated as a motion to alter or amend under FED. R. CIV. P. 59(e), while one filed more than ten days after the entry of judgment is treated as a motion seeking relief from the judgment under FED. R. CIV. P. 60(b)." Mot., p. 3:17-21.

Other than the amendment to allow for 14 rather than 10 days, that standard is accurate.

Here, Debtor states that his first motion for reconsideration "was brought under Fed R Civ P 60(b)6) which allows reconsideration for any reason that justifies relief." Mot., p.6:1-2. This makes sense given that the order overruling Debtor's Objection was entered on August 14, 2017 [Docket No. 52], and Debtor's first motion for reconsideration was filed more than 14 (previously 10) days after on September 22, 2017 [Docket No. 55].

As noted above, the order denying Debtor's first motion for reconsideration was entered on January 29, 2018. In bringing this latest motion for reconsideration on the same date, the court has discretion to consider this Motion as one for reconsideration under FRBP 9023, since it was filed within 14 days of entry of the order. Accordingly, the court considers the merits of this Motion under FRCP 59(e).

Merits Under FRCP 59(e)

There are four basic grounds upon which a Rule 59(e) motion may be granted. First, (1) the judgment is based upon manifest errors of law or fact; (2) there is newly discovered or previously unavailable evidence; (3) amendment is necessary to prevent manifest injustice; and (4) there is an intervening change in the controlling law. *McDowell v. Calderon*, 197 F.3d 1253, 1255 n.1 (9th Cir. 1999)(citing 11 Charles Alan Wright et. al., Federal Practice and Procedure § 2810.1 (2d ed. 1995).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Since specific grounds for an FRCP 59(e) motion are not listed in the rule, the court has considerable discretion in granting or denying the motion. However, reconsideration is "an 'extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.'" *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003); *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.2000).

As explained above, Debtor's counsel alluded to developments since the October 19, 2017 hearing and agreed with the court that he needed to file a new motion. It was unclear whether Debtor would be filing a new objection or a new motion for reconsideration. Nevertheless, the motion now before this court is another motion for reconsideration, which presumably seeks reconsideration of the overruling of the original Objection on the merits, as disposed of by the order entered on January 29, 2018 that adopted the court's tentative ruling of November 30, 2017. Therefore, the basis for reconsideration under FRCP 59(e) that appears most applicable is the second of the four noted above, namely that "there is newly discovered or previously unavailable evidence."

*A. Part II of Debtor's Motion, "Statement of the Case Subsequent to Initial Filing of Objection and Interim Order," Includes Substantive Arguments that are Unavailing*

1. Claimants' Attorney, Mr. Hutchens, Was Found Ineligible to Practice Law

First, as Debtor states, this court's ruling at the hearing on October 19, 2017 was to continue the hearing to allow Debtor to serve the motion directly on Claimants due to their attorney of record's ineligibility to practice law as of September 1, 2017. Mot., p.6:6-9; see Docket No. 60. Thus, this information would not qualify as newly discovered or previously unavailable evidence, as it was taken into account by the time issued its tentative ruling on November 30, 2017.

Second, as to Debtor's reason for highlighting Mr. Hutchens's ineligibility



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

to practice law, Debtor states "The Relevance of Mr. Hutchens' Misconduct to This Motion for Reconsideration is With the Equities of the Case and the Court's Duty to Manage Litigation According to 11 USC §502 (j) *supra* a reconsidered claim may be allowed or disallowed according to the equities of the case." Mot., p.6:10-14. Debtor goes on to cite the case of *In re Gilbreath*, 395 B.R. 356, 358–59 (Bankr. S.D. Tex. 2008), and points out that there had been "serial filings of creditor's proofs of claim on accounts" which only included the last four digits of the account number and attachments representing that the accounts had been assigned to the claimant. Mot., p.6:17-21. Already, Debtor's reliance on this non-binding case is misplaced. POC #1 in this instant case is not a "serial filing" of proofs of claim.

Moreover, *In re Gilbreath* dealt with issues brought about by creditors' purported assignee, ECast Settlement Corporation (eCast), and deficiencies with amended proofs of claim. Here, no amended claims are at issue. In addition, the claims at issue in *In re Gilbreath* were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular for claims based on a writing such as a credit card agreement, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. Debtor's attempt to pin down the insufficiency of POC #1 here has already been addressed by the court's tentative ruling from November 30, 2017. See Mot., Ex. M, ¶4. Specifically, this court stated:

Seventh, Debtor complains that failing to attach certain exhibits to the proof of claim renders it invalid. As a matter of law, this is incorrect. The failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). Rather, if the claim is based entirely on a writing and the writing is not attached the presumption of validity may not apply. Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Thomas J Smith, III**  
See Mot., Ex. M, ¶4.

**Chapter 7**

As a result, Debtor's attempt to analogize the case of *In re Gilbreath* to the instant case fails. Debtor overlooks that POC #1 is not entirely based on a writing, and even if it were, a failure to attach documentation does not result in outright disallowance of a claim.

Mr. Hutchens' ineligibility to practice law does little to affect the equities of the case. Debtor has not shown that this constitutes newly discovered or previously unavailable evidence, which would be cause for reconsideration of the merits of his Objection to POC #1. As reiterated by the court at multiple hearings, and explicitly in the November 30, 2017 tentative ruling, "POC #1 is an unliquidated claim that has not yet been adjudicated by any court and is based entirely on state law." (emphasis in original). Mot., Ex. M, ¶4.

2. Debtor Contends Claimants "Should Be Held Accountable  
For Perpetuating Inequities Greatly Disfavoring Debtor in This  
Case"

Debtor points out that despite direct service of all pleadings and notices in this case,

Claimants have continuously failed and refused to prosecute the Swindell Adversary case, repeatedly failed to oppose the Objection, failed to respond to the OSC, and they have not appeared at hearings in this action, whether In Pro Per or by counsel, since their attorney disappeared. This shirking of responsibility for significant litigation they initiated should not be permitted.

See Mot., p.7, ¶F.1.

Debtor offers no persuasive legal authorities or analysis in support of that position, let alone an explanation for how this court could find that to be a ground for reconsideration under FRCP 59.

Based on the foregoing, these initial arguments stated in Part II of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Debtor's Motion do not demonstrate bases for reconsideration of the court's earlier denial of motion for reconsideration, which in turn overruled Debtor's Objection to POC #1.

*A. Debtor Attempts to Respond to the Court's Ruling on Merits of the Objection*

Debtor acknowledges that this court encouraged Debtor's counsel to focus on the detailed tentative ruling from November 30, 2017 when he states: "Debtor's counsel has been advised to carefully review this Tentative." Mot., p.8:4-5. In turn, the bulk of Debtor's Motion proceeds to provide "Responses for reconsideration" to the court's tentative ruling from November 30, 2017, which was adopted by the court in the order overruling the Objection, entered on January 29, 2018 [Docket No. 92]. Specifically, Part III of Debtor's Motion begins with subsection "A" at page 8 and goes through "J" at page 25. The court analyzes each of Debtor's responses thereto as follows here in sub-subsections 1 through 10.

1. The Court Was Inclined to and Did Dismiss the Swindell Adversary for Lack of Prosecution

It is undisputed that the court dismissed the Adversary Proceeding brought by the Claimants against Debtor. The dismissal of that adversary proceeding allowed this court to consider the merits of Debtor's Objection to POC #1. Debtor's response is that "[i]t may have been the court's perception that dismissal of the adversary would permit Debtor to receive a discharge of POC # 1. This is not the case." Mot., p.8:13-15. First, the order of discharge was entered on January 9, 2017. Docket No. 22. Even if it is the case that the debt underlying POC #1 is not discharged, the fact remains that Debtor has not succeeded in having Claimants' claim disallowed. Based on the Notification of Asset Case filed by the Trustee on January 9, 2017 [Docket No. 23], and the pending Golden Adversary filed by the Trustee for fraudulent conveyance there may very well be assets to administer in this case. These facts do not speak to the merits of disallowance of POC #1, let alone reconsideration of this court's overruling of Debtor's Objection. Similarly, when Debtor asserts "[i]t is not economically feasible for both [Debtor's attorney and the Trustee's attorney] to

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

---

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

become engaged in litigation at a combined rate of \$1,110/hr that will be unnecessary once POC #1 is disallowed," Debtor seems to presume disallowance when that is in fact not a guarantee, and unlikely based on this Motion.

2. A Proof of Claim is Deemed Allowed Unless a Party in Interest Objects, and if Executed and Filed in Accordance With Rule 3001 Shall Constitute Prima Facie Evidence of the Validity and Amount of the Claim

Apart from agreeing that Debtor's Objection is the equivalent of a Motion for Disallowance of Claim, Debtor's addition response is: "In respect to execution and filing in accordance with Rule 3001, there are deficiencies that defeat the presumption of a prima facie valid claim. This shifts the burden of proof back to Creditors." Mot., p.9:21-23.

As already noted above with regard to the case of *In re Gilbreath*, the claims at issue there were apparently based on consumer credit cards, for which there would presumably be documentation as contemplated by FRBP 3001. In particular, FRBP 3001(c) requires that such documents be attached or that claimants explain why they have not been attached. This court can only reiterate what it already stated in the November 30, 2017 tentative ruling, which is that as a matter of law, the failure to attach to the proof of claim the documentation required by Rule 3001(c) is not by itself a basis to disallow the claim. *In re Heath*, 331 B.R. 424, 426 (9th Cir. BAP 2005). More importantly, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto. See Mot., Ex. M, ¶4.

3. To overcome the presumption of validity created by a timely filed proof of claim, the objecting party must present sufficient counter evidence sufficient to rebut the presumption.

Debtor's maintains that he has provided "abundant evidence to rebut the presumption" and therefore the case is distinguishable from *In re Garner*. Mot., p.10:17-20. In *Garner*, the Ninth Circuit BAP noted that "[t]he difficulty in this

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

instance is that appellant proffered no evidence whatsoever, choosing instead to stand on a mere formal objection that the proofs of claim were not good enough." *In re Garner*, 246 B.R. 617, 623 (B.A.P. 9th Cir. 2000). Although Debtor is correct that here, he did not stand *only* on a mere formal objection that POC #1 is not good enough, his proffered declarations and exhibits along with the arguments in his Objection did not sufficiently rebut the presumption.

Now, Debtor requests this court to reconsider certain evidence "excerpted from the Objection." Mot., p.10:27-28. The evidence Debtor refers to is predominantly the substantive arguments that this court already considered in denying his earlier motion. Pages 11 through 20 of the Motion includes reproductions (in whole or in part) of the Objection at pages 5-10, 11, 13-18. See Mot. pp.11-20, *cf.* Obj. Docket No. 93-8, originally filed as Docket No. 43. These passages from the Objection contain headings such as "There is Confusion Between the Casey and Swindell Trusts" [Mot., p.12:15], "There is no Cause of Action for 'Illegal Billing'" [Mot., p.13:22], "There is no Cause of Action for 'Illegal Transfer'" [Mot., p.14:9], "There is no Cause of Action for 'Illegal Commingling'" [Mot., p.14:26], all of which appear to be substantive arguments on the merits of the pending probate action in Orange County Superior Court. This court's November 30, 2017 already addressed such arguments when it stated: "In this matter, Debtor's objections are presented in a "shot-gun" approach, i.e, several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. These substantive arguments involve state law issues that the probate court has apparently yet to adjudicate. Thus, Debtor has offered no viable basis for reconsideration of the merits of this court's denial of the first motion for reconsideration.

**4. The Debtor Conflates Dischargeability Issues Into His  
Arguments Countering The Merits of the Claim**

The November 30 tentative ruling noted Debtor's conflation of dischargeability issues, and now Debtor concedes that conflating the dischargeability issues "has proven counterproductive." Mot., p. 16:4-5. As noted above, the Claimants' Adversary Proceeding has already been dismissed as of January 9, 2018. Even so, Debtor's Motion goes on to insist that "[w]hile it

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

is unfortunate that §IV of the Objection entails arguments that Claimants' state claims are pre-empted by 11 USC, this section still speaks to the underlying claims of misconduct [...]" and that "[t]he material remains apposite to the Debtor's defense and should therefore be reconsidered." Mot., p.16:9-13. The court had already noted that these theories of defense are presented in a manner that undermines the goal of rebutting the presumption of POC #1's validity. Repeating them in the current motion does not change this court's finding.

Debtor's Motion at pages 16-20 refers to California Probate Codes §§850, 859, and 789.3 and includes headings such as "The State Law Claim for an Order to Account Should be Dismissed," "The State Law Claim Pursuant to Cal Civil Code §789.3 [...] Should Be Dismissed" which are arguments more appropriately made to the probate court that would decide the pending matter in Orange County Superior Court. In other words, these arguments go to the merits of the unliquidated claim.

Although Debtor's Motion has includes strikethroughs of most references to preemption and the Dischargeability Complaint (see Mot., pp.12:12, 16:24-25, 17:6, 17:21, 18:11), pages 19-20 continue retained arguments under preemption. This court already noted the following in the November 30 tentative ruling:

Sixth, while on the one hand arguing that state law is "preempted" by federal bankruptcy law, Debtor cites several California statutes in support of the objection. In this regard, Debtor maintains that Cal Prob Code 850, Cal Prob 859 and Cal Civil Code 789.3 are all preempted by bankruptcy without presenting any persuasive legal analysis in support of that position.

Mot., Ex., M, ¶4.

Debtor may have inadvertently retained these "preemption" arguments, but as was the case in the original motion, this court need not find that these arguments merit reconsideration.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Notably, Debtor inserts the following unsubstantiated statement: "All Claims for Misconduct and Penalties Were Decided Adversely to Creditors in Their Adversary Pursuant to the Order Dismissing." Mot., p.19:27-28. To the extent Debtor is claiming that the dismissal of Claimant's Adversary Proceeding was actually a decision on the merits in Debtor's favor, the court declines to make such a finding. The Adversary Proceeding was dismissed for failure to prosecute. See §E.4 below.

Thus, Debtor has not shown grounds upon which reconsideration may be granted under FRCP 59, for newly discovered or previously unavailable evidence, or otherwise.

5. Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid.

Debtor's response repeats his assertion that "the state court petition does not meet the initial burden for Claimants to enjoy the presumption of validity imposed by Fed R Bankr P 3001(f)." Mot., pp.2023-21:3. Debtor repeats the requirements under FRBP 3001(c) and adds a reference to the case of *In re DePugh*, 409 B.R. 84, 96–97 (Bankr. S.D. Tex. 2009), which purports to explain the reasoning for requiring that writings be attached to proofs of claim.

This again seems to miss the point the POC #1 is not like the claims in *In re DePugh*, or the claims in *In re Gilbreath* already discussed above under §A.1. In fact, the court in *DePugh* references *Gilbreath* because apparently the claimants in those cases were represented by the same counsel of record, who again filed proof of claims with no documents attached to them. *In re DePugh*, 409 B.R. at 90. Again, the claims in those issues centered around consumer credit card debt (claims based on a writing such as a credit card agreement) and the issue of assignments from creditors to assignees. This is distinct from POC #1 in this case. As the November 30 tentative ruling stated:

Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

See Mot., Ex. M, ¶4.

Thus, Debtor's emphasis on the requirements under FRBP 3001 is misplaced in light of the other bases for POC #1.

Similarly, to the extent Debtor attempts to draw a finding of bad faith here, his statement "The Element of Attorney Bad Faith Was Raised in Respect to the Practice of Filing Proofs of Claim Without Required Documents" is not persuasive. See Mot., pp.21:27-22:5. The Bankruptcy Court in *DePugh* was dealing with counsel of record that apparently did not get around to reading its ruling in *Gilbreath* before filing proof of claims with no documents attached to them in *DePugh*. Counsel apparently admitted to not making an attempt to comply with FRBP 3001, and in turn the court found that such "self-professed ignorance of applicable law and [that] Court's Notice and Order can only be described as 'willful ignorance,' which constitutes bad faith." *In re DePugh*, 409 B.R. at 104. Consequently, the court in *DePugh* did not permit creditor to amend its deficient claims. This case is factually and procedurally dissimilar from *DePugh* and as a result, this court cannot make the same findings as the court there.

**6. The Complaint That Failing to Attach Exhibits to the Proof of Claim Renders it Invalid Is Incorrect as a Matter of Law**

This appears to be a continuation of Debtor's argument in the immediately preceding subsection titled "Debtor Complains That Failing to Attach Certain Exhibits to the Proof of Claim Renders it Invalid." See §B.5 above. Debtor's response here is that "Failure to Attach Exhibits Obviates the Prima Facie Validity of a Proof of Claim." Mot., p.22:9-10. He goes on to cite the case of *In re Sheedy*, 567 B.R. 597, 598 (Bankr. W.D. Wash. 2017), which also refers to *In re Richter*, 478 B.R. 30, 45-46 (Bankr. D. Colo. 2012). Ultimately, *In re Sheedy* adopts the Ninth Circuit BAP's holding in *In re Heath*, which this court has already referenced for the principle that a failure to attach sufficient documentation is not a basis for disallowance of a claim. Therefore, this response does not provide a basis for disallowance, let alone a ground for reconsideration of this court's overruling Debtor's Objection to POC #1.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

7. The Court Finds That POC #1 is Not Based Entirely on a Writing But Also on California Probate and Civil Codes

As in the above subsections, Debtor's response reiterates the applicability of *In re Heath*, but does not advance a tenable argument for why this court's overruling of the Objection should be disturbed. Specifically, Debtor contends that he "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection." Mot., p.23:3-4. This is in apparent reliance on the passage Debtor cites from *In re Heath*, which include the phrase, "If the debtor thinks that every one of the challenged claims is overstated [...] she may investigate fully her theories and raise every viable claim or defense that she has." See Mot., p.23:5-8. Debtor's narrow reading of this passage is misplaced.

First, Debtor fails to account for the kind of claim at issue there, again apparently based on consumer credit card debt. POC #1 here is not that kind of claim. Second, that quote is actually taken from the case of *In re Shank*, 315 B.R. 799, 815 (Bankr. N.D. Ga. 2004), where the court there was deciding whether to require claimants to amend their proofs of claim for credit card and other consumer account debt, and in the context of a debtor whose sworn statement in her schedules showed that what was actually at issue was the amount owed where claimants filed for amounts less than the debtor showed in her schedules. Moreover, the BAP in *In re Heath* discusses a creditor's "obligation to respond to formal or informal requests for information" [*In re Heath*, 331 B.R. at 437] and "the failure to provide supporting documentation in terms of, for example, "the past twelve months' credit card statements" [331 B.R. at 436]. Here, Claimants may not be able to provide that kind of documentation where the claim is based on an unliquidated state court claim, for which a judgment would presumably only come after the probate court has decided the merits of the matter pending before it.

In addition, the remainder of the passage from *In re Heath* states that

If the debtor requires documentation to make a good faith inquiry into the existence or amount of any liability and a claimant refuses a legitimate request to produce it, an objection that asserts her

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

good faith challenge and requests disallowance of the claim due to inadequate documentation would be appropriate and could well result in entry of an order disallowing the claim or requiring its amendment.

See Mot., p.23:8-14 (citing *In re Heath*, 331 B.R. at 437).

Again, taken in context, the BAP was only dealing with supporting documentation for a claim based on a writing, whereas this court has already found that: "Here, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Therefore, to the extent Debtor relies on the notion that inadequate documentation "could well result in entry of an order disallowing the claim or requiring its amendment," the would be applicable in the kind of claims dispute contemplated by the BAP in *In re Heath*. Consequently, Debtor's having "conducted a full investigation of POC #1 and included detailed exposition of his challenge in the Objection" [Mot., p.23:3-4] is inapposite. Such an exposition should be presented to the probate court.

**8. There is No Legal Basis For Procedural Irregularities  
Invalidating the Proof of Claim**

According to Debtor, "[t]here was no request to invalidate POC #1 by reason of Hutchens' persistent incompetence and violation of court rules described in the initial Objection." Mot., p.23:26-27. Instead, according to Debtor, "[i]t was appropriate to document the early signs of what can now be seen as an established pattern of misconduct" because "[t]here was legitimate cause for concern." Mot., p.24:1-2. Specifically, Debtor again incorrectly focuses on Claimant's counsel's "failure to attach exhibits to pleadings and/or file them with the court and the failure to attach documents on which the proof of claim is based" and classifies them as "not honest mistakes." *Id.* at Ins. 2-4. This is problematic because "documenting early signs" of misconduct is not a basis for disallowance of a proof of claim, and neither is Debtor's purported "cause for concern."

Debtor concludes his response to this part of the November 30th ruling, stating: "Debtor's Objection incorporating this conduct is one clear path to total

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

disallowance of POC #1. [see, eg citations to *Sheedy* and *Heath*, supra]," and that "Hutchens' misconduct in earlier stages of this litigation remains relevant to other arguments for relief as well." Mot., p.24:4-7. This court has already addressed Debtor's apparent misapplication of *Sheedy* and *Heath* above. An attempt to document conduct of Claimant's counsel who is no longer eligible to practice is not a "clear path to total disallowance of POC #1." Thus, Debtor's response here also does not show a basis for reconsideration, such a newly discovered evidence. Moreover, §A.1. above addresses Debtor's arguments regarding Mr. Hutchens having been found ineligible to practice law.

9. There is No Legal Basis for Disallowing POC #1 Arising  
From the Ch 7 Trustee's Unrelated Fraudulent Conveyance  
Adversary Against a Third Party

First, the court notes that what the ruling actually states is: "Fifth, Debtor refers the court to an unrelated adversary proceeding for fraudulent conveyance commenced by the chapter 7 trustee against Debtor and a third party as a basis for disallowing POC #1, again without any legal support." (emphasis added). Mot., Ex. M, ¶4.

In response, Debtor points out that he is not a named defendant in the Golden Adversary, "but his 50% equitable interest [in the residence] is at stake." Mot., p.24:13. Setting aside the inclusion of Debtor in that part of the ruling does not overcome the absence of legal support in the Objection for claim disallowance. Debtor's response also sidesteps the issue of legal support when he again refers to "[t]he impact of Hutchens' procedural irregularities and dishonesty" and his opinion that this has "spread to the fraudulent conveyance adversary, which is in fact very closely related to Debtor's interests in the bankruptcy case." Mot., p.24:13-15. These are more factual assertions by Debtor rather than basis for reconsideration of merits of the overruled Objection.

Debtor then references §V(B)(1) of the Objection [Obj., p.20], without explaining how looking at that part of the Objection and essentially reconsidering what this court has already reviewed is warranted. Nevertheless, the court reviews that section of the Objection and finds Debtor's already rejected allegations of procedural confusion. If in fact there has been a combination of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

petitions under one case number, then that would appear to be an issue for the probate court to resolve.

Finally, Debtor explains that the Golden Adversary involves his home, and contends that the only parties who stand to benefit from the sale of Debtor's home are the Claimants, the Chapter 7 Trustee and the Trustee's attorney. He also states that he has been told that there have been fees and costs incurred by the Trustee's attorney amounting to approximately \$48,000.00. See Mot., pp.24:20-25:8. These statements remain detached from a substantive basis for reconsideration, let alone disallowance of POC #1.

10. The Bankruptcy Guarantee of a "Fresh Start" is Not a Basis for Disallowance of POC #1

Debtor's response relies on the case of *In re Neiheisel*, 32 B.R. 146, 157 (Bankr. D. Utah 1983). However, that case discussed the "fresh start doctrine" and the three fundamental tenets quoted by Debtor, in the context of objections to *claimed exemptions*. This is an entirely separate issue (addressing a debtor's claim of exempt property under 11 U.S.C. §522(d)) from the issue of objections to claim or motions to disallow claim under 11 U.S.C. § 502. Debtor's reliance on this case is misplaced, and therefore this court's ruling on that issue should stand. In other words, Debtor has not shown that a "fresh start" is a basis for disallowance of a claim. Moreover, citing to inapplicable case law is not a basis for reconsideration.

Finally, Debtor concludes with a subsection intended to address the part of the November 30th ruling that state: "assuming the adversary proceeding is dismissed, Debtor will receive a discharge regardless of the allowance of POC # 1." Mot., Ex. M, ¶4. In response, Debtor states: "This is incorrect. Given the special circumstances explained herein, a discharge does not alleviate the effect of allowance of POC #1." Mot., p.26:4-5. Debtor has misconstrued the court's point. Even if a "fresh start" was a basis for disallowance as proposed by Debtor, which this court has already stated it is not under 11 U.S.C. § 502, Debtor would receive a discharge. Here, Debtor did in fact receive his discharge on January 9, 2017. This is distinct from having a claim disallowed. Debtor has not shown that a "fresh start" necessarily means disallowance of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

claims like POC #1. Again, Debtor fails to show a basis for reconsideration.

Debtor follows up the abovementioned "responses" to the court's November 30th tentative ruling, with a section titled "Conclusion For Case Summary and Debtor's Response to Tentative." Mot., p.26:6-23. There, he contends that he has articulated sufficient counter evidence in his Objection to rebut the claim. Reiterating what he believes he has done rings hollow. First, Debtor has not shown a sufficient basis for reconsideration under FRCP 59. Second, his attempt to respond to the November 30th tentative ruling that this court adopted in overruling his Objection lacks merit.

*C. Debtor's "Supplemental Points and Authorities Incorporating Recent Events" Does Not Meet the Standards for Newly Discovered or Previously Unavailable Evidence*

According to Debtor, §V. of this Motion is meant to "provide more complete details of Debtor's rebuttal evidence and coverage of events that occurred after the initial Objection was filed." Mot., p.26. The original Objection was filed on June 25, 2017 [Docket No. 43]. This court was well-aware of Mr. Hutchen's ineligibility to practice law when it issued its October 19, 2017 ruling to continue the hearing to November 30 to allow Debtor to serve the Claimants directly due to their attorney of record's ineligibility to practice law as of September 1, 2017 (per the website of California State Bar). Debtor's main argument in this section of the Motion is that "Hutchens' Conduct Has Saddled Debtor With Inequity." Mot., p.27:1. An argument for inequity seems to diverge from what should be the basis for reconsideration under FRCP 59(e) that there is newly discovered or previously unavailable evidence. Nevertheless, the court considers Debtor's six sub-arguments.

1. Debtor Contends that Hutchens' Disrepute as an Attorney Serves to Disqualify Him From Execution and Filing of POC #1

Other than highlighting the fact that the State Bar website showed that Mr. Hutchens appeared to have defaulted in his disciplinary case as of September 25, 2017, and a petition for disbarment was filed on January 5, 2018, Debtor does not explain how this would constitute newly discovered or previously

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

unavailable evidence that warrant reconsideration of the merits of this court's overruling the Objection.

Debtor also "respectfully request[s] that each of the Creditors be required to sign POC #1 in Hutchens' stead if they wish to proceed." Mot., p.27:9-10. Debtor offers neither legal authority for this request, nor an explanation for whether such a request is properly brought before this court within a motion for reconsideration.

Finally, Debtor contends that he "has pleaded Hutchens' myriad instances of failure to perform with competence in this litigation, and there is good cause to doubt his honesty." Mot., p.27:20-21. First, focusing on Mr. Hutchens's actions, or lack thereof, misses the point that this court is faced with an unliquidated claim that has not been resolved by the probate court. Whether Claimants proceed on their own in probate court or retain other counsel is not this court's concern. Second, Debtor's opinion that "there is good cause to doubt [Mr. Hutchens's] honesty" is of no help. Other than Mr. Hutchens's disciplinary issues, Debtor has not identified events since the original Objection was filed, let alone events that are germane to the merits of reconsideration.

1. Debtor's Argument Regarding Bad Faith is Unavailing

Next, Debtor proffers that "There Was Bad Faith in Attorney Hutchens' Presentation of Proof of Claim #1." Mot., p.27:27. Debtor's citations to an unpublished opinion from the Fifth Circuit, *Burnsed Oil Co. v. Grynber*, 320 F. App'x 222, 230 (5th Cir.), supplemented, 323 F. App'x 344 (5th Cir. 2009), and the Supreme Court of Texas, *Citizens Bridge Co. v. Guerra*, 152 Tex. 361, 365, 258 S.W.2d 64, 66-67 (1953)) describe "bad faith" as construed in those jurisdictions. It is unclear how these cases are supposed to support Debtor's request for reconsideration.

Debtor goes on to explain how Claimant's "based their claim on a state court petition." Mot., p.28:10. The fact that the petition was missing certain exhibits referred to therein is, again, of no consequence to the matter pending before this court. Debtor already brought up these missing exhibits in the original Objection. The argument was unavailing then, and it is no more persuasive now.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

Moreover, this is not newly discovered or previously unavailable evidence.

2. Mr. Hutchens's Purported Failure to Provide Documentation to Support the Amount of the Claim

First, this court has already addressed the issue of documentation in support of a proof of claim. See e.g. §§B.5, 6, 7 above. Second, the arguments in this part of the Motion are supposed to highlight developments that have taken place since the filing of the original Objection. Instead, Debtor spends two paragraphs discussing an email exchange from January 30, 2017. None of this speaks to a basis for reconsideration of the court's overruling the Objection.

In addition, the court notes that Debtor is inappropriately taking liberties with his interpretation of the communications between Debtor's counsel and Mr. Hutchens. Specifically, Debtor states that "Hutchens admitted that \$350,000 is an arbitrary figure. [Worthington Decl ¶18, 8:20-25]." Mot., p.29:1. The declaration at issue is found at the end of the original Objection [Docket No. 43, and re-filed as part of Docket No.93-8], signed June 24, 2017. Paragraph 18 of that declaration is on page 8, and after reviewing that paragraph, including lines 20-25, as well as the paragraph that follows, it appears Debtor's counsel is merely repeating his belief that "Hutchens admitted that \$350,000 is an arbitrary figure." Even when this court reviews the emails at Exhibit E of the Objection, it finds *no such admission* from Mr. Hutchens. Instead, at Exhibit E-3, Debtor's counsel is the one that states "the \$350,000 proof of claim is a random amount." At Exhibit E-4, Mr. Hutchens's email states that based on Debtor's counsel's responses "[Debtor and his counsel] would like to go forward with the motion for relief from stay so that [the parties] get an order to make [Debtor] account then go forward." Obj., Ex. E-4. This appears to be the crux of the issue. It would be more helpful to have the probate matter resolved, including but not limited to the sorting out of the accounting, which would inform the parties of the correct claim amount that forms the basis of POC #1. Only then would this court be able to rule on the merits of an Objection. Until then, Debtor's fixation on Mr. Hutchens is futile.

3. Hutchens Curtailed Document Disclosure and instead Conditioned Voluntary Dispute Resolution on First Obtaining an

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT...

**Thomas J Smith, III**

Order for Debtor to Account

Chapter 7

Most of the analysis above in §C.3 applies here. Again, Debtor unnecessarily focuses on Mr. Hutchens's purported failures. Debtor has not shown how this is newly discovered or previously unavailable evidence. No other basis for reconsideration has been shown.

5. Debtor Argues that He is Entitled to Have the Creditors'  
Documentary Evidence Excluded From Evidence or to Monetary  
Sanctions

Here, Debtor refers solely to FRBP 3001(c)(2)(D). Again, Debtor has veered from the requirements for a motion for reconsideration. Moreover, FRBP 3001(c)(2)(D) applies when "the holder of a claim fails to provide any information required by this subdivision (c)." Subdivision (c) addresses claims based on writing, and claims based on an open-end or revolving consumer credit agreement, for example. This court already found that "[h]ere, it is apparent that POC #1 is not based entirely on a writing but also on certain California probate and civil codes as presented both in the proof of claim and Debtor's objection thereto." See Mot., Ex. M, ¶4. Even if POC #1 was based on some writing, this pending motion is one for reconsideration. Debtor has not shown how notice and a hearing have been afforded to Claimants on the issue of precluding omitted information. Rather, both parties are waiting for a judgment in probate court, which would presumably impact the claims allowance process here. In other words, even if Claimants provided documentary evidence that Debtor requested, such documentation would not definitively determine the appropriate claim amount. Again, the probate court would adjudicate that issue.

6. Debtor States that Claimants Are Also Responsible for Their  
Attorney's Delay

Finally, Debtor concludes this section that is supposed to be about developments since the original Objection with a discussion of delay. In an overly broad statement, Debtor states that "[a]ccording to the Supreme Court's decision in *Link v. Wabash R.R. Co.*,[...] the Claimants are responsible for delays caused by Hutchens." Mot., p.30: 2-3. A review of that case shows that



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

the Court was dealing with a district court's dismissal of an action for failure to prosecute, which was affirmed by the appellate court. In affirming, the Supreme Court announced that where the district court considered the absence of the attorney at the pretrial conference, in addition to the history of that litigation and "all the circumstances surrounding counsel's action in the case," then "[t]his obviously amounts to no broader a holding than that the failure to appear at a pretrial conference may, in the context of other evidence of delay, be considered by a District Court as justifying a dismissal with prejudice." *Link v. Wabash R. Co.*, 370 U.S. 626, 635 (1962). Therefore, to the extent Debtor attempts to impute Mr. Hutchens's failings on Claimants, the argument is misplaced in the context of this motion for reconsideration. Debtor is not directing this court to newly discovered or previously unavailable evidence that shows cause for reconsideration of the Objection.

Similarly, Debtor's citation to the unpublished case of *Antabian v. Wells Fargo Bank, N.A.* is inapposite. The issue in that case was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. *In re Antabian*, No. AP 2:15-AP-01339-ER, 2016 WL 7404667, at \*6 (B.A.P. 9th Cir. Dec. 21, 2016). This court has already noted previously that the Adversary Proceeding between Debtor and Claimants has been dismissed. Debtor's references to dismissal for lack of prosecution demonstrate a possible misunderstanding of where this case is procedurally. Dismissal of Debtor's objection and motions for reconsideration does not mean automatic disallowance of the underlying claim. As repeated above, POC #1 is an unliquidated claim that has not yet been adjudicated and based entirely on state law. See Mot., Ex. M, ¶4. To the extent that what is delaying that adjudication is the automatic stay, Debtor may wish seek relief from stay to proceed in that non-bankruptcy forum. In the meantime, qualms Debtor may have about Mr. Hutchens or Claimants' ability to prosecute the probate matter are unlikely to be resolved in this court, let alone in a motion for reconsideration that was supposed to be based on developments since the filing of the original Objection.

*D. Debtor's Remaining Argument Is More Appropriately Brought Before the Probate Court*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

Debtor concludes the final section of his Motion stating, "[i]n addition to the above, Debtor has rebutted the allegations of POC #1 as follows." What follows are a series of substantive legal arguments that appear to be geared towards arguing the merits of the matter that is pending in probate court. See Mot., pp.30:14-35:9. For example, Debtor begins §B on page 33 of the Motion stating, "[w]ith respect to Hutchens' allegation in the State Court Petition..." which is clearly not about a basis for reconsideration of the Objection that was before this court. Ultimately, Debtor took the time to review the November 30th tentative ruling that this court adopted. However, Debtor failed to show cause for reconsideration under FRCP 59.

*E. Debtor Filed a Reply Despite the Absence of an Opposition*

Claimants did not file a timely opposition, so there was no pleading to which Debtor needed to reply. To the extent Debtor is supplementing the Motion filed on January 29, 2018 with any new arguments, this court need not consider them since Claimants are not afforded the opportunity to respond.

This is reminiscent of Debtor's "Supplemental Memorandum of Points and Authorities" filed on January 5, 2018 [Docket No. 82], in advance of the status conference set on January 17, 2018 at 9:30am. The court's tentative ruling stated: "The court will not consider the untimely filed Supplemental Memorandum of Points and Authorities filed Jan 5, 2018." Here, the reply is timely, but any new arguments therein are not. The court considers each of the arguments set forth in the reply, but ultimately the outcome remains the same, namely, the motion should be denied.

1. Debtor's Status Update

Debtor begins his reply with a "Status Update" highlighting the fact that Claimants have not filed an opposition to the instant motion. "Debtor has been left alone to litigate the subject Objection to Proof of Claim ("Objection") with non-appearing, not prosecuting and non-opposing parties." Reply, p.1:23-25. The lack of opposition in the context of the original Objection did not prevent this court from overruling Debtor's Objection. The court adopted its November 30th tentative ruling, which overruled the Objection on the merits, and said among

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

---

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

other things: "Debtor's objections are presented in a "shot-gun" approach, i.e, several theories of defense are presented in a matter that undermines the goal of rebutting the presumption." Mot., Ex. M, ¶4. Debtor may wish to shift his focus to obtaining a judgment in the probate court matter, since POC #1 is an unliquidated claim that needs to be adjudicated and is based entirely on state law.

2. Mr. Hutchens's Eligibility to Practice Law

This court has already addressed, in §A.1, §C.1 and §C.3 above, how Mr. Hutchens's ineligibility to practice law is not a basis for reconsideration of this court's overruling Debtor's Objection.

At the outset, Debtor's heading "The Disbarment of Claimants' Attorney Invalidates Proof of Claim #1" is inaccurate in more than one respect. See Reply, p. 2. First, Mr. Hutchens has not been disbarred yet. A review of the California State Bar website shows that as of March 6, 2018 he is not eligible to practice law in California, and that this designation was effective as of September 1, 2017. See CA State Bar Website (printout). Second, the POC #1 has not been invalidated as a result of Mr. Hutchens's unavailability, the fact that he signed the proof of claim when it was originally filed or for any of the other reasons Debtor proposes. In any event, these arguments do not show cause for reconsideration under FRCP 59.

Debtor refers to FRBP 3001(b), and asserts that "[t]he signature is a requirement for a valid proof of claim." Reply, p. 2:8-9. However, FRBP 3001(b) simply addresses who may execute a proof of claim, and it says: "A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005." At the time POC #1 was executed on January 8, 2017, Mr. Hutchens signed the proof of claim and checked the box for "creditor's attorney or authorized agent." Obj., Ex. A. This meets the minimal requirement of FRBP 3001(b), regardless of Mr. Hutchens's eligibility to practice law in California as 8 months later.

Next, Debtor cites to *Smyth v. City of Oakland (In re Brooks-Hamilton)*, 329 B.R. 270, 283 (B.A.P. 9th Cir. 2005), but the Panel's discussion of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... **Thomas J Smith, III**

Chapter 7

sanctions under FRBP 9011 is not relevant to the matter pending before this court. There are procedural requirements that a movant has to satisfy before bringing a sanctions motion, not least of which is giving adequate notice of an attorney's alleged misconduct. In diverging from the motion at hand, Debtor is not showing cause for reconsideration of the merits of the Objection. Therefore, Debtor's further musings that "Hutchens is clearly unavailable and not accountable for his non-compliance with Fed R Bankr 9011(b)," are likewise misplaced, as is his contention that "[i]t is incumbent on Claimants to sign the POC in place of Hutchens." Reply, p.2:17-19.

Similarly, Debtor's quotation from *In re Ganas*, 513 B.R. 394, 412 (Bankr. E.D. Cal. 2014) does not fit squarely within the issues in this motion for reconsideration. One of the bankruptcy court's holdings there was that debtors' claims for negligence, fraud, misrepresentation, breach of contract, and conversion, all of which were based on secured creditor's preparation, filing, and/or prosecution of its proof of claim, were preempted by the Bankruptcy Code and its remedial schemes. Those kinds of claims are not what are pending before the probate court in the Superior Court of Orange County. The court in *In re Ganas* was, first of all, dealing with an adversary complaint in which Chapter 13 debtors were objecting to the proof of claim filed by secured creditor Wells Fargo Bank. Based on the parties' representations in this case, the claim here is purportedly not a secured claim. Moreover, as this court has found, POC #1 is an unliquidated claim that has not yet been adjudicated. Thus, Debtor's reliance on *In re Ganas* is inapt. Furthermore, his concluding sentence that "[g]iven the Claimants' failure get another attorney, to appear, prosecute their claims or oppose this contested matter since Hutchens was ineligible to practice (circa 09/01/17), the court may disallow the POC for lack of authorized signature," does not follow from any of the above. Debtor's argument is conclusory and unsupported by the case law he cites because the procedural posture and facts in this case are dissimilar.

3. Debtor Alleges that "There is Evidence of Creditor Fraud in the Claim Under Cal Civ Code 789.3"

At this point in his reply, Debtor narrates a series of supposed inconsistencies and certain communications between Debtor and one of the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... **Thomas J Smith, III**

Chapter 7

Claimants, all of which are connected to the state court issues that this court has already noted have not yet been adjudicated. In §D above, this court explained that Debtor's arguments directed at the merits of the Claimants' state court petition in probate court are not for this court to decide in the context of a motion for reconsideration of the court's overruling Debtor's Objection. Again, Debtor fails to show cause for reconsideration under FRCP 59 because these assertions are not newly discovered or previously unavailable evidence.

4. Whether The Claimants May Be Treated As Defaulting Parties

It is unclear why Debtor brings up arguments pertaining to the already dismissed adversary proceeding between Claimants and Debtor. Debtor contends that as a consequence of his obtaining a dismissal of that adversary for lack of prosecution "Claimants have lost their claim for non-dischargeability on the merits." Reply, p.4:16-17. At an earlier hearing, this court emphasized that dismissal was not on the merits.

Debtor improperly relies on a footnote from *In re Walker* (Bankr.D.Nev. 2005) 332 B.R. 820, 825, fn. 2. The court there was dealing with a motion for relief from stay and the court specifically entered an order denying "with prejudice for failure to prosecute." This is not what happened in the Adversary Proceeding here; it was a straight dismissal. Moreover, Debtor's reliance on FRCP 41(b) needs to be viewed in the context of FRBP 7041, which provides that

Rule 41 F.R.Civ.P. applies in adversary proceedings, except that a complaint objecting to the debtor's discharge shall not be dismissed at the plaintiff's instance without notice to the trustee, the United States trustee, and such other persons as the court may direct, and only on order of the court containing terms and conditions which the court deems proper. (emphasis added).

Again, the order dismissing the Adversary Proceeding is a straight dismissal, with no other terms or conditions, or indication that it was a dismissal on the merits See Adv. Docket No. 26. Finally, as this court noted above in

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

---

10:30 AM

CONT...

**Thomas J Smith, III**

**Chapter 7**

§C.6, the issue in *In re Antabian* was whether the bankruptcy court abused its discretion when it dismissed Debtor's adversary proceeding against Wells Fargo with prejudice for failure to prosecute. A closer look at that case shows that the bankruptcy court made explicit findings and conclusions and provided a detailed explanation of how it weighed the five factors for such a dismissal. *In re Antabian* involved a much longer litigation involving the sale of real property, and an adversary proceeding instituted *by debtor* essentially to try to avoid or delay such a sale. In addition, the bankruptcy court did not impose an immediate dismissal of the adversary proceeding in its order. Instead, the bankruptcy court afforded Debtor an additional month to negotiate with Wells Fargo before its order dismissing the adversary proceeding would become final. *In re Antabian*, at \*11. In any event, this court need not go deeper into a discussion of the already dismissed Adversary Proceeding because it bears little connection to the pending motion for reconsideration.

Debtor again offers only a conclusory argument that "[f]or the foregoing reasons, all of Claimants' state statute, breach of fiduciary duty and misconduct claims in the POC should be disallowed." Reply, p.5:3-4. Debtor appears to be reaching the merits of the petition in probate court. To the extent those are claims asserted in probate court, they are not for this court to adjudicate. Debtor cannot circumvent the fact that POC #1 remains unliquidated because the parties have yet to resolve that probate court matter. Thus, Debtor again fails to show how reconsideration under FRCP 59 is warranted.

5. Finally, Debtor Asserts that Claimants Have No Documentary Evidence and No Testimony to Prevail on the Merits of their Claim

At the outset, based on this court's review of the Objection and reconsideration, the merits of the claim turn on the adjudication of the probate court matter. Only then will Debtor *and* Claimants have evidence for the appropriate amount of the claim, if in fact it can be reduced to a certain amount. Debtor's arguments based on Claimants' alleged non-participation in the claims objection proceedings or the reconsideration motions thereafter, are not enough to overcome the fact that the state law issues remain to be determined in probate court.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT...**

**Thomas J Smith, III**

**Chapter 7**

With regard to Debtor's concluding argument that Claimants have failed to carry their burden of proof, this fails to take into account that even with only the petition as part of POC #1, this court was nevertheless able to overrule Debtor's Objection on the merits. Debtor has not come forward with newly discovered or previously unavailable evidence that shows cause for reconsideration. Moreover, Debtor's submission that POC #1 should be disallowed in its entirety "or that specific findings and conclusions be provided to support an estimated amount for allowance despite Debtor's evidence" further highlights Debtor's misplaced focus. This court cannot estimate the amount of allowance for an unliquidated claim that the probate court has yet to determine.

Conclusion

In adopting its November 30, 2017 tentative ruling, this court overruled the Objection on the merits. Among other reasons, the court noted that Debtor's "shot-gun" approach of several theories of defenses were presented in a matter that undermines the goal of rebutting the presumption of validity created by a timely filed proof of claim. Debtor's counsel represented that there had been developments since the filing of the original Objection. Presumably, Debtor's subsequent motion would therefore focus on such newly discovered or previously unavailable evidence. Instead, Debtor spends much of this pending motion attempting to address the November 30th ruling. Ultimately, Debtor has not shown cause for reconsideration under FRCP 59. Debtor's focus on Mr. Hutchens and his ineligibility to practice law may have distracted Debtor from the basis of this court's overruling the Objection. To wit, POC #1 remains an unliquidated claim that has not yet been adjudicated by the probate court. To the extent relief from stay is necessary to proceed in that non-bankruptcy forum, Debtor may wish to proceed down that path rather than focusing on Claimants' or their counsel's inaction.

-----  
**May 31, 2018**

In light of possible settlement, continue hearing to June 26, 2018 at 10:30 a.m.  
(XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Thomas J Smith, III

Chapter 7

***Note: Appearances at this hearing are not required.***

-----

**June 26, 2018**

Movant to advise the court re the status of this matter.

-----

**September 13, 2018**

Take matter off calendar as resolved.

Tentative ruling based on circumstances described in Document #145 on the court's docket.

***Note: Appearances at this hearing not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Movant(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:16-14921 Brian K Park and Yoon J Jang

Chapter 7

#29.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Brian K Park

Represented By  
Joon M Khang

**Joint Debtor(s):**

Yoon J Jang

Represented By  
Joon M Khang

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Brian K Park and Yoon J Jang**

Reem J Bello

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:16-14921 Brian K Park and Yoon J Jang

Chapter 7

#30.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR THE TRUSTEE]**

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian K Park

Represented By  
Joon M Khang

**Joint Debtor(s):**

Yoon J Jang

Represented By  
Joon M Khang

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

8:17-10097 Cozette Hanich

Chapter 11

#31.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[JULIE J. VILLALOBOS, ATTORNEY FOR DEBTOR]**

Docket 116

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cozette Hanich

Represented By  
Julie J Villalobos

**Movant(s):**

Cozette Hanich

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#32.00** Post Confirmation Status Conference RE: Individual Debtor's Second Amended Chapter 11 Plan of Reorganization

(Set at Conf. Hrg. held 4-12-18)

Docket 63

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion for an Order Closing Case on Interim Basis Entered 6/11/2018; Case Closed 6/28/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for an Order Closing Case on Interim Basis Entered 6/11/2018; Case Closed 6/28/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#33.00** Hearing RE: Debtor's Original Disclosure Statement Describing (2) Original Chapter 11 Plan

Docket 79

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve disclosure with minor corrections

Corrections:

1. Pg 4: Why is there "(29)" after "Fraudulent Transfers"?
2. Pg. 5: Re administrative expenses, are there no anticipated attorneys fees/ expenses?
3. Pg 5: Why is there a "(35)" after the word Plan at line 24.5?
4. Pg.6: Remove "(40)" at line 12.
5. Pg. 8: Re Class 2a: collateral not listed
6. Pg. 8: Re Class 2(b) : collateral not listed
7. Pg. 9: Lines 1: add a space between \$5,000.00 and "or". "Or" is important.
8. Need a chart for list of general unsecured creditors

TENTATIVE CONFIRMATION SCHEDULE

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Tri-Star Construction and Restoration Services, In**

**Chapter 11**

Hearing date: November 15, 2018 at 10:30 a.m.

Deadline to file final version of DS: 9/21/18

Deadline to serve plan packages: 9/28/18

Deadline for creditors to return  
ballots/object to plan: 10/26/18

Deadline to file confirmation brief: 11/2/18

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#33.10** CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 3-8-18; 6-7-18; 9-6-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Chapter 11 Status Report not filed as required by this court's Order entered 1/10/18 [docket #4]. Debtor's counsel to advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

Deadline to file plan/disclosure statement: May 22, 2018  
Claims bar date: May 15, 2018 (notice by 3/15/18)  
Continued Status Conference: Jun 14, 2018 at 10:30 a.m. (XX)  
Deadline to file updated Status Report: May 31, 2018 (waived if plan & disclosure statement are filed)

***Note: Appearance at this hearing is required.***

-----

**June 7, 2018**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

CONT... **Tri-Star Construction and Restoration Services, In** **Chapter 11**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018 unless a plan and disclosure statement have been filed by such date, in which case the requirement of an updated status report will be waived and the status conference will be continued to the date/time set for hearing on approval of the disclosure statement. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the UST prior to the hearing.***

-----

**September 6, 2018**

Continue hearing to September 13, 2018 at 10:30 a.m., same day/time as hearing on approval of disclosure statement. (XX)

***Note: Appearance at this hearing is not required.***

-----

**September 13, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#34.00** Hearing RE: Chapter 7 Trustee's Application to Employ Danning, Gill, Diamond & Kollitz, LLP as General Co unsel

Docket 277

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Approve application.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Trustee will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10557 Clayton M Saunders**

**Chapter 13**

**#35.00** Hearing RE: Application for Allowance of Administrative Expense of Former Chapter 7 Trustee [Period 2/21/2018 to 6/7/2018]

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Allow fees and costs in the amount of \$4,000.00, inclusive of expenses.

Basis for Tentative Ruling:

This court follows the majority view cited in the Trustee's pleadings that when a case converts to chapter 13, the trustee may be entitled to an administrative claim for services rendered by the trustee and/or her counsel on a *quantum meruit* basis. This does not, however mean that the Trustee and her counsel may be awarded a claim for 100% of time spent administering the chapter 7 case.

In this case, the court has determined that the Trustee is entitled to recover the value of extraordinary services rendered for the benefit of the estate that were directly incurred as a result of Debtor's conduct or behavior. In this regard, the court incorporates by reference its tentative ruling comments for the May 31, 2018 hearing re Debtor's Motion to Convert this case to chapter 13, which tentative ruling is attached as Exhibit A to the Trustee's Reply to Debtor's Objection to the fee applications of the Trustee and counsel to the Trustee.

As a result of Debtor's refusal to relinquish control of estate assets by terminating his prepetition listing agreement, unauthorized postpetition operation of his coin laundry business, his failure to maintain adequate business and financial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Clayton M Saunders**

**Chapter 13**

records, and overall lack of cooperation regarding various requests of the the Trustee, the Trustee was compelled to conduct multiple 341a meetings, prepare a motion for turnover of estate property, review available tax and other financial information regarding Debtor's various business operations, oppose Debtor's motion to dismiss the case, etc.

After careful review of the Trustee's detailed time records from February 21, 2018 through May 31, 2018, the court has determined that the Trustee performed substantial services beneficial to the estate in the amount of \$4,000.00, which amount includes services relating to 1) the preparation and attendance at multiple 341a meetings (not including the initial meeting and not including attendance by the Trustee's paralegal or administrator), 2) issues regarding Debtor's listing agent , 3) issues relating to the operation of the coin laundry business, 4) opposing Debtor's motion to dismiss, and 5) the motion for turnover of property of the estate.

**Party Information**

**Debtor(s):**

Clayton M Saunders

Represented By  
Christine A Kingston

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10557 Clayton M Saunders**

**Chapter 13**

**#36.00** Hearing RE: Application for Allowance of Administrative Expense of Counsel for Former Chapter 7 Trustee [Period: 4/13/2018 to 6/11/2018]

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Allow fees and costs in the amount of \$5,000.00, inclusive of expenses.

Basis for Tentative Ruling:

This court follows the majority view cited in the Trustee's pleadings that when a case converts to chapter 13, the trustee may be entitled to an administrative claim for services rendered by the trustee and/or her counsel on a *quantum meruit* basis. This does not, however mean that the Trustee and her counsel may be awarded a claim for 100% of time spent administering the chapter 7 case.

In this case, the court has determined that the Trustee's counsel is entitled to recover the value of extraordinary services rendered on behalf of the Trustee for the benefit of the estate that were directly incurred as a result of Debtor's conduct or behavior. In this regard, the court incorporates by reference its tentative ruling comments for the May 31, 2018 hearing re Debtor's Motion to Convert this case to chapter 13, which tentative ruling is attached as Exhibit A to the Trustee's Reply to Debtor's Objection to the fee applications of the Trustee and counsel to the Trustee.

As a result of Debtor's refusal to relinquish control of estate assets by terminating his prepetition listing agreement, unauthorized postpetition operation of his coin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room

5A

10:30 AM

CONT... Clayton M Saunders

Chapter 13

laundry business, his failure to maintain adequate business and financial records, and overall lack of cooperation regarding various requests of the the Trustee, the Trustee's counsel 1) conducted legal research and prepared an opposition to Debtor's motion to dismiss, 2) conducted research concerning the assumption of Debtor's laundromat leases and prepared a motion to extend the time to assume such leases, and 3) conducted legal research, prepared a motion for turnover of estate property, and attended a hearing regarding the same. After careful review of the Trustee's detailed time records from April 13, 2018 through May 31, 2018, the court has determined that the Trustee's counsel performed substantial services beneficial to the estate and that the reasonable amount of such services is \$5,000.00. In reaching this determination, the court included only time actually billed by Ms. Moriarty and took care not to include any potential duplication of services rendered by the Trustee. With respect to the time charged for attending the hearings regarding the Trustee's motion for turnover and Debtor's motion to convert the case (held on the same day), the court allowed 1/2 of the time reported. The allowed amount does not include any time spent opposing the motion to convert.

**Party Information**

**Debtor(s):**

Clayton M Saunders

Represented By  
Christine A Kingston

**Movant(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#37.00 CON'TD Hearing RE: Debtors' Objection to Claim of Everardo Muniz, Claim 8**

FR: 7-31-18

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 13, 2018 at 10:30 a.m. to allow Debtors to comply with LBR 3007-1(c)(4). (XX)

The objection does not establish that Claimant was served with notice of the bar date.

***Note: If Debtors accept the tentative ruling, appearance at this hearing is not required.***

-----

**September 13, 2018**

Sustain objection.

Claimant was properly served with notice of the bankruptcy filing . The court is aware of no legal requirement, and Claimant has cited none, indicating that in a subsequent bankruptcy case, a debtor is required to include a creditor's counsel on its mailing list. The burden of notifying counsel lies with the creditor himself if he chooses to employ the same counsel in a subsequent bankruptcy case. Claimant has known the claim was filed late for approximately 90 days and has never filed a formal motion seeking authority to file a late claim.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11781 Chela R Ayala**

**Chapter 7**

**#38.00** Hearing RE: ORDER to Show Cause Re: Dismissal for Failure to Comply with Rule 1006(b) -Installments (\$83.75 Due 7/27/2018) (OSC ISSUED /30/2018)

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Dismiss case due to nonpayment of installment filing fee payment.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chela R Ayala

Pro Se

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#39.00** Hearing RE: Debtor-in-Possession's Motion for Order Authorizing Assumption of Real Property Lease, and/or for Relief from Forfeiture

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue this hearing to October 11, 2018 at 10:30 a.m. This court intends to issue an Order to Show Cause Why This Case Should Not Be Dismissed Due to Debtor's Possible Violation of Federal Law, which OSC shall be set for the same date/time.

See, e.g., OKLEVUEHA NATIVE **AMERICAN** CHURCH OF HAWAII, INC v. LORETTA E. LYNCH, 828 F.3d 1012 (9th Cir 2013).

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**Movant(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

Adv#: 8:18-01161 DDD Pham LLC v. White Dove Church, Inc et al

**#40.00** Hearing RE: Motion to Remand Case to Superior Court Pursuant to 28 U.S.C. Sections 1447(c) and 1452(b)

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Grant motion.

Basis for Tentative Ruling

The court finds persuasive argument and legal analysis for remand set forth in the Motion and finds unpersuasive the argument and analysis set forth in Debtor's Opposition. In addition, this court abstains from adjudicating the subject unlawful detainer action based upon its discretion under 28 U.S.C. 1334(c)(1), taking into account the following factors:

(1) effect of abstention on efficient administration of the bankruptcy estate: State courts are set up to adjudicate unlawful detainer actions on an expedited basis. The court finds there would no discernable impact on allowing this matter to be determined in state court.

(2) extent to which state law issues predominate over bankruptcy issues: all issues relating to the unlawful detainer action are based on California state law.

(3) difficulty or unsettled nature of applicable law: Tenancy law in general, and unlawful detainer law in particular are uncomplicated and addressed by state courts every day.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

(4) presence of a related proceeding commenced in state court or other non-bankruptcy court: Currently there is no related proceeding because the matter was removed to this court.

(5) basis of bankruptcy jurisdiction, if any, other than the statute governing jurisdiction over bankruptcy cases and proceedings: except for the existence of the bankruptcy case, there is no other jurisdictional basis for the matter being removed to this court.

(6) degree of relatedness or remoteness of the proceeding to the main bankruptcy case: Though the outcome of the unlawful detainer action could impact the administration of this estate, there is no compelling reason for it to be litigated in this court.

(7) substance rather than form of an asserted "core" proceeding: To the extent the bankruptcy estate has a leasehold interest in the subject property, the administration of assets of the estate are "core." However, the adjudication of the unlawful detainer action itself is not "core."

(8) feasibility of severing state-law claims from core bankruptcy matters to allow judgments to be entered in state court with enforcement left to the bankruptcy court: As only state law is implicated, severability is possible.

(9) burden of bankruptcy court's docket: In 26 years, this court has never adjudicated an unlawful detainer action and is not aware of any such action being adjudicated by any other bankruptcy court in this District.

(10) likelihood that commencement of the proceeding in bankruptcy court involves forum shopping by one of the parties: The court makes no finding in this regard.

(11) existence of a right to jury trial: No finding.

(12) presence in the proceeding of non-debtor parties: There is at least one other non-debtor party involved -- the person who actually signed the subject lease.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... White Dove Church Inc, a California nonprofit corp Chapter 11**

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California	Represented By Robert M Yaspan
-------------------------------------	-----------------------------------

**Defendant(s):**

White Dove Church, Inc	Represented By Robert M Yaspan
------------------------	-----------------------------------

Jack Adams Muldoon	Pro Se
--------------------	--------

DOES 1-10	Pro Se
-----------	--------

**Movant(s):**

DDD Pham LLC	Represented By Chi L Ip
--------------	----------------------------

**Plaintiff(s):**

DDD Pham LLC	Represented By Chi L Ip
--------------	----------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#41.00** Hearing RE: Defendant Art Womack's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First and Second Claim for Relief

Docket 4

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M. AS  
A STATUS CONFERENCE ONLY, Per Order Entered 9/10/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing is Continued to 11/15/18 at 9:30 a.m. as a Status  
Conference Only, Per Order Entered 9/10/18 (XX) - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Art Womack	Represented By Hallie D Hannah
------------	-----------------------------------

Mitchell B Hannah	Represented By Hallie D Hannah
-------------------	-----------------------------------

**Movant(s):**

Art Womack	Represented By Hallie D Hannah
------------	-----------------------------------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By
-----------------------	----------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#42.00** Hearing RE: Defendant Mitchell B. Hannah's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First Claim for Relief

Docket 8

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M. AS  
A STATUS CONFERENCE ONLY, Per Order Entered 9/10/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing is Continued to 11/15/18 at 9:30 a.m. as a Status  
Conference Only, Per Order Entered 9/10/18 (XX) - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Art Womack Represented By  
Hallie D Hannah

Mitchell B Hannah Represented By  
Hallie D Hannah

**Movant(s):**

Mitchell B Hannah Represented By  
Hallie D Hannah

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 13, 2018

Hearing Room 5A

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#43.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs or set-off from creditor's claim in the alternative

FR: 7-10-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M.,  
Per Order Entered 9/10/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 11/15/18 at 9:30 a.m., Per  
Order Entered 9/10/18 (XX) - td (9/10/2018)**

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 13, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required. (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Defendant(s):**

Art Womack

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 13, 2018**

**Hearing Room      5A**

2:00 PM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Hallie D Hannah

Mitchell B Hannah

Represented By  
Hallie D Hannah

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10772 Luis Gerardo Camacho**

**Chapter 7**

**#1.00 CONT'D Hearing RE: Pro se Reaffirmation Agreement Between Debtor and OneMain Financial Services (2005 GMC Sierra - \$4822.68) (TA CASE)**

FR: 6-20-18

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Luis Gerardo Camacho

Represented By  
Lauren M Foley

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11002 Kimberly Sue Minarcin**

**Chapter 7**

**#2.00 Pro se reaffirmation agreement between Debtor and Navy Federal Credit Union  
[RE: 2012 Nissan Sentra - \$7,175.00]  
[TA Case]**

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Sue Minarcin	Pro Se
-----------------------	--------

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11646 Walter Chau and Eva Marie Chau**

**Chapter 7**

**#3.00 Hearing RE: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (2018 Honda Accord - \$31,978.24)**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Walter Chau

Represented By  
Kevin J Kunde

**Joint Debtor(s):**

Eva Marie Chau

Represented By  
Kevin J Kunde

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11646 Walter Chau and Eva Marie Chau**

**Chapter 7**

**#4.00 Hearing RE: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (2016 Honda Pilot - \$28,127.25)**

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Walter Chau

Represented By  
Kevin J Kunde

**Joint Debtor(s):**

Eva Marie Chau

Represented By  
Kevin J Kunde

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11664 Guillermo Sanchez Amezcua and Ofelia B Saavedra**

**Chapter 7**

**#5.00** Hearing RE: Reaffirmation Agreement Between Debtor and Wells Fargo Bank  
NA, dba Wells Fargo Dealer Services (RE: 2000 Ford Truck F250 - \$8,725.92)  
**[TA CASE]**

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Guillermo Sanchez Amezcua

Represented By  
Lauren M Foley

**Joint Debtor(s):**

Ofelia B Saavedra

Represented By  
Lauren M Foley

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11670 Khoa Dang Huynh**

**Chapter 7**

**#6.00** Hearing RE: Pro Se Reaffirmation Agreement Between Debtor and OneMain Financial Group (2004 Honda Accord - \$4,602.39) **[TA CASE]**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Khoa Dang Huynh	Pro Se
-----------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11918 Kimberly Lynn Sponberg**

**Chapter 7**

**#7.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (2017 GMC Sierra - \$34,369.47) (ES CASE)**

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Lynn Sponberg	Pro Se
------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11995 Brandon S. Wren and Ashley E. Wren**

**Chapter 7**

**#8.00** Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (2016 Toyota Camry - \$20,534.90)  
**[TA CASE]**

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brandon S. Wren

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Ashley E. Wren

Represented By  
Christine A Kingston

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12048 Peter E Keseric**

**Chapter 7**

**#9.00** Hearing RE: Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A. (RE: 2017 Hyundai Sonata Sedan 4D SE I4 - \$17,251.04)

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Peter E Keseric

Represented By  
Michael J Varisco

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12370 Melanie Maxwell Lewis and Gary Michael Lewis**

**Chapter 7**

**#10.00** Hearing RE: Reaffirmation Agreement Between Debtor and BMW Financial Services NA, LLC (2016 Mini Cooper Wagon - \$13,594.88)

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Melanie Maxwell Lewis

Represented By  
Anthony B Vigil

**Joint Debtor(s):**

Gary Michael Lewis

Represented By  
Anthony B Vigil

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12390 Lindsey Nicholle Matthews**

**Chapter 7**

**#11.00** Hearing RE: Reaffirmation Agreement Between Debtor and TD Auto Finance LLC (RE: 2015 Kia Optima - \$16,171.71)  
**[CB CASE]**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lindsey Nicholle Matthews

Represented By  
Michael E Clark

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12428 Alexandra Mangen**

**Chapter 7**

**#12.00** Hearing RE: Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (RE: 2018 Toyota RAV4 - \$40,576.85)  
**[CB CASE]**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alexandra Mangen

Represented By  
Michael D Franco

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room**

**5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18; 8-2-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M.,  
PER ORDER ENTERED 9/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 11/15/18 at 9:30 a.m., Per Order Entered 9/12/18 (XX) - td (9/12/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18; 8-2-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M.,  
PER ORDER ENTERED 9/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 11/1518 at 9:30 a.m., Per Order Entered 9/12/18 (XX) - td (9/12/2018)**

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29 , 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

***notice of the continued hearing date/time.***  
-----

**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#3.00** CON'TD STATUS CONFERENCE RE: Complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction

FR: 9-10-15; 4-14-16, 7-21-16; 10-6-16; 12-15-16; 3-30-17; 7-13-17; 8-17-17; 12-14-17, 1-1-18; 5-17-18; 7-19-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/8/18 AT 9:30 A.M.,  
PER ORDER ENTERED 9/5/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 11/8/18 at 9:30 a.m., Per Order Entered  
9/5/18 (XX) - td (9/5/2018)**

**Tentative Ruling:**

**September 10, 2015**

Discovery Cut-off Date:	Jan. 15, 2016
Deadline to Attend <u>Mandatory</u> Mediation:	Mar. 11, 2016
Pretrial Conference Date:	Apr. 14, 2016 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**August 17, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room

5A

9:30 AM

CONT... Margaret Allen Rawson

Chapter 7

Continue status conference to Dec. 14, 2017 at 9:30 a.m. with updated status report due Nov. 30, 2017; any further pretrial motion(s) must be filed in time for reserved hearing date of November 16, 2017 at 2:00 p.m. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Continue hearing to January 11, 2018 at 2:00 p.m., same date/time as hearing on summary judgment motion. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated status report must be filed by September 6, 2018. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew

**Defendant(s):**

Margaret Allen Rawson

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room**

**5A**

---

9:30 AM

**CONT... Margaret Allen Rawson**

**Chapter 7**

Margaret Allen Rawson, Successor Pro Se

DR Rawson, Third Successor Pro Se

**Plaintiff(s):**

Richard Marshack

Represented By  
Misty Perry Isaacson

**Trustee(s):**

Richard A Marshack (TR) Pro Se

Richard A Marshack (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17, 4-12-18; 5-31-18; 7-19-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Approving Woodlawn Colonial, L.P.'s Motion to Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal Entered 1/24/18 - td (1/24/2018)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----

**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date:	Jan. 18, 2018
Deadline to File Pretrial Motions:	Feb. 1, 2018
Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference:	Apr. 12, 2018 at 9:30 a.m.
(XX)	
Deadline to File Pretrial Stipulation	Mar. 29, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

9:30 AM

CONT... Chad Paul Delannoy

Chapter 7

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**July 19, 2018**

In light of pending appeal, continue status conference to September 20, 2018 at 9:30 a.m., updated status report must be filed by September 13, 2018.  
(XX)

**Note: Appearances at this hearing are not required.**

-----

**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018.

**Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Chad Paul Delannoy**

**Chapter 7**

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#5.00** CONT'D STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 12-14-17; 3-22-18; 3-29-18; 6-21-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by June 7, 2018. (XX)

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**June 21, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by September 7, 2018. (XX)

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**September 20, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Todd Leroy Hinker**

**Chapter 7**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018.

*Special Note: The status report for December 6, 2018 should provide a substantive update of the status/procedural posture of the state court action.*

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Todd Leroy Hinker

Represented By  
Diane L Mancinelli

**Defendant(s):**

Todd Leroy Hinker

Pro Se

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01072 Albert-Sheridan v. Majd

**#6.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs

FR: 7-10-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m. to allow chapter 7 trustee to review the adversary; updated status report must be filed by September 6, 2018. (XX)

Basis for tentative ruling:

Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.

***Note: Appearances at this hearing are not required.***

-----

**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018 unless abandonment order has been filed by such date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Kazem Majd Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10971 James Christopher Patow**

**Chapter 7**

Adv#: 8:18-01123 Marshack (TR) v. Patow

**#7.00 STATUS CONFERENCE RE: Complaint to Deny Discharge Pursuant to 11 U.S.C. Section 727(A)(4)and (A)(2)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M.,  
PER ORDER ENTERED 9/18/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 11/15/18 at 9:30 a.m., Per  
Order Entered 9/18/18 (XX) - td (9/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Christopher Patow

Represented By  
Kevin J Kunde

**Defendant(s):**

James Christopher Patow

Pro Se

**Plaintiff(s):**

Richard A. Marshack (TR)

Represented By  
D Edward Hays  
Chad V Haes

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Chad V Haes



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

Adv#: 8:18-01124 SJO Investments, LLC v. Gilbert-Bonnaire

**#8.00** STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Under 11 U.S.C. §523(a)(2)(A), and, if Applicable, Allowance Pursuant to 11 U.S.C. §502

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Continue status conference to October 11, 2018 at 10:30 a.m., same date/time as Defendant's pending motion to set aside default. Updated status report not required.

***Note: Appearances at today's hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Julie J Villalobos

**Defendant(s):**

Paula Gilbert-Bonnaire

Pro Se

**Plaintiff(s):**

SJO Investments, LLC

Represented By  
Jon Alan Enochs

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-11309 Nam Van Le and Linda Thi Vo**

**Chapter 13**

**#9.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

FR: 7-19-18

Docket 128

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Deny motion as moot in light of the sale of the property and payment of Movant's claim.

*Special Note: As the order authorizing the sale was entered 8/24/18 and as Movant's counsel has withdrawn as attorney of record, the court assumes this matter is moot.*

***Note: Appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Nam Van Le

Represented By  
Anthony B Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nam Van Le and Linda Thi Vo**

**Chapter 13**

**Joint Debtor(s):**

Linda Thi Vo

Represented By  
Anthony B Vigil

**Movant(s):**

U.S. Bank N.A.,in it's capacity as

Represented By  
Leslie M Klott  
Can Guner  
Sean C Ferry

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-13052 James Van Nguyen and Linh Hong Nguyen-Ha**

**Chapter 13**

**#10.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

JPMORGAN CHASE BANK, N.A.

VS.

DEBTORS

Docket 95

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of  
Movant's Motion for Relief from Stay Filed 9/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of Movant's Motion for Relief from  
Automatic Stay filed 9/19/2018 - td (9/19/2018)**

**Tentative Ruling:**

**September 20, 2018**

The parties are to meet and confer re the terms of an APO. If more time is needed, the parties may request a continuance of the hearing to October 18, 2018 at 10:00 a.m. at the time of the calendar roll call on September 20.

**Party Information**

**Debtor(s):**

James Van Nguyen

Represented By  
Nima S Vokshori

**Joint Debtor(s):**

Linh Hong Nguyen-Ha

Represented By  
Nima S Vokshori

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... James Van Nguyen and Linh Hong Nguyen-Ha**

**Chapter 13**

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Von Mai  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-13895 Rocio Lopez Namdar**

**Chapter 13**

**#11.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

ABS REO TRUST II

VS.

DEBTOR

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rocio Lopez Namdar

Represented By  
Anerio V Altman

**Movant(s):**

ABS REO Trust II, its assignees

Represented By  
Kristin A Zilberstein  
Kelly M Raftery  
Nancy L Lee

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rocio Lopez Namdar**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-14377 Pedro Hernandez**

**Chapter 13**

**#12.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

US BANK TRUST, NA AS TRUSTEE FOR LSF9 MASTER PARTICIPATION  
TRUST BY CALIBER HOME LOANS, INC

VS.

DEBTOR

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver unless the parties agree to an adequate protection order by the time of the hearing. If a continuance is needed, the parties may request a continuance to October 18, 2018 at 10:00 a.m. at the time of the roll call on September 20.

**Party Information**

**Debtor(s):**

Pedro Hernandez

Represented By  
Michael Jones

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee for

Represented By  
Kristin A Zilberstein  
Madison C Wilson  
Sindi Mncina  
Christina J O



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Pedro Hernandez**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

8:18-12014 Sushama D Lohia

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver and all relief requested except relief request # 11.

Re RR #11: this court does not grant *in rem* relief in perpetuity.

*Special note: Pursuant to 362(c)(3), there is no stay in effect as to Debtor or Debtor's property as Debtor did not timely request an extension of the stay.*

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Sushama D Lohia

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Sushama D Lohia**

**Chapter 13**

**Movant(s):**

Bank Of America, N.A.

Represented By  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12159 Katrena Lanett Robinson**

**Chapter 13**

**#14.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

XCL TITLING TRUST LLC

VS.

DEBTOR; AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver unless the parties agree to an adequate protection order by the time of the hearing. If a continuance is needed, the parties may request a continuance to October 18, 2018 at 10:00 a.m. at the time of the roll call on September 20.

**Party Information**

**Debtor(s):**

Katrena Lanett Robinson

Represented By  
Christopher J Langley

**Movant(s):**

XCL TITLING TRUST LLC

Represented By  
Timothy J Silverman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12173 Keith Aaron Zamora**

**Chapter 7**

**#15.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TRUWEST CREDIT UNION  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Keith Aaron Zamora

Represented By  
Daniel King

**Movant(s):**

Truwest credit union

Represented By  
Michael D Vanlochem

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Keith Aaron Zamora**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

8:18-12202 Sonia Huesca

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTOR; AND THOMAS H. CASEY, CHAPTER 7 TRUSTEE

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Sonia Huesca

Represented By  
Steven A. Alexander

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjan

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Sonia Huesca**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13059 Kristian Valeria Solorio Castro**

**Chapter 7**

**#17.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TD AUTO FINANCE, LLC  
VS.  
DEBTOR

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kristian Valeria Solorio Castro

Represented By  
Richard L. Sturdevant

**Movant(s):**

TD Auto Finance LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Kristian Valeria Solorio Castro**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11166 Santiago David Silva**

**Chapter 13**

**#17.10** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

FR: 9-6-18

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant without 4001(a)(3) waiver.

The plan does provide for a lump sum payment of the arrearages in month 7 of the plan. However, the plan also specifically provides for payment of monthly current payments. It appears that Debtor is not post-confirmation current and, therefore, relief from stay is warranted.

*Special note: The plan also provides for automatic relief from stay in favor of Wells Fargo on November 4, 2018.*

-----

**September 20, 2018**

Movant to advise the court re the status of this matter.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Santiago David Silva**

**Chapter 13**

If more time is needed to work out an APO, movant may request a continuance of the hearing to Oct. 18, 2018 at 10:00 a.m. during the calendar roll call on Sept. 20.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Santiago David Silva

Represented By  
Christopher J Langley

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

#17.20 CON'TD Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(RE: Emma Borges et al vs. Advance Specialty Care, et al., Docket Number:  
30-2016-00830408-CU-MM-CJC, California Superior Court, County of  
Orange, Central Justice Center)**

EMMA BORGES, A MINOR AND THROUGH HER GUARDIAN AD LITEM  
KELLY SELLON

VS.

DEBTOR

FR: 9-6-18

Docket 11

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to be Filed and Stipulated Order to be  
Lodged Per Tom Polis, Attorney for Movant - td (9/11/2018)**

**Tentative Ruling:**

**September 6, 2018**

Grant motion with 4001(a)(3) waiver to allow Movant to recover against third parties and to file a proof of claim against Debtor's estate. To the extent that the Motion seeks relief from stay to pursue a claim against Debtor personally without benefit of a nondischargeability judgment, such relief is denied.

*Special note: Though no party has provided the court with a copy of the underlying state court complaint setting forth the causes of action, it appears that the claims are based on negligence and not on intentional torts. If this is the case and Debtor receives a discharge, there will be no personal liability*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

CONT... **Tung Phuong Nguyen-Phuc** Chapter 7

*and Movant will only be entitled to recover from the estate through the claim process. To the extent that Debtor is objecting to Movant pursuing a claim against the bankruptcy estate, Debtor's opposition is overruled.*

**Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.**

-----

**September 20, 2018**

Off calendar in light of lodging of stipulated order granting relief from stay.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Movant(s):**

Emma Borges

Represented By  
Thomas J Polis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

#17.30 CON'TD Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(RE: Emma Borges vs. Tung Nguyen, et al., Docket Number: G056386,  
Court of Appeal of the State of California, Fourth Appellate District,  
Division Three)**

EMMA BORGES, A MINOR AND THROUGH HER GUARDIAN AD LITEM  
KELLY SELLON

VS.

DEBTOR

FR: 9-6-18

Docket 19

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation to be Filed and Stipulated Order to be  
Lodged Per Tom Polis, Attorney for Movant - td (9/11/2018)**

**Tentative Ruling:**

**September 6, 2018**

Grant motion with 4001(a)(3) waiver to allow Movant to recover against third parties and to file a proof of claim against Debtor's estate. To the extent that the Motion seeks relief from stay to pursue a claim against Debtor personally without benefit of a nondischargeability judgment, such relief is denied.

*Special note: Though no party has provided the court with a copy of the underlying state court complaint setting forth the causes of action, it appears that the claims are based on negligence and not on intentional torts. If this is the case and Debtor receives a discharge, there will be no personal liability*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:00 AM

CONT... **Tung Phuong Nguyen-Phuc**

**Chapter 7**

*and Movant will only be entitled to recover from the estate through the claim process. To the extent that Debtor is objecting to Movant pursuing a claim against the bankruptcy estate, Debtor's opposition is overruled.*

***Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Movant shall lodge an order consistent with the same within 7 days of the hearing.***

-----

**September 20, 2018**

Off calendar in light of lodging of stipulated order granting relief from stay.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Movant(s):**

Emma Borges

Represented By  
Thomas J Polis

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#18.00 Hearing RE: Eighteenth Interim Application for Payment of Fees and Reimbursement of Expenses

**[IRELL & MANELLA LLP, COUNSEL TO EDWARD M. WOLKOWITZ,  
CHAPTER 7 TRUSTEE]**

Docket 964

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Approve interim fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan  
Jeffrey M. Reisner

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

Mike D Neue  
William N Lobel  
Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#19.00 Hearing RE: Application by Gurse / Schneider LLP Fourteenth Interim Compensation as Accountants for the Trustee

**[GURSEY / SCHNEIDER LLP, ACCOUNTANTS FOR THE TRUSTEE]**

Docket 965

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Approve interim fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan  
Jeffrey M. Reisner  
Mike D Neue  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:06-10373 Jay Johnson and Debra Johnson

Chapter 7

#20.00 CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapidis

[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ, CHAPTER 7 TRUSTEE]

FR: 7-13-17; 10-12-17; 12-14-17; 5-31-18; 8-2-18

Docket 172

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M., PER ORDER ENTERED 8/31/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Continued to 10/18/18 at 10:30 a.m., Per Order Entered 8/31/18 (XX) - td (8/31/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#21.00** Hearing RE: Motion of Counsel for Creditor Richard Lapidés for Order Granting Leave to Withdraw as Counsel of Record

Docket 206

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:09-20845 Commercial Services Building Inc**

**Chapter 7**

**#22.00** Hearing RE: Creditor Douglas J. Patrick's Motion in Limine Precluding Evidence Submitted with Motion for Reconsideration of Order Disallowing Claim No. 1 Pursuant to Federal Rule of Civil Procedure 37(c)(1)

Docket 325

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant motion for the reasons and legal analysis/authorities stated in the Motion and Reply.

Overrule Bascom's opposition as unpersuasive and legally insufficient.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:09-20845 Commercial Services Building Inc

Chapter 7

#23.00 CON'TD Hearing RE: Creditor The Bascom Group, LLC's Motion for Order RE: 1. Reconsideration of the Court's July 20, 2018 Order RE: disallowance of The Bascom Group, LLC's Claim No. 1 [ECF No. 310] pursuant to Section 502(j) of the Bankruptcy Code and Rule 3008 of the Federal Rules of Bankruptcy Procedure based on Movant Douglas Patrick's fraud, use of perjured testimony and non-disclosure of critical facts and perpetuation of Patrick's perjured testimony by his counsel; and/or 2. Relief from the Court's July 20, 2018 Order RE: Disallowance of The Bascom Group LLC's Claim [ECF No. 310] based on Movant's [Douglas Patrick] fraud pursuant to Rules 9023 and/or 9024 of the Federal Rules of Bankruptcy Procedure [F.R.C.P. Sections 59 and/or 60(b)(3)]

FR: 9-6-18

Docket 316

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Deny motion.

Movant has stated insufficient grounds for granting reconsideration. Movant chose to submit skeletal evidence and documentation in response to the initial objection claim and chose not to advise the court of any extenuating circumstances preventing Movant from presenting its evidence or to seek a continuance of the hearing on the claim objection in order to fully present its opposition. Further, Movant failed to respond to reasonable requests for production of the very documents it now wants the court to review on reconsideration. As the court has granted the motion *in limine*, it will not consider any of the documents that are the subject of that motion. The remaining evidence is largely duplicative of that submitted in connection with the claim objection and is unpersuasive.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Commercial Services Building Inc Chapter 7**

**Party Information**

**Debtor(s):**

Commercial Services Building Inc

Represented By  
Phillip B Greer

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Misty A Perry Isaacson  
Misty A Perry Isaacson  
Thomas J Polis  
Robert M Dato  
Jason E Goldstein

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-18188 Luis Savastano**

**Chapter 7**

Adv#: 8:13-01220 Bobinski v. Savastano

**#24.00** Hearing RE: Plaintiff's Motion for an Order Granting Judgment Creditor's Claim of Ownership

Docket 148

**Courtroom Deputy:**

**SPECIAL NOTE: Franchise Tax Board is Withdrawing; this matter may be going off calendar. Stipulation to be filed and Order to be Lodged per Crystal Bergstrom, Attorney for Movant/Plaintiff - td (8/7/2018)**

**Tentative Ruling:**

**September 20, 2018**

Grant motion.

It appears that the FTB is no longer seeking to enforce a lien against Debtor's wages and the court's October 3, 2018 Order is sufficiently broad to Debtor's wage earnings as an employee.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luis Savastano

Represented By  
Nathan Fransen

**Defendant(s):**

Luis Savastano

Represented By  
Nathan Fransen

**Movant(s):**

Richard Bobinski

Represented By  
Crystal Bergstrom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Luis Savastano**

**Chapter 7**

**Plaintiff(s):**

Richard Bobinski

Represented By  
Crystal Bergstrom

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Karen S Naylor (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-14355 James Patrick Maher**

**Chapter 13**

**#25.00** Hearing RE: Debtor's Motion Objecting to Proof of Claim Filed by Navient CFC

Docket 53

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Deny motion.

Basis for Tentative Ruling:

1. Timeliness: As Debtor did not list the claimant on his schedules, he cannot make a plausible argument that the claimant should be barred by a deadline for which it received no notice. See LBR 3007-1(c)(4).
  
2. Merits: Debtor signed the student loan contract as a co-signer. By definition, a co-signer is liable for the underlying debt. Debtor has cited no legally cognizable argument or authority supporting his position that he owes nothing and that the claim should be reduced to \$0. Stated otherwise, Debtor has not provided evidence or legal argument sufficient to rebut the presumed validity of the proof of claim.

**Party Information**

**Debtor(s):**

James Patrick Maher

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#26.00 Hearing RE: U.S. Trustee's Motion to Dismiss or Convert Reorganized Debtor's Case Under 11 U.S.C. Section 1112(b) for Failure to Pay U.S. Trustee Quarterly Fees

Docket 553

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion to Dismiss or Convert Debtor's Case Under 11 U.S.C. §1112(b), filed 8/30/2018

Courtroom Deputy:

**OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion to Dismiss or Convert Debtor's Case Under 11 U.S.C. §1112(b), filed 8/30/2018 - td (8/31/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

**#27.00** Hearing RE: Debtor's Motion to Approve Stipulation, Approve Professional Compensation and Dismiss Chapter 7 Case

Docket 127

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew  
David A Tilem

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Misty A Perry Isaacson  
Donald W Sieveke  
Chad V Haes  
D Edward Hays



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:16-13161 Dae Min Kang and Jaie Yoon Kang

Chapter 13

#28.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. Rule 2017

Docket 75

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. §329, filed 9/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. §329, filed 9/19/2018 - td (9/19/2018)**

**Tentative Ruling:**

**September 20, 2018**

Off calendar in light of anticipated withdrawal of the Motion.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dae Min Kang

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

Jaie Yoon Kang

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#29.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-17-17; 11-16-17; 2-1-18; 5-24-18; 5-31-18; 7-19-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date: 8/21/17)	Oct. 23, 2017 (notice by
Deadline to file Plan/Discl. Stmt:	Nov. 1, 2017
Continued Status Conference: updated	Nov. 16, 2017 at 10:30 a.m.;
by 11/2/17	status report to be filed
stmt has been	unless the plan/discl.
case the no	timely filed, in which
filed and the	status report need be
be continued to	status conference will
stmt hearing. (XX)	the date of the discl.

***Note: If Debtor accepts the foregoing tentative ruling and is in***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, September 20, 2018

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

***substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***  
-----

**November 16, 2017**

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.* (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***  
-----

**May 31, 2018**

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the court shall issue an order to show cause why this case should not be

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

dismissed or converted due to Debtor's inability to timely propose a plan of reorganization or file a disclosure statement. The hearing on the OSC shall also be held on July 19, 2018 at 10:30 a.m.

Basis for Tentative Ruling:

This court previously indicated that no further extensions of the deadline to file a plan and disclosure statement beyond May 1, 2018 would be granted. Debtor and its counsel apparently view the court's deadlines as mere suggestions. Nothing in Debtor's current status report justifies any further extensions. Debtor has basically "parked" itself for approximately one year in this noncomplex chapter 11 case and cavalierly intends to remain parked for at least 17 months without filing a plan and disclosure statement. This will not happen.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 10:30 a.m.; updated status report must be filed by September 6, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**September 20, 2018**

This case has now been pending for more than a year. The status reports continue to sing the same tune about reaching a resolution with the IRS but virtually no progress has been made since the last status conference. Time is up. If a stipulation is not reached with the IRS or an adversary filed by October 15, 2018, the case will be dismissed. Given the number of continuances and time that has been granted to Debtor and the IRS with no

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

results, the court no longer sees the need to set an Order To Show Cause re Dismissal. The case will simply be dismissed on October 16, 2018 absent a filed stipulation or adversary proceeding due to inability to timely propose a plan of reorganization.

<b>Party Information</b>
--------------------------

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14536 Thavy Tanksley**

**Chapter 7**

**#30.00** CONT'D Hearing RE: U.S. Trustee's Motion to Show Cause ("OSC") Why Attorney Alon Darvish Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts of the Central District of California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3,1 of the Local Rules of the Central District of California

FR: 5-31-18; 7-31-18

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Per movant's request, continue hearing to July 31, 2018 at 10:30 a.m.

***Note: Appearances at this hearing are not required.***

-----  
**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. as requested by Movant. LBR 9013-1(f) briefing schedule will apply. (XX)

***Note: Appearances at this hearing are not required.***

-----  
**September 20, 2018**

This matter will be referred to the Court's Disciplinary Panel for review and adjudication.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Thavy Tanksley**

**Chapter 7**

**Party Information**

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:18-10794 Brian Kelly Discher and Amy Michele Discher

Chapter 7

#31.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian Kelly Discher

Represented By  
Gregory E Nassar

**Joint Debtor(s):**

Amy Michele Discher

Represented By  
Gregory E Nassar

**Trustee(s):**

Karen S Naylor (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#32.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case  
**(Order for Joint Administration Entered 4/12/18;  
Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES)**

FR: 5-31-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 10:30 A.M.,  
PER ORDER ENTERED 9/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 10/18/18 at 10:30 a.m., Per  
Order Entered 9/19/2018 (XX) - td (9/19/2018)**

**Tentative Ruling:**

**May 31, 2018**

Claims bar date:	Aug. 1, 2018; notice by Jun. 1, 2018
Deadline to file plan/DS:	Sep. 6, 2018*
Continued Status Conference:	Sep. 20, 2018 at 10:30 am; updated status report must be filed by Sep. 6, 2018 unless
a	plan & DS has been filed by such date, in which case the requirement of an updated status report will not be required. (XX)

\*Debtors have stated no good reason for filing a plan and disclosure statement in January 2019, nine months after the filing of this noncomplex case.

**Note: If Debtors accept the foregoing tentative ruling, and Debtors are**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... D'Best Beverages, Inc. Chapter 11**  
***in substantial compliance of the requirements of the U.S. Trustee after  
the confirming the same with the UST prior to the hearing, appearance  
at this hearing is not required.***

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11407 John M. MacDonald**

**Chapter 13**

**#33.00** Hearing RE: Debtor's Objection to the Proof of Claim No. 2-1; Claim of Bank of The West

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Overrule Objection.

Basis for Tentative Ruling

A proof of claim executed and filed in accordance with the FRBP 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. *Lundell v. Anchor Constr. Specialists, Inc. (In re Lundell)*, 223 F.3d 1035, 1039 (9th Cir. 2000). Therefore, a proof of claim will be deemed allowed unless a party in interest objects. *Lundell*, 223 F.3d at 1039. Once a party in interest objects, the proof of claim will still provide some evidence as to its validity and amount and will be strong enough to carry over a mere formal objection without more. *Id.* Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998)). If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, then the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 223 F.3d at 1039. The ultimate burden of persuasion remains at all times upon the claimant. *Id.*; *Holm*, 931 F.2d at 620.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

CONT...

**John M. MacDonald**

**Chapter 13**

In this case, Debtor has failed to shift the burden onto Claimant to prove that the Judgment is valid because Debtor cannot prove that the Judgment is invalid for lack of personal jurisdiction. Proofs of service from registered process services establish a presumption regarding the facts stated in the proof of service affecting the burden of producing evidence. Cal. Evidence Code § 647. While the Court may not take judicial notice of the facts in the proofs of service, the Court should find that the evidentiary weight of the proofs of service, combined with the presumption afforded to these proofs of service, establish the facts relating to service of the Complaint on Debtor by substitute service. The persuasiveness of Debtor counterargument that Debtor has never employed a Ms. Woods at his business, see, MacDonald Decl., ¶ 8, is undermined by Debtor's failure to raise this argument at any point during the last *thirteen years*.

Claimant has also demonstrated that under state law, Debtor's time to move to set aside the Judgment entered in or vacate the Judgment Renewal entered in 2014 have long expired under CCP §§ 473.5(a) [within 2 years of entry of the default judgment] and 683.170(b)[within 30 days of the application for renewal].

Finally, Debtor attempts to maneuver around the statutory deadlines that have passed by arguing that the Judgment is void due to lack of personal jurisdiction is also unpersuasive as a matter of California law. Under Debtor's own legal authority, "Once six months have elapsed since the entry of a judgment, a trial court may grant a motion to set aside that judgment as void only if the judgment is void on its face... A judgment or order is said to be void on its face when the invalidity is apparent upon an inspection of the judgment-roll... In a case in which the defendant does not answer the complaint, the judgment roll includes the proof of service. *Dill v. Berquist Constr. Co.*, 24 Cal. App. 4th 1426, 1441, 29 Cal. Rptr. 2d 746 (1994), *as modified on denial of reh'g* (May 26, 1994)(affirming lower court's order vacating default judgment against two corporations because on the face of the proof of service, service was ineffective because the summons had not been mailed to corporate officers).

In this case, there is no invalidity that is apparent upon the inspection of the proof of service- the Complaint was served on a Ms. Woods who was

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, September 20, 2018

Hearing Room 5A

10:30 AM

CONT...

**John M. MacDonald**

**Chapter 13**

apparently in charge of Debtor's business office during normal business hours (11:10am) on September 1, 2015 (a Tuesday) and a copy of the Complaint was mailed to Debtor afterwards. There is also no apparent error with the physical description of Ms. Woods and Debtor's reliance on *Am. Express Centurion Bank v. Zara*, 199 Cal. App. 4th 383, 390, 131 Cal. Rptr. 3d 99, 103 (2011)(reversing judgment and directing lower court to quash service because the physical description in the proof of service (Asian and black) was clearly false since defendant was neither Asian nor had black hair) is there also unpersuasive. '

More importantly, the court has estoppel concerns about Debtor not raising any objection concerning service for more than a decade and after submitting to numerous post-judgment processes.

Debtor argues that the boat was sold for only \$1 but also acknowledges that he received a credit for partial satisfaction of the Judgment in 2006 in the amount of \$57,000. MacDonald Decl., ¶ 10. As such, Debtor's objection to the value of the collateral and that the collateral was not disposed of in a commercially reasonable manner is not persuasive.

**EVIDENTIARY OBJECTIONS**

**A. Bank's Objections to Declaration of John MacDonald**

Objection #

Ruling

1: para 5

Sustain as to "the business was owned by Ann Kim" and "Ms. Kim is spouse or significant other was [sic] Daniel Johnson" -- Lack of Personal Knowledge  
Overrule the balance.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... John M. MacDonald Chapter 13**

- |              |  |
|--------------|--|
| 2: para 7    | Overrule entire objection. Note: Same doc included in Bank's own RJN (Exh 1) |
| 3: para 8    | Overrule entire objection.   |
| 4: para 9    | Overrule entire objection. Note: Same doc included in Bank's own RJN (Exh 2) |
| 5: para 11   | Sustain. Hearsay/authentication  |
| 6: para 12   | Sustain. Lack of Foundation  |
| 7: exhibit 2 | Overrule   |
| 8: exhibit 3 | Overrule   |
| 9: exhibit 4 | Sustain  |

**B. Debtor's Objection to Bank's Request for Judicial Notice (RJN)**

- | <u>Objection #</u> | <u>Ruling</u>                                  |
|--------------------|--|
| 1                  | Sustain as to the truth of content/allegations |
| 2.                 | Sustain as to the truth of the content         |
| 3                  | Sustain as to the truth of the content         |

**Party Information**

**Debtor(s):**

John M. MacDonald

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... John M. MacDonald**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11942 Maureen T. Todd**

**Chapter 13**

**#34.00** Hearing RE: Debtor's Motion to Disallow Claim No. 1 of Cavalry SPV I, LLC Pursuant to F.R.B.P. 3001(c)(1)

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Continue hearing to October 25, 2018 at 10:00 a.m. to allow Debtor to correct service issue: Objection was served on less than 30 days' notice.

Tentative ruling for 10/24/18 hearing (if unopposed): Grant motion to disallow claim; deny all other relief requested as beyond the scope of a motion for disallowance. Stated otherwise, the request to "preserve" claims against claimant is not germane to the objection or necessary for a ruling.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall service of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maureen T. Todd

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11942 Maureen T. Todd**

**Chapter 13**

**#35.00** Hearing RE: Debtor's Motion for Order to Disallow Claim No. 5 of Ruth White Pursuant to F.R.B.P. 3001(c)(1)

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Debtor did not file a reply to the opposition setting forth the claimant's accounting. Debtor's counsel to appear and advise the court why the claim should not be allowed in the amount of \$81,137.95.

**Party Information**

**Debtor(s):**

Maureen T. Todd

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#36.00 STATUS CONFERENCE Hearing RE: Chapter 11 Case and Related Matters;  
and (2) Requiring Report on Status of Chapter 11 Case**

Docket 558

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#37.00 STATUS CONFERENCE RE: Confirmation Hearing RE: Second Amended  
Chapter 11 Plan [Dissemination Version]**

Docket 544

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

Adv#: 8:17-01071 Bral v. Beitler

**#38.00** STATUS CONFERENCE Hearing RE: Motion for Summary Judgment on Debtor's First Amended Complaint Against Barry Beitler for: (1) Avoidance of Preference Pursuant to 11 U.S.C. Section 547; (2) Avoidance of Unperfected Liens Pursuant to 11 U.S.C. Section 544(A); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. Section 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. Section 502

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**Defendant(s):**

Barry Beitler

Represented By  
Krikor J Meshefejian

**Plaintiff(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

Adv#: 8:17-01071 Bral v. Beitler

**#39.00** STATUS CONFERENCE RE: First Amended Complaint Against Barry Beitler for: (1) Avoidance of Preference Pursuant to 11 U.S.C. §547; (2) Avoidance of Unperfected Liens Pursuant to 11 U.S.C. §544(A); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. §550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. §502

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**Defendant(s):**

Barry Beitler

Represented By  
Krikor J Meshefejian

**Plaintiff(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

Adv#: 8:17-01092 Beitler v. Bral

**#40.00 STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt under Bankruptcy Code Section 523**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**Defendant(s):**

John Jean Bral

Represented By  
William N Lobel  
Beth Gaschen  
Alan J Friedman

**Plaintiff(s):**

Barry Beitler

Represented By  
Krikor J Meshefejian  
Gary E Klausner

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

Adv#: 8:17-01094 Beitler & Associates, Inc. dba Beitler Commercial v. Bral

**#41.00 STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**Defendant(s):**

John Jean Bral

Represented By  
William N Lobel  
Beth Gaschen  
Alan J Friedman

**Plaintiff(s):**

Beitler & Associates, Inc. dba Beitler

Represented By  
Krikor J Meshefejian  
Gary E Klausner

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

1:30 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

Adv#: 8:17-01095 Steward Financial LLC v. Bral

**#42.00 STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**Defendant(s):**

John Jean Bral

Represented By  
William N Lobel  
Beth Gaschen  
Alan J Friedman

**Plaintiff(s):**

Steward Financial LLC

Represented By  
Krikor J Meshefejian  
Gary E Klausner



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room 5A**

2:00 PM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#43.00** Hearing RE: Motion of Counter-Claimant Rosalva Ramirez for Summary Judgment or in the Alternative, for Partial Summary Adjudication

Docket 132

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/18/18 AT 2:00 P.M.,  
PER ORDER ENTERED 8/20/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/18/18 at 2:00 p.m., Per Order  
Entered 8/20/18 (XX) - td (8/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Manee

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

Family Steel Corporation

Pro Se

First American Title Insurance

Pro Se

Olimpia Family Trust, Dated

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, September 20, 2018**

**Hearing Room      5A**

2:00 PM

**CONT...      Rosalva Ramirez**

**Chapter 11**

**Plaintiff(s):**

Mayanin Sotelo	Pro Se
Salon Envious, Inc.	Pro Se
Aurelio Vera	Pro Se
Faviola Vera	Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

**8:18-12508 Robert Alfred St Thomas and Pearlle Eleese St Thomas**

**Chapter 13**

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/10/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/10/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Alfred St Thomas Pro Se

**Joint Debtor(s):**

Pearlie Eleese St Thomas Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12507 James Vea Niua and Sharon Jane Niua**

**Chapter 13**

**#2.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Vea Niua

Represented By  
Jacqueline D Serrao

**Joint Debtor(s):**

Sharon Jane Niua

Represented By  
Jacqueline D Serrao

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12502 Sandra Leanna Wilson**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Leanna Wilson

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12500 Maria Faith Burks**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Faith Burks

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12499 Katrina Barrientos and James Wee**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Katrina Barrientos

Represented By  
Amanda G Billyard

**Joint Debtor(s):**

James Wee

Represented By  
Amanda G Billyard

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12463 Ricardo Miranda

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/30/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/30/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ricardo Miranda

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12462 James Earl Spencer

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 9/6/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 9/6/2018 - td (9/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Earl Spencer

Represented By  
Scott Kosner

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12455 Marvin O Sanders**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/24/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marvin O Sanders

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12419 Omar Martinez Sanchez**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Omar Martinez Sanchez

Represented By  
Bryn C Deb

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12404 Eduardo Rodriguez Escobedo**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/20/2018 - td (7/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eduardo Rodriguez Escobedo Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12402 Yolanda Vasquez**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yolanda Vasquez

Represented By  
Antonio John Ibarra

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

**8:18-12388 Monica Michele Banuelos**

**Chapter 13**

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 7/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 7/24/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Monica Michele Banuelos

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12360 Sergio Piana

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/17/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/17/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sergio Piana

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12346 John W. Fox and Lisa D. Fox**

**Chapter 13**

**#14.00** Hearing RE: Confirmation of 3rd Amended Chapter 13 Plan

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John W. Fox

Represented By  
Ali R Nader

**Joint Debtor(s):**

Lisa D. Fox

Represented By  
Ali R Nader

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12334 Nora Maria Morales**

**Chapter 13**

**#15.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nora Maria Morales

Represented By  
Sundee M Teeple

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12329 Jose Angel Sandoval Pineda**

**Chapter 13**

**#16.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose Angel Sandoval Pineda

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12304 Ronald Gary Meyers

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/16/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ronald Gary Meyers

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12299 Robert Stoddard, II

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 9/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 9/25/2018 - td (9/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Stoddard II

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12213 Patricia C Lokhorst**

**Chapter 13**

**#19.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/6/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/6/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Patricia C Lokhorst

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12198 Thomas Lee Wetzel**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Lee Wetzel

Represented By  
Nancy Korompis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12187 Joanne Oleary Demarois**

**Chapter 13**

**#21.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joanne Oleary Demarois

Represented By  
Raymond J Seo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12186 Thanh Van Nguyen**

**Chapter 13**

**#22.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thanh Van Nguyen

Represented By  
Seema N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12169 James Ray Peterson**

**Chapter 13**

**#23.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Ray Peterson

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12159 Katrena Lanett Robinson**

**Chapter 13**

**#24.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Katrena Lanett Robinson

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12130 Hye Ran Lee**

**Chapter 13**

**#25.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Hye Ran Lee

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12116 Alma Aramis Lopez

Chapter 13

#26.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 7/23/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 7/23/2018 - td (9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alma Aramis Lopez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12112 Glenn Scott McKeever**

**Chapter 13**

**#27.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Glenn Scott McKeever

Represented By  
Michael G Spector

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12046 Jaime D. Krueger**

**Chapter 13**

**#28.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

**8:18-12040 Dushan Michael Gunasekera**

**Chapter 13**

**#29.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 6/19/2018;  
Case Closed 8/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 6/19/2018; Case Closed 8/14/2018 - td  
(9/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dushan Michael Gunasekera Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-12036 Ricardo Miranda

Chapter 13

#30.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal of  
Case for Failure to File Initial Petition Documents Entered 6/8/2018; Case  
Closed 8/14/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal of Case for Failure to File Initial  
Petition Documents Entered 6/8/2018; Case Closed 8/14/2018 - td  
(9/10/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ricardo Miranda

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12014 Sushama D Lohia**

**Chapter 13**

**#31.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sushama D Lohia	Pro Se
-----------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11993 Mario P. Guerrero and Niza B. Guerrero**

**Chapter 13**

**#32.00** Hearing RE: Confirmation of 3rd Amended Chapter 13 Plan

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mario P. Guerrero

Represented By  
Gary S Saunders

**Joint Debtor(s):**

Niza B. Guerrero

Represented By  
Gary S Saunders

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11972 Thomas Allen Windham**

**Chapter 13**

**#33.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Allen Windham	Pro Se
----------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11943 Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa**

**Chapter 13**

**#34.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincent D. Gamboa

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Lisa K. Sarvinski-Gamboa

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11942 Maureen T. Todd**

**Chapter 13**

**#35.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maureen T. Todd

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-11893 Katrena Lanett Robinson

Chapter 13

#36.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 6/13/2018;  
Case Closed 8/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 6/13/2018; Case Closed 8/14/2018 - td  
(9/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Katrena Lanett Robinson

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11865 Ray A Palacio**

**Chapter 13**

**#37.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ray A Palacio

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11850 Christopher A Armstrong**

**Chapter 13**

**#38.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher A Armstrong

Represented By  
Parisa Fishback

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11782 Joel Steven Hammond**

**Chapter 13**

**#39.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joel Steven Hammond

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-11771 Obdulia Cantoran

Chapter 13

#40.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 6/4/2018; Case  
Closed 8/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 6/4/2018; Case Closed 8/14/2018 - td  
(9/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Obdulia Cantoran

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, September 25, 2018

Hearing Room 5A

1:30 PM

8:18-11769 Chuong Ngoc Tran

Chapter 13

#41.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 6/4/2018; Case  
Closed 8/14/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 6/4/2018; Case Closed 8/14/2018 - td  
(9/62018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chuong Ngoc Tran

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11765 Sergio Rubio Sanchez and Silvia Sanchez**

**Chapter 13**

**#42.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sergio Rubio Sanchez

Represented By  
Raymond Perez

**Joint Debtor(s):**

Silvia Sanchez

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11579 Joann Teruya Stevenson**

**Chapter 13**

**#43.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 7-17-18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joann Teruya Stevenson

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11407 John M. MacDonald**

**Chapter 13**

**#44.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

FR: 7-17-18

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John M. MacDonald

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11298 Chao Chen Yang**

**Chapter 13**

**#45.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 7-17-18

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11262 Jean A Butler-Boren**

**Chapter 13**

**#46.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 6-19-18

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jean A Butler-Boren

Represented By  
Thomas J Polis

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

**#47.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 6-19-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11234 David Ramos**

**Chapter 13**

**#48.00** CONT'D Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 6-19-18; 7-17-18

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

David Ramos

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#49.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 5-22-18; 7-17-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10557 Clayton M Saunders**

**Chapter 13**

**#50.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 76

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Clayton M Saunders

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10491 Kevin Barry Kane**

**Chapter 13**

**#51.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 4-24-18; 5-22-18; 7-17-18

Docket 9

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
Entered 8/15/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case Entered 8/15/2018 - td  
(8/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin Barry Kane

Represented By  
Michael Poole

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

**#52.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-14708 Stephen LeRoy Garis**

**Chapter 13**

**#53.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stephen LeRoy Garis

Represented By  
L. Tegan Rodkey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-14551 Italo Victor Ismodes, Sr**

**Chapter 7**

**#54.00** Hearing RE: Application of Attorney for Debtor for Allowance of Fees and Expenses Following Dismissal or Conversion of Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA)

Docket 100

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/23/18 AT 2:30 P.M.,  
PER ORDER ENTERED 9/13/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 10/23/18 at 2:30 p.m., Per Order  
Entered 9/13/18 (XX) - td (9/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nanette D Sanders



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-13262 Troy Bernard Jemerson**

**Chapter 13**

**#55.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Troy Bernard Jemerson

Represented By  
Nicholas M Wajda

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12972 Brian E. Bruce**

**Chapter 13**

**#56.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 3-27-18; 4-24-18; 5-22-18; 6-19-18; 7-17-18

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12702 Rogelio B. Escobido, Jr.**

**Chapter 13**

**#57.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rogelio B. Escobido Jr.

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10042 Arthur Gilbert Jimenez**

**Chapter 13**

**#58.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 48

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arthur Gilbert Jimenez

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-15227 Christopher Michael Brooksbank and Suzanne Michelle**

**Chapter 13**

**#59.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher Michael Brooksbank

Represented By  
Karine Karadjian

**Joint Debtor(s):**

Suzanne Michelle Brooksbank

Represented By  
Karine Karadjian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14474 Christine Chi Kim Luu**

**Chapter 13**

**#60.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christine Chi Kim Luu

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-12808 John Anthony Telesio**

**Chapter 13**

**#61.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Anthony Telesio

Represented By  
Halli B Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#62.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-10234 Jerusalem F. Beligan**

**Chapter 13**

**#63.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 43

**Courtroom Deputy:**

**SPECIAL NOTE: Notice of Withdrawal of Debtor's Opposition to Chapter  
13 Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding, filed 8/24/18 - td (8/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jerusalem F. Beligan

Represented By  
Robert T Chen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, September 25, 2018

Hearing Room 5A

2:30 PM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

#64.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 7-17-18

Docket 78

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 9/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 9/11/2018 - td (9/11/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Bert Ranelycke-Svensson

Represented By  
Scott Dicus

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-13261 Bruce R Fink**

**Chapter 13**

**#65.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 122

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-15289 Christopher J. Ozuna and Leisa S. Ozuna**

**Chapter 13**

**#66.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

Docket 36

**Courtroom Deputy:**

**SPECIAL NOTE: Debtor's Notice of Voluntary Withdrawal of Opposition to Trustee's Motion, filed 9/24/2018; Debtor's Notice of Non-Opposition to Trustee's Motion for Order Dismissing Chapter 13 Proceeding, filed 9/24/2018 - td (9/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Christopher J. Ozuna

Represented By  
Christian T Spaulding

**Joint Debtor(s):**

Leisa S. Ozuna

Represented By  
Christian T Spaulding

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-15270 Nguyen D. Uong**

**Chapter 13**

**#67.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nguyen D. Uong

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#68.00** CONT'D Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

FR: 7-17-18

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#69.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 3-27-18; 5-22-18; 6-19-18; 7-17-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-14355 James Patrick Maher**

**Chapter 13**

**#70.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Patrick Maher

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, September 25, 2018**

**Hearing Room 5A**

2:30 PM

**8:12-22702 Leslie Noel Twomey**

**Chapter 13**

**#71.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 12-22-17; 2-27-18; 4-24-18; 6-19-18

Docket 101

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leslie Noel Twomey

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Wednesday, September 26, 2018

Hearing Room 5A

9:00 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

#1.00 **CONT'D EVIDENTIARY HEARING** RE: Debtors' Motion to Avoid Junior Lien on Principal Residence [Taylor Bean and Whitaker Mortgage Corp. c/o RoundPoint Mortgage Servicing Corporation]

FR: 11-30-17, 2-1-18; 3-8-18; 3-29-18; 5-24-18; 7-16-18

Docket 62

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtors' Withdrawal of Motion to Avoid Junior Lien on Personal Residence, filed 9/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Debtors' Withdrawal of Motion to Avoid Junior Lien on Personal Residence, filed 9/24/2018 - td (9/24/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Darryl L. Cazares

Represented By  
James D. Hornbuckle

**Joint Debtor(s):**

DeAnna J. Cazares

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:16-01263 Golden v. Mount et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Avoidance of Actual Intent Fraudulent Transfer; 2) Avoidance of Constructive Fraudulent Transfer; 3) Recovery of Transfer; 4) Judgment Quieting Title; 5) Declaratory Relief; and, 6) Injunction Preventing Further Transfers

FR: 6-21-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Matter is Settled; they have a signed settlement. Tom Casey will make an appearance to put it on record - td (10/9/2018)**

**Tentative Ruling:**

**March 9, 2017**

Discovery Cut-off Date:	July 16, 2017
Pretrial Conference Date:	August 17, 2017 at 9:30am
(XX)	
Deadline to file Joint Pretrial Stipulation:	August 3, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**January 17, 2018**

Discovery Cut-off Date:	May 4, 2018
Pretrial Conference Date:	June 21, 2018 at 9:30 a.m.
(XX)	
Deadline to file Joint Pretrial Stipulation:	June 7, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

-----  
**October 11, 2018**

Joint pre-trial stipulation not filed. Impose sanctions of \$100.00 against Plaintiff's and Defendant's counsel for failure to file the same.

***Note: Appearances are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Kyle Patric Mount

Pro Se

Kyle Patric Mount Trustee of the

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Thomas H Casey

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01142 Kosmala v. Leibeck et al

**#2.00** STATUS CONFERENCE RE: Complaint for: (1) Avoidance of Postpetition Transfers Pursuant to 11 U.S.C. § 549(a) and 550; (2) Preservation of Avoided Transfers Pursuant to 11 U.S.C. §551; (3) Turnover of the Property of the Estate Pursuant to 11 U.S.C. § 542; (4) Willful Violation of the Automatic Stay Pursuant to 11 U.S.C § 362; and (5) Declaratory Relief

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: NEW STATUS  
CONFERENCE SET FOR 11/8/18 AT 9:30 A.M. PER ANOTHER  
SUMMONS ISSUED ON 8/22/18 (xx)**

**Courtroom Deputy:**

**OFF CALENDAR; New Status Conference Set For: 11/8/18, Per Another  
Summons Issued 8/22/18.(xx) - liz (8/22/18)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Defendant(s):**

Kevin Leibeck

Pro Se

Shaunah Lynn Steelman

Pro Se

Jodi Denise Steelman

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11047 AA-TEK Machining, Inc.**

**Chapter 7**

Adv#: 8:18-01143 Marshack v. Nguyen

**#3.00 STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/6/18 AT 9:30 A.M.,  
PER ORDER ENTERED 10/3/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/6/18 at 9:30 a.m., Per  
Order Entered 12/3/18 (XX) - td (10/3/2018)**

**Tentative Ruling:**

**October 11, 2018**

Continue pretrial conference to December 6, 2018 at 9:30 a.m.; joint pretrial stipulation due on November 29, 2018.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

AA-TEK Machining, Inc.

Represented By  
Tina H Trinh

**Defendant(s):**

Natalie Nguyen

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Kelly Zinser

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... AA-TEK Machining, Inc.**

Wesley H Avery  
Kelly Zinser

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#4.00** STATUS CONFERENCE RE: Complaint For: 1. Declaratory Relief (De Facto Merger); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoideed Transfer; Counterclaim for Declaratory Relief (filed 8/17/18, document number 5)

Docket 1

**\*\*\* VACATED \*\*\* REASON: RESCHEDULED to 10/11/18 at 2:00 p.m.,  
per Order Entered 10/2/18 and Subsequently RESCHEDULED TO 10/11/18  
AT 10:30 A.M. ON COURT'S OWN MOTION; Counsel for Trustee will  
Provide Notice (XX)**

**Courtroom Deputy:**

**RESCHEDULED: Status Conference Rescheduled to 10/11/18 at 2:00  
p.m., per Order Entered 10/2/18 and Subsequently Rescheduled to  
10/11/18 at 10:30 a.m. on Court's Own Motion; Counsel for Trustee will  
Provide Notice (XX) - td (10/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12088 Jesus A Cirigo**

**Chapter 7**

Adv#: 8:18-01144 Cirigo v. Investment Retrievers, Inc.

**#5.00 STATUS CONFERENCE RE: Debtor's Complaint to Set Aside Preference Under 11 U.S.C. §522 & 11 U.S.C. §547 (Recover of Preference)**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary Dismissal with Prejudice of Adversary Proceeding filed 10/9/2018; No Answer Filed**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Voluntary Dismissal with Prejudice of Adversary Proceeding filed 10/9/2018; No Answer Filed - td (10/9/2018)**

**Tentative Ruling:**

**October 11, 2018**

Continue Status Conference to November 15, 2018 at 9:30 a.m.

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jesus A Cirigo**

**Chapter 7**

**Party Information**

**Debtor(s):**

Jesus A Cirigo

Represented By  
Daniel King

**Defendant(s):**

Investment Retrievers, Inc.

Pro Se

**Plaintiff(s):**

Jesus A Cirigo

Represented By  
Daniel King

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

9:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

Adv#: 8:18-01161 DDD Pham LLC v. White Dove Church, Inc et al

**#6.00** STATUS CONFERENCE RE: Notice/Amended Notice of Removal of Action  
RE: Complaint for Unlawful Detainer for Non-Payment of Rent for Non-  
Residential Premises (Superior Court of California, County of Orange - Central  
Justice Center Case No. 30-2018-00996180-CL-UD-CJC)

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Motion Granted to  
Abstain, Per Hearing Held 9/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Motion Granted to Abstain, Per Hearing Held  
9/13/2018 - td (9/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California	Represented By Robert M Yaspan
-------------------------------------	-----------------------------------

**Defendant(s):**

White Dove Church, Inc	Represented By Robert M Yaspan
------------------------	-----------------------------------

Jack Adams Muldoon	Pro Se
--------------------	--------

DOES 1-10	Pro Se
-----------	--------

**Plaintiff(s):**

DDD Pham LLC	Represented By Chi L Ip
--------------	----------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-10735 Brian D. Thaler**

**Chapter 13**

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTOR

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian D. Thaler

Represented By  
James D. Hornbuckle

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Mark S Krause

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Brian D. Thaler**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:00 AM

8:14-17037 Rajwant Sekhon

Chapter 13

#8.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SUMMIT COURT HOMEOWNERS ASSOCIATION

VS.

DEBTOR

Docket 102

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) / Adequate  
Protection Order Entered 10/5/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) / Adequate Protection Order Entered  
10/5/2018 - td (10/5/2018)**

Tentative Ruling:

**October 11, 2018**

Grant motion unless the parties are able to agree to the terms of an adequate protection order. If both parties agree that more time is needed, the hearing may be continued to November 8, 2018 at 10:00 a.m. by requesting the same at the time that the clerk calls the calendar just prior to the hearing.

**Party Information**

**Debtor(s):**

Rajwant Sekhon

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Movant(s):**

Summit Court Homeowners

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rajwant Sekhon**

Misty A Perry Isaacson

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room**

**5A**

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#9.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 5-17-18; 6-21-18; 7-19-18; 9-6-18

Docket 140

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Deny Motion. Movant shall not assess attorneys fees/costs against Debtors' account for the preparation and prosecution of the Motion.

Debtors appear to account for all payments. The court notes that Movant previously filed a motion for relief from stay in 2016 and the parties continued the hearing for approximately 11 months until November 2017, at which time Movant withdrew its motion without even requesting an APO. The court assumes this was done because Debtors were determined to be current as of November 2017. So, as a preliminary matter, how could Debtors be seven payments delinquent just 5 months later? In any event, the documentation attached to the Opposition appears to demonstrate that all payments have been made as of April 2018.

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Maricela Diaz and Ruben Diaz**

**Chapter 13**

-----  
**July 19, 2018**

At least one of the parties must appear and advise the court re the status of this matter. If more time is needed, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call by the courtroom clerk on the day of the hearing.

-----

**September 6, 2018**

One of the parties must appear and advise the court re the status of this matter.

-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Maricela Diaz and Ruben Diaz**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room**

**5A**

10:00 AM

**8:15-11398 Rosa M Harding**

**Chapter 13**

**#10.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK  
MELLON, ET AL

VS.

DEBTOR

FR: 7-19-18; 9-6-18

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 19, 2018**

Grant motion without 4001(a)(3) waiver.

Debtor's response is muddled and equivocal -- she doesn't state definitively whether she has made all postpetition payments or, if not, how many are missing. Merely attaching miscellaneous copies of checks (presumably for the court to try to decipher) is insufficient.

-----

**September 6, 2018**

Movant to advise the court re the status of this matter.

-----

**October 11, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rosa M Harding**

**Chapter 13**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:00 AM

8:16-11980 Jon J Pearson

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

HSBC BANK USA, NA

VS.

DEBTOR

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver and co-debtor stay.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Jon J Pearson

Represented By  
James Conkey  
Laleh Ensafi

**Movant(s):**

HSBC Bank USA, National

Represented By  
Brett P Ryan  
Jason A Savlov

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jon J Pearson**

Tyneia Merritt

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:00 AM

8:16-14619 Wayne Edward Heard

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTOR

Docket 46

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
10/10/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 10/10/2018 - td (10/10/2018)**

Tentative Ruling:

**October 11, 2018**

Off calendar in light of stipulated adequate protection order.

**Note: Appearances at this are not required.**

**Party Information**

**Debtor(s):**

Wayne Edward Heard

Represented By  
Julie J Villalobos

**Movant(s):**

LAKEVIEW LOAN SERVICING,

Represented By  
Erin M McCartney

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Wayne Edward Heard**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room

5A

10:00 AM

8:16-14746 Herlinda Galaviz

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTOR

Docket 33

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
10/10/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 10/10/2018 - td (10/10/2018)**

Tentative Ruling:

**October 11, 2018**

Grant with 4001(a)(3) waiver and co-debtor stay.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Herlinda Galaviz

Represented By  
Rex Tran

**Movant(s):**

DITECH FINANCIAL LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Herlinda Galaviz**

**Chapter 13**

Jason A Cottrill  
James F Lewin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#14.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 9-6-18

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(b)(3) waiver unless the parties are able to reach a resolution prior to the hearing. If all parties agree that more time is needed, the hearing may be continued to October 11, 2018 at 10:00 a.m. by requesting the same during the court's calendar roll call prior to the hearing.  
-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil  
Rosemary Allen  
Katie M Parker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-12643 Vu Ngoc Nguyen and Quynh-Trang T. Nguyen**

**Chapter 13**

**#15.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SOUTHLAND CREDIT UNION  
VS.  
DEBTORS

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vu Ngoc Nguyen

Represented By  
Raymond J Seo

**Joint Debtor(s):**

Quynh-Trang T. Nguyen

Represented By  
Raymond J Seo

**Movant(s):**

Southland Credit Union

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Vu Ngoc Nguyen and Quynh-Trang T. Nguyen  
Bruce P. Needleman**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:00 AM

8:17-14455 BobbiJo Cook

Chapter 13

#16.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

NATIONSTAR MORTGAGE LLC

VS.

DEBTOR

FR: 9-6-18

Docket 31

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief form the Automatic Stay (Settled by Stipulation) Entered 9/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief form the Automatic  
Stay (Settled by Stipulation) Entered 9/19/2018 - td (9/19/2018)**

Tentative Ruling:

**September 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

BobbiJo Cook

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... BobbiJo Cook**

**Chapter 13**

**Movant(s):**

Nationstar Mortgage LLC d/b/a Mr.

Represented By  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14551 Italo Victor Ismodes, Sr**

**Chapter 7**

**#17.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BRIAN PARISCARI

VS.

DEBTOR

Docket 135

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Deny motion without prejudice.

Based upon the evidence submitted by the chapter 7 trustee, there appears to be substantial equity in the property as well as a substantial equity cushion to protect the interest of the moving party. Further, the trustee is already in the process of marketing the property for sale. Finally, moving party has provided no evidence that the bankruptcy case was filed in bad faith.

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Movant(s):**

Brian Pariscari

Represented By  
Amid Bahadori

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Italo Victor Ismodes, Sr**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nanette D Sanders

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#18.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS

DEBTOR

FR: 9-6-18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(a)(3) waiver unless the parties are able to reach a resolution prior to the hearing. Available continued hearing date if necessary: October 11, 2018 at 10:00 a.m.

-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Willie Marie Singletary**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:00 AM

8:18-10843 Robert Neil Phillips

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

EAGLE HOME MORTGAGE OF CALIFORNIA

VS.

DEBTOR

Docket 46

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation / APO) Entered  
10/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation / APO) Entered 10/4/2018 - td (10/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Neil Phillips

Represented By  
Yelena Gurevich

**Movant(s):**

Eagle Home Mortgage of California

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11445 Dominga Cuenca Morales**

**Chapter 13**

**#20.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

VW CREDIT INC.

VS.

DEBTOR

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dominga Cuenca Morales

Represented By  
Scott Dicus

**Movant(s):**

VW Credit, Inc.

Represented By  
Darren J Devlin



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Dominga Cuenca Morales**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12229 Nadia Maria Atalah**

**Chapter 7**

**#21.00** Hearing RE: Motion for Relief from the automatic stay or for order confirming that the automatic stay does not apply under 11 U.S.C. 362(l) [UD]

ALPIN NAZARYAN

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant motion with 4001(a)(3) waiver as well as 180-day prospective relief -- recordation of order required. Deny request for award of attorneys fees under Rule 9011 (request is beyond the scope of a relief from stay motion and the request does not meet the procedural requirements of a 9011 motion)

Basis for tentative ruling:

As of the date of the current filing on June 19, 2018, Debtor had two prior cases pending and dismissed within one year. Accordingly, under Section 362(c)(4) there was no stay in effect as of June 19, 2018 and there was no stay violation for any acts taken by Movant after June 19, 2018. Debtor did not timely seek the imposition of a stay under 362(c)(4). Notably, this is the 5th bankruptcy case Debtor has filed in the past 4 years so prospective relief is appropriate.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Nadia Maria Atalah**

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nadia Maria Atalah

Represented By  
Daniel King

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12725 Denise M Deme Yue**

**Chapter 13**

**#22.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with all relief requested except that recordation of the order is required.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denise M Deme Yue

Pro Se

**Movant(s):**

JPMORGAN CHASE BANK N.A.

Represented By  
Kelsey X Luu

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13131 Lazaro Carrasco**

**Chapter 7**

**#23.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SANTANDER CONSUMER USA, INC.  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lazaro Carrasco

Represented By  
Violeta Delgado

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By  
Sheryl K Ith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Lazaro Carrasco**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13295 Brealle Hollyfield**

**Chapter 13**

**#24.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
THE MARKE AT SOUTH COAST METRO, LLC  
VS.  
DEBTOR

Docket 7

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Motion, filed 9/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Motion, filed 9/25/2018 - td  
(9/25/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brealle Hollyfield	Pro Se
--------------------	--------

**Movant(s):**

The Marke at South Coast Metro,	Represented By Richard Sontag
---------------------------------	----------------------------------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13314 Pastor Enrique Chirivella**

**Chapter 7**

**#25.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
HARBOR CLIFF, LP  
VS.  
DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pastor Enrique Chirivella

Pro Se

**Movant(s):**

HARBOR CLIFF, LP

Represented By  
Scott Andrews

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:94-22272 County Of Orange**

**Chapter 9**

**#26.00** Hearing RE: Motion of The County of Orange for Order Setting Scope of Notice of County's Proposed Case Closing Motion

Docket 5856

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant motion, except that, in addition to publication in the *Orange County Register* and the *Bond Buyer*, the notice should also be published on at least one social media platform utilized by the County, e.g., Facebook, Twitter, Instagram, etc.

**Party Information**

**Debtor(s):**

County Of Orange

Represented By  
Adam C Clanton  
Leon J Page  
Ronald T Magsaysay  
Paul R. Glassman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

**8:10-26006 James E. Case and Laura M. Case**

**Chapter 7**

**#27.00** Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Authorizing Sale of Property Pursuant to 11 U.S.C. Section 363(b); (2) Approving Overbid Procedures; (2) Approving Buyer as Good-Faith Purchase Pursuant to 11 U.S.C. Section 363(m); and (4) Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019

Docket 52

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/8/18 AT 10:30 A.M.,  
PER ORDER ENTERED 10/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 11/8/18 at 10:30 a.m., Per Order  
Entered 10/2/18 (XX) - td (10/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James E. Case

Represented By  
Bert Briones

**Joint Debtor(s):**

Laura M. Case

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:11-12718 Norman Wright Branyan**

**Chapter 11**

**#28.00** CON'TD Post-Confirmation Status Conference Hearing RE: July 26, 2013  
Version of Fifth Amended Chapter 11 Plan of Reorganization Proposed by  
Debtor Norman Branyan on February 28, 2013

(Set at Plan Conf. Hrg. held 9/19/13)  
FR: 3-20-14; 4-17-14; 10-16-14; 4-16-15; 10-15-15; 10-13-16; 4-13-17;  
10-19-17; 5-3-18; 10-4-18

Docket 549

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 20, 2014**

Debtor's counsel must appear at today's hearing -- status report doesn't say whether plan payments are current and provides no information as to why the plan needs to be modified. Finally, the report does not indicate whether Debtor is in compliance with post-confirmation requirements of the United States Trustee.

As to creditors who are not cashing checks, the court cannot give legal advice or any advisory opinion concerning such matter.

***Note: Appearance at today's hearing is required.***

-----  
**April 17, 2014**

No tentative ruling

-----  
**October 16, 2014**

Continue postconfirmation status conference to April 16, 2015 at 10:30 a.m.;  
updated status report to be filed by April 2, 2015 (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room

5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

-----

**April 16, 2015**

Continue postconfirmation status conference to October 15, 2015 at 10:30 a.m.; an updated status report must be filed by October 1, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**October 15, 2015**

Continue postconfirmation status conference to April 14, 2016 at 10:30 a.m.; updated status report to be filed by March 31, 2016. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

-----

**April 14, 2016**

Continue postconfirmation status conference to October 13, 2016 at 10:30 a.m.; an updated status report must be filed by September 29, 2016; sanctions in the amount of not less than \$100 may be imposed for failure to timely file the updated status report. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room

5A

10:30 AM

CONT... Norman Wright Branyan  
*the hearing.*

Chapter 11

-----  
**October 13, 2016**

Continue postconfirmation status conference to April 13, 2017 at 10:30 a.m.;  
updated status report to be filed by March 30, 2017. (XX)

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

-----  
**April 13, 2017**

Continue postconfirmation status conference to October 19, 2017 at 10:30  
a.m.; an updated status report must be filed by October 5, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----  
**October 19, 2017**

Continue postconfirmation status conference to May 3, 2018 at 10:30 a.m.;  
an updated status report must be filed by April 19, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room

5A

10:30 AM

CONT... Norman Wright Branyan  
**May 3, 2018**

Chapter 11

Continue postconfirmation status conference to October 4, 2018 at 10:30 a.m.; an updated status report must be filed by September 20, 2018 (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**October 11, 2018**

Continue postconfirmation status conference to April 11, 2019 at 10:30 a.m.; updated status report to be filed by March 28, 2019.

***Note: If Debtor is in full compliance with the requirements of the U.S. Trustee, including payment of quarterly fees, appearances at today's hearing are not required. It is Debtor's responsibility to confirm status of compliance prior to the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Norman Wright Branyan

Represented By  
Richard H Gibson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-17370 Alma Theresa Reyes**

**Chapter 11**

**#29.00** CON'TD Post Confirmation Status Conference RE: Individual Fourth Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 5/22/14)

FR: 11-20-14; 3-5-15; 9-10-15; 3-10-16; 9-8-16; 3-16-17; 9-21-17; 3-22-18;  
3-29-18

Docket 209

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 20, 2014**

Continue status conference to March 5, 2015 at 10:30 a.m.; updated status report to be filed by Feb 19, 2015. (XX)

*Special note:* The court would ordinarily continue the hearing 180 days. However, because of Debtor's failure to timely commence plan payments as to certain classes, the continued hearing will be heard sooner this time.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtors' responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 5, 2015**

Continue status conference to September 10, 2015 at 10:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Reyes

Chapter 11

***UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 10, 2015**

Continue postconfirmation status conference to March 10, 2016 at 10:30 a.m.; updated status report to be filed by February 25, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**March 10, 2016**

Continue Postconfirmation Status Conference to September 8, 2016 at 10:30 a.m.; updated Status Report to be filed by August 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 8, 2016**

Continue postconfirmation status conference to March 16, 2017 at 10:30 a.m.; updated status report must be filed by March 2, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Reyes

Chapter 11

**March 16, 2017 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to September 21, 2017 at 10:30 a.m.; updated Status Report to be filed by August 31, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading (Sixth Post-Confirmation Status Report)*

-----

**September 21, 2017**

Comments:

1. The report re Class 6 appears to be a cut and paste from the Sixth Postconfirmation Status Report -- has Debtor made quarterly distributions in 2017?
  2. Does Debtor intend to seek a final decree prior to 2024, notwithstanding that plan payments will continue until 2024?
- 

**March 29, 2018 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to October 11, 2018 at 10:30 a.m.; updated Status Report to be filed by September 27, 2018 (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Alma Theresa Reyes**

**Chapter 11**

*prepared pleading (Sixth Post-Confirmation Status Report)*

-----  
**October 11, 2018**

Updated postconfirmation status report not timely filed. Impose sanctions against Debtor's counsel in the amount of \$100.00 for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alma Theresa Reyes

Represented By

Ivan M Lopez Ventura

Jeffrey V Hernandez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-12405 Jeffrey Paul Noffsinger and Amanda Tabitha Rockwell**

**Chapter 7**

**#30.00** Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case Pursuant to 11 U.S.C. Section 350(b)

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Motion Granted.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jeffrey Paul Noffsinger

Represented By  
Joseph M Tosti

**Joint Debtor(s):**

Amanda Tabitha Rockwell

Represented By  
Joseph M Tosti

**Trustee(s):**

John M Wolfe (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:17-10097 Cozette Hanich

Chapter 11

#31.00 CON'TD Post-Confirmation Status Conference RE: Individual Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 10/19/17)  
FR: 4-12-18

Docket 57

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting a Final Decree and Order Closing Case Entered 9/19/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting a Final Decree and Order Closing Case Entered 9/19/2018 - td (9/19/2018)**

**Tentative Ruling:**

**April 12, 2018**

Continue post-confirmation status conference to October 11, 2018 at 10:30 a.m.; updated status report must be filed by September 27, 2018 if a final decree has not entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is the responsibility of Debtor to confirm such compliance with the UST prior to the hearing.***

**Party Information**

**Debtor(s):**

Cozette Hanich

Represented By  
Julie J Villalobos

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:17-10760 Mary Helen Leonard

Chapter 7

#32.00 Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 73

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:17-10760 Mary Helen Leonard

Chapter 7

#33.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR WENETA  
M.A. KOMALA, CHAPTER 7 TRUSTEE]

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Mary Helen Leonard

Represented By  
Joseph A Weber

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#34.00** Hearing RE: Confirmation of Amended Chapter 11 Plan of Reorganization

(Set at DS hrg. held 7-31-18)

FR: 10-4-18

Docket 93

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m. to allow Debtor to file a supplemental pleading by November 1, 2018 that adequately addresses 11 U.S.C. 1129(b)(2)(B)(ii).

Notwithstanding the lack of opposition to confirmation by a creditor, this court must be able to find compliance with all applicable sections of 1129. Here, Debtor glosses over the statutory "cram down" requirements of 1129(b)(2)(B)(ii) re fair and equitable -- the absolute priority rule -- by relying on a "corollary". See Motion Supporting Confirmation of Second Amended Plan of Reorganization ("Confirmation Motion") at p. 19. Clearly, Debtors are retaining their interest in property while unsecured creditors are not being paid in full. There is no discussion of the new value exception to the absolute priority rule or evidence of new value. In fact, the Second Amended Plan does not provide for any contribution by Debtors that is new, substantial, money or money's worth, necessary for reorganization and reasonably equivalent to the value or interest retained by them.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#35.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case**

FR: 11-30-17, 5-31-18; 6-21-18; 7-31-18; 10-4-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 30, 2017**

Claims bar date: Mar. 1, 2018

Deadline to file plan/discl. stmt: May 15, 2018

Continued status conference: May 31, 2018 at 10:30 a.m.  
(XX)

Deadline to file updated status report: May 17, 2018\*

\*If Debtors timely file a plan and disclosure statement by May 15, 2018, the requirement of filing an updated status report will be waived and the status conference will likely be continued to the same hearing date/time as approval of the disclosure statement.

***Note: Appearances are not required if Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee. It is Debtors' responsibility to confirm such compliance with the UST in advance of the hearing.***

-----

**June 21, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

Continue status conference to July 10, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.

-----

**July 31, 2018**

Continue status conference to same date/time as confirmation hearing; updated report not required. (Oct. 4, 2018 at 10:30 a.m.) (XX)

-----

**October 11, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:18-10105 Shannon D Doyle

Chapter 7

#36.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shannon D Doyle

Represented By  
Tony Forberg

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#37.00** Hearing RE: Debtor's Motion for Order Approving Compromise of Claim with Legate Law Corporation

Docket 104

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#38.00** CONT'D Hearing RE: Confirmation of Individual Debtor's Amended Plan of Reorganization

(Set at DS Hrg. held 7-31-18)  
FR: 10-4-18

Docket 81

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

*This matter remains under review by the court. A tentative ruling may be posted at any time prior to the hearing.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10367 Mary Elizabeth Schaffer**

**Chapter 11**

**#39.00** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 4-5-18; 7-19-18; 7-31-18; 10-4-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Claims bar date: June 11, 2018; notice to creditors by April 11, 2018

Debtor's counsel to provide update re motion for use of cash collateral and why Debtor waited more than 6 weeks to file the motion.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue hearing to July 31, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. (XX)

-----

**October 11, 2018**

No tentative ruling. The disposition of this matter will depend on the outcome of Calendar #38.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Mary Elizabeth Schaffer

**Chapter 11**

***Note: Appearances at this hearing are not required.***

-----

**July 31, 2018**

Continue to same day/time as hearing on confirmation of plan.  
(Oct. 4, 2018 at 10:30 a.m.) (XX)

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary Elizabeth Schaffer

Represented By  
Andrew S Bisom

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#40.00 Hearing RE: Motion for Order Authorizing Trustee to Sell or Abandon Certain Litigation Claims

Docket 279

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/6/2018 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Hearing filed  
10/4/2018, Document # 317 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/6/2018 at 10:30 a.m. on Court's  
Own Motion; See Notice of Continued Hearing filed 10/4/2018, Document  
# 317 (XX) - td (10/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:18-10974 Shawna Marie Murray

Chapter 7

#41.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shawna Marie Murray

Represented By  
Harlene Miller

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

Adv#: 8:18-01124 SJO Investments, LLC v. Gilbert-Bonnaire

**#42.00** Hearing RE: Defendant's Motion to Set Aside Default

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered in Main Case on  
9/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered in Main Case on 9/26/2018 - td (9/26/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Julie J Villalobos

**Defendant(s):**

Paula Gilbert-Bonnaire

Represented By  
Andrew Edward Smyth

**Plaintiff(s):**

SJO Investments, LLC

Represented By  
Jon Alan Enochs

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11236 Paula Gilbert-Bonnaire**

**Chapter 13**

Adv#: 8:18-01124 SJO Investments, LLC v. Gilbert-Bonnaire

**#43.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Under 11 U.S.C. §523(a)(2)(A), and, if Applicable, Allowance Pursuant to 11 U.S.C. §502

FR: 9-20-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered in Main Case on  
9/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered in Main Case on 9/26/2018 - td (9/26/2018)**

**Tentative Ruling:**

**September 20, 2018**

Continue status conference to October 11, 2018 at 10:30 a.m., same date/time as Defendant's pending motion to set aside default. Updated status report not required. (XX)

***Note: Appearances at today's hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Julie J Villalobos

**Defendant(s):**

Paula Gilbert-Bonnaire

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Paula Gilbert-Bonnaire**

**Chapter 13**

**Plaintiff(s):**

SJO Investments, LLC

Represented By  
Jon Alan Enochs

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12048 Peter E Keseric**

**Chapter 7**

**#44.00** Hearing RE: Chapter 7 Trustee's Motion to Extend the time to File a Section 727 Complaint Pursuant to FRBP 4004(b)

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Peter E Keseric

Represented By  
Michael J Varisco

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12322 Tung Phuong Nguyen-Phuc**

**Chapter 7**

**#45.00** CON'TD Hearing RE: Stipulation Regarding U.S. Trustee Report of Chapter 7 Election

FR: 9-6-18

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Counsel for creditor Emma Borges to appear and advise the court as to the reasons for the proposed election of Karl Anderson as chapter 7 trustee.  
-----

**October 11, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 8, 2018 re the status of this matter.

***Note: Appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

8:18-12607 Dagmar Lapcik

Chapter 7

#46.00 Hearing RE: Motion of Judgment Creditor Costa Mesa Federal Credit Union for an Order to Confirm that (i) A Debt Deemed to be Non-Dischargeable in a Previous Bankruptcy Case is Res Judicata in This Case and (ii) The Automatic Stay Is Not In Effect as to Debtor or for Relief from the Automatic Stay

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant in part, deny in part. Grant as to request for order confirming that a debt deemed nondischargeable in a prior bankruptcy case has preclusive effect in current case; deny request for order holding that the automatic stay is not in effect.

The automatic stay applies to actions against the debtor and property of the debtor, as well as actions against property of the estate. In *In re Arneson*, the BAP held that while "a 523 judgment in a prior bankruptcy case has claim preclusion effect . . . in a new bankruptcy, we also hold that the filing of the second bankruptcy petition under 11 U.S.C. 301 operated to impose a new automatic stay under 362." 282 B.R. 883, 893-894 (9th Cir. BAP 2002). The BAP further concluded that Sections 362(a)(5) and (6) applied to stay the creditor from garnishing the debtor's wages even though such wage were not property of the estate and that the creditor, therefore, was required to file a motion for relief from stay. Likewise, Movant here needs to file a formal motion for relief from stay.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Dagmar Lapcik**

**Chapter 7**

**Debtor(s):**

Dagmar Lapcik

Represented By  
Charles Martin

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#47.00 STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/25/18 AT 10:30 A.M.,  
PER ORDER ENTERED 9/24/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 10/25/18 at 10:30 a.m.,  
Per Order Entered 9/24/2018 (XX) - td (9/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#47.10** Hearing RE: Chapter 7 Trustee's Motion to Dismiss Counterclaim of SNCR California, Inc.

(rescheduled from 10-11-18 at 2:00 pm)

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant motion.

The court adopts the legal authorities and analysis set forth in the Motion and (corrected) Reply.

Lack of Actual Controversy

The Declaratory Judgment Act authorizes federal courts to grant declaratory relief in a "case of actual controversy," but the court with power unless an "actual controversy" exists. grant declaratory *Maryland Cas. Co. v. Pacific Coal & Oil Co.*, U.S. 270, 272 (1941); 28 U.S.C. § 2201. "The difference between an abstract question and a 'controversy' contemplated by the Declaratory Judgment Act is necessarily one of degree... Basically, the question in each case is whether the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *Id.* at 273. "The phrase "case of actual controversy" in the [Declaratory Judgment] Act refers to the type of "Cases" and "Controversies" that are justiciable under Article III. *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S. 118, 127 (2007).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

Defendant alleges an actual dispute between Trustee and the Bank "as to whom has the ultimate right to [Debtor's] assets." Counterclaim, p. 4, ¶ 9. Defendant has failed to allege facts that show a substantial controversy between Defendant on the one hand, and Trustee and the Bank on the other hand. At best, Defendant has pled facts that indicate that the Bank may have a security interest in the assets Trustee is seeking to recover. Defendant's reliance on Trustee's previous abandonment of Debtor's assets listed on Schedule B is unpersuasive because, as noted by Trustee, Trustee seeks to recover assets that were allegedly transferred before the Petition Date, i.e., not part of the estate on the Petition Date because Debtor had previously transferred its interest in the assets. In sum, in the event Trustee prevails on the Complaint, there is no actual controversy that Defendant would be required to comply with a Court issued judgment and the requirements of the Code to turnover estate assets.

Standing

Even assuming that there is a dispute between Trustee and the Bank regarding the Bank lien on the assets, Defendant does not have standing to assert the rights of the Bank. As previously explained by the U.S. Supreme Court:

[S]tanding jurisprudence contains two strands: Article III standing, which enforces the Constitution's case-or-controversy requirement... and prudential standing, which embodies "judicially self-imposed limits on the exercise of federal jurisdiction... The Article III limitations are familiar: The plaintiff must show that the conduct of which he complains has caused him to suffer an "injury in fact" that a favorable judgment will redress.... prudential standing encompasses "the general prohibition on a litigant's raising another person's legal rights, the rule barring adjudication of generalized grievances more appropriately addressed in the representative branches, and the requirement that a plaintiff's complaint fall within the zone of interests protected by the law invoked.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 11, 2018

Hearing Room 5A

10:30 AM

CONT... Team Business Solutions, Inc.

Chapter 7

*Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 11–12 (2004)(citation omitted), *abrogated on other grounds by Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014). "A federal court may exercise jurisdiction over a litigant only when that litigant meets constitutional and prudential standing requirements." *In re Veal*, 450 B.R. 897, 906 (B.A.P. 9th Cir. 2011)(citing *Elk Grove Unified Sch. Dist.*).

In this case, Defendant does not have prudential standing because Defendant is attempting to assert the rights of the Bank, if any, in the assets. This goes against the "general prohibition on a litigant's raising another person's rights[.]" Indeed, the Bank has even joined in Trustee's Motion. Defendant's legal authorities are unpersuasive because both *Slayman v. FedEx Ground Package Sys., Inc.*, 765 F.3d 1033, 1048 (9th Cir. 2014) and *Dukes v. Wal-Mart Stores, Inc.*, 603 F.3d 571, 613 (9th Cir. 2010), *rev'd*, 564 U.S. 338 (2011) addressed standing in the context of class actions and finding that class members who were no longer employed by defendant employers lacked standing to seek prospective relief. As such, the Counterclaim should be dismissed because Defendant lacks standing.

Interpleader

Defendant's Counterclaim is not an FRCP 22 or 28 U.S.C. § 1335 interpleader because Defendant does not argue that it is an interpleader, see *generally*, Opp'n. Defendant would not be subject to multiple liability for complying with a Court issued judgment (assuming Defendant lost) to turnover to Trustee assets that have been deemed to be estate assets. Finally, Defendant has not complied with 28 U.S.C. § 1335 by failing to deposit an amount equal to the value of the assets with the Court.

**Party Information**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#47.20** STATUS CONFERENCE RE: Complaint For: 1. Declaratory Relief (De Facto Merger); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoideed Transfer; Counterclaim for Declaratory Relief (filed 8/17/18, document number 5)

(rescheduled from 10-11-18 at 9:30 am)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Discovery Cut-off Date:	Apr. 15, 2019
Deadline to Attend Mandatory Mediation:	May 31, 2019
Pretrial Conference Date:	July 18, 2019 at 9:30 am
Deadline to file Joint Pretrial Stipulation:	July 11, 2019

*Special note: Defendant needs to state in the pretrial stipulation if it consents to this court's jurisdiction to enter a final judgment in this matter.*

**Note: If the parties accept the foregoing tentative ruling, Plaintiff shall lodge a pretrial order consistent with the same.**

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#48.00** Hearing RE: Chapter 7 Trustee's Motion to Dismiss Counterclaim of SNCR California, Inc.

Docket 10

**\*\*\* VACATED \*\*\* REASON: HEARING RESCHEDULED TO 10/11/18  
AT 10:30 A.M. ON COURT'S OWN MOTION; Counsel for the Trustee will  
Provide Notice (XX)**

**Courtroom Deputy:**

**RESCHEDULED: Hearing Rescheduled to 10/11/18 at 10:30 a.m. on  
Court's Own Motion; Counsel for the Trustee will Provide Notice (XX) -  
td (10/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 11, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-10548 Lenore LuAnn Albert-Sheridan**  
Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**Chapter 7**

**#49.00** Hearing RE: Defendant Neal Kelley, Orange County Registrar of Voters' Motion to Dismiss or, in the Alternative, Motion for More Definite Statement

Docket 4

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 9:30 A.M.,  
PER STATUS CONFERENCE HELD 9/6/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 11/15/18 at 9:30 a.m., Per Status Conference  
Held 9/6/18 (XX) - td (9/7/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Neal Kelley Represented By  
Donald K Dunn

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, October 12, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-13638 Friendly Village MHP Associates LP**

**Chapter 7**

**#1.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(OST Entered 10/10/2018)**

CHAPTER 7 TRUSTEE, RICHARD A. MARSHACK

VS.

DEBTOR

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Movant(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#1.00** CONT'D Hearing RE: Motion To Dismiss [First Amended] Verified Complaint For Failure To State A Claim For Relief Pursuant To FRCP 12(b)(6)

FR: 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17;  
4-12-18

Docket 73

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/18 AT 9:30 A.M.,  
PER ORDER ENTERED 10/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Stipulation to Further Continue Status Conference and  
Hearing on Motion to Dismiss First Amended Complaint APPROVED  
10/15/18; Matter continued to December 13, 2018 at 9:30 a.m. -- es / td  
(XX) (10/15/2018)**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Turko United LLC

Pro Se

Nath Investments Inc.

Represented By  
Marc C Forsythe

My Imaging Center LLC

Pro Se

My Imaging Center Inc.

Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

	Marc C Forsythe
American Edge Medical Co.	Represented By Marc C Forsythe
Lake Elsinore Diagnostics Inc.	Pro Se
Temecula Diagnostic Center Inc.	Pro Se
Anke Ciling	Represented By Marc C Forsythe
Sammy Ciling	Represented By Marc C Forsythe
Fallbrook Diagnostics Inc.	Pro Se

**Joint Debtor(s):**

Linda Bae Lee	Represented By Robert B Rosenstein
---------------	---------------------------------------

**Movant(s):**

Sammy Ciling	Represented By Marc C Forsythe
Anke Ciling	Represented By Marc C Forsythe
Medical Imaging Rentals, Inc.	Represented By Marc C Forsythe
My Imaging Center Inc.	Represented By Marc C Forsythe
Nath Investments Inc.	Represented By Marc C Forsythe
American Edge Medical Co.	Represented By Marc C Forsythe

**Plaintiff(s):**

Prime Partners Medical Group, Inc.	Represented By
------------------------------------	----------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Donald Woo Lee

Norma Ann Dawson

Represented By  
Norma Ann Dawson

Linda Bae Lee

Represented By  
Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#2.00** CON'TD STATUS CONFERENCE RE: First Amended Verified Adversary Complaint for: 1. Fraudulent Transfer Pursuant to California Civil Code Section 3439-3439, 12; 2. Fraud; 3. Breach of Contract; 4. Accounting; 5. Constructive Trust; 6. Preliminary and Permanent Injunction; 7. Conversion; 8. Breach of Fiduciary Duty; 9. Breach of Implied Covenant of Good Faith and Fair Dealing; and 10. Involuntary Dissolution of Defendant Fallbrook Diagnostics, Inc.

FR: 3-12-15; 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17; 4-12-18

Docket 59

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/18 AT 9:30 A.M.,  
PER ORDER ENTERED 10/15/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Stipulation to Further Continue Status Conference and  
Hearing on Motion to Dismiss First Amended Complaint APPROVED  
10/15/18; Matter continued to December 13, 2018 at 9:30 a.m.; updated  
status report due December 6, 2018 --es /td (XX) (10/15/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

American Edge Medical Co.

Represented By  
Marc C Forsythe

Turko United LLC

Pro Se

Nath Investments Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

	Marc C Forsythe
My Imaging Center Inc.	Represented By Marc C Forsythe
Medical Imaging Rentals, Inc.	Represented By Marc C Forsythe
My Imaging Center LLC	Pro Se
Lake Elsinore Diagnostics Inc.	Pro Se
Temecula Diagnostic Center Inc.	Pro Se
Anke Ciling	Represented By Marc C Forsythe
Sammy Ciling	Represented By Marc C Forsythe
Fallbrook Diagnostics Inc.	Pro Se

**Joint Debtor(s):**

Linda Bae Lee	Represented By Robert B Rosenstein
---------------	---------------------------------------

**Plaintiff(s):**

Prime Partners Medical Group, Inc.	Represented By Norma Ann Dawson
Donald Woo Lee	Represented By Norma Ann Dawson
Linda Bae Lee	Represented By Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR)	Represented By Kyra E Andrassy David Wood Matthew Grimshaw
-------------------------	---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Donald Woo Lee**

**Chapter 7**

Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#3.00** Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 8/3/2018)

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Vacate Order to Show Cause

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#4.00** CON'TD STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged Administrative Claimant Out of Escrow

FR: 4-5-18; 6-21-18; 8-2-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 5, 2018**

Joint status report not timely filed. Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed.  
-----

**June 21, 2018**

Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to file an updated status report or file a motion for default judgment.  
-----

**August 2, 2018**

Continue status conference to October 18, 2018 at 9:30 a.m.; court to issue Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution which will be set for the same date/time. (XX)

***Note: Appearance at this hearing is not required.***  
-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

CONT... **Bruce R Fink**

**Chapter 13**

**October 18, 2018**

Continue status conference to December 13, 2018 at 2:00 p.m., same date/time as hearing on Defendant's Motion to Dismiss.

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink	Pro Se
--------------	--------

**Defendant(s):**

HFOP City Plaza LLC	Pro Se
---------------------	--------

**Plaintiff(s):**

Bruce R Fink	Represented By Fritz J Firman
--------------	----------------------------------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

9:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#5.00 CON'TD STATUS CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452 (As to the remaining cross-complaint)**

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18; 2-22-18; 4-12-18; 6-21-18; 7-31-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Complaint for Lack of Prosecution Entered 6/22/18; The Cross-Complaint will Remain for Prosecution by Cross-Plaintiffs - td (6/22/2018)**

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery: July 1, 2016  
Pretrial Stipulation due date: August 18, 2016

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

9:30 AM

CONT...

Rosalva Ramirez

Chapter 11

Pretrial Conference:

Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----  
**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----  
**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

-----  
**November 30, 2017**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Rosalva Ramirez**

**Chapter 11**

Joint pretrial stipulation not timely filed; updated status report re possible settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***  
-----

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***  
-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.  
-----

**April 12, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; Court to issue order to show cause why this adversary should not be dismissed due to lack of prosecution ("OSC"), which OSC shall be heard on the same date/time as the continued status conference. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Defendants shall service notice of the continued status conference.***  
-----

**June 21, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

9:30 AM

CONT...

**Rosalva Ramirez**

**Chapter 11**

Take matter off calendar in light of the dismissal of the adversary proceeding.  
-----

**July 31, 2018**

Continue as a status conference to October 18, 2018 at 9:30 a.m. Updated status report must be filed by October 4, 2018. Any pretrial motion must be filed by September 13, 2018. (XX)

***Note: Appearance at this hearing is waived; Cross-Plaintiff to serve notice of the continued hearing date.***  
-----

**October 18, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required.

***NOTE: Appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Manee

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room      5A**

9:30 AM

**CONT...      Rosalva Ramirez      Chapter 11**

Family Steel Corporation      Pro Se

First American Title Insurance      Pro Se

Olimpia Family Trust, Dated      Pro Se

**Plaintiff(s):**

Mayanin Sotelo      Pro Se

Salon Envious, Inc.      Pro Se

Aurelio Vera      Pro Se

Faviola Vera      Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

Adv#: 8:18-01154 Dailey, Jr. v. Transcend Investment Group, Inc.

**#6.00 STATUS CONFERENCE RE: Complaint for Order Clearing Title to Debtor's Residence (or to Set Aside Defendant's Trustee's Deed)**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue status conference to October 25, 2018 at 9:30 a.m., same date/time as hearing on motion for default judgment. Updated status report not required.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Defendant(s):**

Transcend Investment Group, Inc.

Pro Se

**Plaintiff(s):**

Thomas Charles Dailey Jr.

Represented By  
Ronald Appel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#7.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge [Demand for Jury]

FR: 11-3-16; 4-13-17; 5-11-17; 6-15-17; 10-19-17; 12-14-17; 3-22-18; 3-29-18; 5-31-18; 7-19-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.,  
PER ORDER ENTERED 10/4/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 12/20/2018 at 9:30 a.m.,  
Per Order Entered 10/4/2018 - td (10/4/2018)**

**Tentative Ruling:**

**November 3, 2016**

Discovery Cut-off Date:	2/15/17
Pretrial Conference Date:	4/13/17 at 9:30 a.m. (XX)
Deadline to File Joint Pretrial Stipulation:	3/30/17

Deadline for Plaintiff to file Brief With Legal Authority/Analysis re Asserted Right to a Jury Trial	3/30/17
--	---------

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of "Section 828(a)(2) . . . of Title 11 of the United States Code." There is no Section 828 in the Bankruptcy Code.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

**April 13, 2017**

Impose sanctions in the amount of \$100 as to Plaintiff's and Defendant's counsel for failure to timely file a joint pretrial stipulation. The court further notes that Plaintiff did not file a brief in support of his alleged right to a jury trial and the court assumes Plaintiff is no longer demanding a jury trial.

Plaintiff's counsel filed a late unilateral pretrial statement on April 11, 2017 but does not include a declaration stating why a joint pretrial stipulation was not filed -- Defendant's counsel did not sign off on the statement filed on April 11, 2017. Instead the declaration appears to be an improper "motion" to re-open discovery. Such a request can only be made by a properly noticed motion pursuant to LBR 9013-1.

***Note: Appearances at this hearing are required.***

-----

**May 11, 2017**

Continue pretrial conference to June 15, 2017 at 10:30 a.m., same date/time as hearing on pending motion to re-open discovery. (XX)

Comments re the Joint Pretrial Stipulation:

1. Though Section III (Issues of Law) refers to 523(a)(2)(A), Section II (Disputed Facts) of the JPS does not reference 523(a)(2)(A) or any disputed facts relevant to the elements of fraud.
2. Though Section refers to disputed facts relevant to 523(a)(6), Section III does not refer to issues of law re 523(a)(6).
3. The court does not understand the issue of law implicated by Section III(2) of the JPS.
4. Paragraph 9 of the Complaint refers to 523(a)(2)(B) but there is no reference

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability been abandoned by Plaintiff?

5. Disputed facts relevant to the elements of slander *per se* are not set forth in the JPS.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required. Though an amended JPS is not required for the 6/15/17 hearing, the parties are advised to heed the court's comments re the JPS for purposes of any amended JPS filed in the future.***

-----

**June 15, 2017**

Continue pretrial conference to October 19, 2017 at 9:30 a.m.; amended joint pretrial stipulation must be filed by October 5, 2017. (XX)

In preparing the joint pretrial stipulation, the parties should take in to consideration the court's comments above re the May 11, 2017 hearing.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**October 19, 2017**

No tentative ruling as disposition will depend upon the outcome of the Motion to Compel set on today's 10:30 a.m. calendar. This matter will be trailed to the 10:30 a.m. calendar.

-----

**December 14, 2017**

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of pretrial stipulation must be filed by March 8, 2018. Deadline for filing pre-trial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

9:30 AM

CONT...

**Stephen J Haythorne**

**Chapter 7**

motions is January 18, 2018. February 22, 2018 at 2:00 p.m. shall be reserved for such motions. Pretrial motions not filed by January 18, 2018 will be deemed waived. (XX)

Comments re the Amended JPS filed 12/1/17:

1. Section II(2) should be modified to add "in a writing" after the phrase "misrepresented his financial condition."
2. All references to "Section 523(a)(b) shall be revised to correctly identify the statutes as 523(a)(2)(A) and 523(a)(2)(B).
3. Typos in Section II(16), line 11 ("filing") and Section III(2) ("Plaintiff") should be corrected.
4. The 12/1/17 version of the JPS does not include the list of witnesses and exhibits as represented therein.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

The separately filed pretrial stipulations are both deficient and do not address issues previously identified by the court. The parties will be allowed one final opportunity to file a proper joint pretrial statement and severe monetary sanctions of not less than \$1000 will be imposed on the party who has not participated in the preparation of the final pretrial statement in good faith and in a timely manner. If the parties cannot agree that a particular fact is undisputed, then it automatically goes into the disputed section of the statement -- one side cannot unilaterally decide that a disputed matter is undisputed.

The parties will be required to meet in person to work on the joint pretrial statement and should be thinking about a time/place to do so prior to today's hearing.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

Comments re the Unilateral Pretrial Statements:

1. The sender and receiver of the wired funds of \$232,557.66 should not be a disputed matter. For example, if wire documents indicate that Defendant was the sender, then Defendant should not be disputing that fact. If on the other hand, the sender of the wire was Gadzinski V in N Out Fund ("Gadzinski Fund"), then Plaintiff should include that fact as undisputed. Same the the identity of the recipient -- Plaintiff or Stellar Capital, Inc. ("Stellar")
2. The relationship between Defendant and Gadzinski Fund, if any, should be set forth as either a undisputed or disputed fact. Same re the relationship, if any, between Stellar and/or Plaintiff or Defendant.
3. The fact that a check in the amount of \$5,000 was paid on November 17, 2014 appears to be undisputed. Is there a dispute that the check was drawn on the account of Salt Creek Realty, Inc? What is the relationship, if any, between Salt Creek and Defendant?
4. Re Plaintiff's Sections I(I) and (J), what is the relevance of the rental to the 523 and 727 claims? If it has no bearing on such claims, it should be deleted.
5. Re Plaintiff's Sections I(L) - (V) -- why are these facts relevant to the 523 and 727 claims? If they have no bearing on such claims, they should be deleted.
6. The parties to the alleged agreement and the terms thereof appear to be in dispute and should be listed in the joint pretrial statement as a facts in dispute.
7. Re whether Defendant misrepresented his financial condition, both parties have failed to include the necessary requirement under 523(a)(2)(B) that such misrepresentation be **in writing**. The court has previously pointed out this deficiency. If there is no writing, then the 523(a)(2)(B) claim must be dismissed as a matter of law.
8. The reference in both pretrial statements to "523(a)(2)(A)(B)" is facially defective as no such statute exists. It is either 523(a)(2)(A) or 523(a)(2)(B).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

9. No facts relating to 523(a)(2)(A) are set forth in either pretrial statement. If there are no such facts, this claim should be dismissed as a matter of law.

10. Certain elements of fraud are missing from the issues of fact/law, e.g., intent to deceive, damages as a result of reliance on misrepresentations.

11. What is the relevance of Plaintiff contacting Defendant's parents for repayment to either the 523 or 727 claims? If not relevant, it should be deleted.

12. Re Plaintiff's Section II(15) -- a time frame needs to be added that is consistent with the applicable 727 subsection. Same re Section II(16). Plaintiff appears have lumped several allegations together without any time frames that fall within the applicable 727 subsection.

13. Plaintiff's Exhibits: re "Wells Fargo Documents:" need to better identify the documents. Are they bank statements or something else? Re "letters" and "emails" -- need to identify sender/recipient re each, such as Defendant has done in his exhibit list.

14. Re Plaintiff's Witness List: Re witness #s 9, 10, 11, 12, 13 -- there is no indication of the time period. for example, David Williams will be testifying about a commission paid to Defendant when? "When" makes a difference of purposes of whether the transaction should have been listed on Defendant's schedules or statement of financial affairs.

*Special Note: Over the course of this adversary, this court has spend hours correcting issues on what should have been a straightforward joint pretrial statement. The court is concerned that the parties are not being thoughtful in the preparation of the pretrial statement. For example the court cannot even determine whether there are any facts to be litigated under 523(a)(2)(A) or 523(a)(2)(B) based on what currently appears in Plaintiff's pretrial statement.*

**Note: Appearances at this pretrial conference are MANDATORY.**

-----

**July 19, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

No tentative ruling; disposition will depend upon outcome of other motions on for hearing this date.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Richard A Jones

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

**#8.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint: 1) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(2)(A); and 2) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(4)

FR: 2-2-17; 8-3-17; 11-9-17, 3-8-18; 6-14-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M., PER ORDER ENTERED 8/3/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 12/20/18 at 9:30 a.m., Per Order Entered 8/3/18 (XX) - td (8/3/2018)**

**Tentative Ruling:**

**February 2, 2017**

Discovery Cut-off Date:	Jun. 30, 2017
Pretrial Conference Date:	Aug. 3, 2017 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Jul. 20, 2017

*Special Note: Although the court is not requiring the parties to attend mediation, the court encourages the parties to consider mediation as an opportunity to reach resolution of this matter.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room

5A

10:00 AM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#9.00 CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

ABS REO TRUST II

VS.

DEBTOR

FR: 9-20-18

Docket 60

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
10/12/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 10/12/2018 - td (10/12/2018)**

Tentative Ruling:

**September 20, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine whether  
further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Rocio Lopez Namdar

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rocio Lopez Namdar**

**Chapter 13**

Anerio V Altman

**Movant(s):**

ABS REO Trust II, its assignees

Represented By  
Kristin A Zilberstein  
Kelly M Raftery  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:00 AM

8:15-14377 Pedro Hernandez

Chapter 13

#10.00 CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

US BANK TRUST, NA AS TRUSTEE FOR LSF9 MASTER PARTICIPATION  
TRUST BY CALIBER HOME LOANS, INC

VS.

DEBTOR

FR: 9-20-18

Docket 38

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) / APO Entered  
10/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) / APO Entered 10/9/2018 - (10/9/2018)**

**Tentative Ruling:**

**September 20, 2018**

Grant with 4001(a)(3) waiver unless the parties agree to an adequate protection order by the time of the hearing. If a continuance is needed, the parties may request a continuance to October 18, 2018 at 10:00 a.m. at the time of the roll call on September 20.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pedro Hernandez

Represented By  
Michael Jones

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Pedro Hernandez**

**Chapter 13**

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee for

Represented By  
Kristin A Zilberstein  
Madison C Wilson  
Sindi Mncina  
Christina J O

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

10:00 AM

8:17-12316 Steven Darrell Strobele and Elda Strobele

Chapter 13

#11.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

POPULAR BANK

VS.

DEBTORS

FR: 9-13-18

Docket 38

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Movant's Withdrawal of  
Motion for Relief from the Automatic Stay filed 10/17/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Movant's Withdrawal of Motion for Relief from the  
Automatic Stay filed 10/17/2018 - td (10/17/2018)**

**Tentative Ruling:**

**September 13, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine whether  
further hearing is required and Movant will be so notified.***

-----

**October 18, 2018**

Movant to advise the court re the status of this matter in light of entry of order  
approving refinance.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Steven Darrell Strobele and Elda Strobele**

**Chapter 13**

If the motion is now moot, movant may request that the matter be taken off calendar during the clerk's calendar roll call before the hearing or, if more time is needed to complete the refinance, movant may request a final continuance. Available dates: November 1, 8 or 15 2018 at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Steven Darrell Strobele

Represented By  
Scott Dicus

**Joint Debtor(s):**

Elda Strobele

Represented By  
Scott Dicus

**Movant(s):**

Popular Bank

Represented By  
Michael F Chekian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room

5A

10:00 AM

8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay **[REAL PROPERTY]**

BANK OF HOPE, A CALIFORNIA CORPORATION, SUCCESSOR-IN-INTEREST TO BBCN BANK

VS.

DEBTOR

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:00 a.m. to allow Movant to correct service issues (Debtor was not served per FRBP 7004(b)(3) which is required for contested motion such as a RFS motion) as well as motion form issue.

*Special Note: It appears Movant is seeking relief from stay to enforce liens against personal property but used the mandatory relief from stay form for real property. This has resulted in blank spaces on the form and convoluted supporting documents/pleadings. Also, the exhibits to the declarations of Song Kyong Cho are confusing and difficult to follow due to the use of both alphabets and numbers to identify exhibits in the same declaration. Movant may want to consider re-filing the motion.*

**Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Prime Metals U.S.A., Inc.**

**Chapter 7**

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Movant(s):**

Bank of Hope, c/o The Song Law

Represented By  
Joon W Song

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Laila Masud  
David M Goodrich

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room 5A

10:00 AM

8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [**PERSONAL PROPERTY**]

BANK OF HOPE, A CALIFORNIA CORPORATION, SUCCESSOR-IN-INTEREST TO BBCN BANK

VS.

DEBTOR

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:00 a.m. to allow Movant to correct service issues (Debtor was not served per FRBP 7004(b)(3) which is required for contested motion such as a RFS motion).

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

**Party Information**

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Movant(s):**

Bank of Hope, c/o The Song Law

Represented By  
Joon W Song

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Prime Metals U.S.A., Inc.**

**Chapter 7**

D Edward Hays  
Laila Masud  
David M Goodrich

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room 5A

10:00 AM

8:18-11865 Ray A Palacio

Chapter 13

#14.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WILMINGTON TRUST, N.A.

VS.

DEBTOR

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Ray A Palacio

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:00 AM

8:18-12014 Sushama D Lohia

Chapter 13

#15.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
VS.  
DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 31

**Courtroom Deputy:**

**SPECIAL NOTE: Order of Dismissal Arising from Chapter 13 Confirmation Hearing Entered 9/26/2018; Notice of Intent to Proceed with Motion for Relief from Stay, filed 9/27/2018. This Motion to Remain on Calendar - td (9/28/2018)**

**Tentative Ruling:**

**October 18, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in the Motion except relief request #11 which is denied.

Special Note: This court does not grant *in rem* relief in perpetuity which is why RR #11 is being denied.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sushama D Lohia

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Sushama D Lohia**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room 5A

10:00 AM

8:18-12567 Jay R. Bauer

Chapter 13

#16.00 Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

CYNTHIA BAUER

VS.

DEBTOR

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in the Motion except the request for 180-day prospective relief which is denied due to insufficient grounds stated therefor.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Jay R. Bauer

Represented By  
James D. Hornbuckle

**Movant(s):**

Cynthia Bauer

Represented By  
Fritz J Firman



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jay R. Bauer**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12951 William C Tak**

**Chapter 7**

**#17.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TOYOTA MOTOR CREDIT CORPORATION  
VS.  
DEBTOR

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

William C Tak

Represented By  
Arlene M Tokarz

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... William C Tak**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#18.00** CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapides

**[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ,  
CHAPTER 7 TRUSTEE]**

FR: 7-13-17; 10-12-17; 12-14-17; 5-31-18; 8-2-18; 9-20-18

Docket 172

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 1, 2018 at 10:30 a.m., same date/time as hearing on request for confirmation of arbitration award.

*Special note: If the court determines that the matters set for November 1, 2018 should be heard on the court's longer matter afternoon calendar, the parties will be notified of the new hearing date/time at least 48 hours prior to the November 1, 2018 hearing.*

**Note: Appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

David M Reeder

James Andrew Hinds Jr

Paul R Shankman

Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By

James Andrew Hinds Jr

Paul R Shankman

Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:10-25751 Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**#19.00** CONT'D Hearing RE: Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

FR: 9-13-18

Docket 278

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Robert P Goe  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:10-25751 Arthur A Menchaca and Christine L. Menchaca**

**Chapter 7**

**#20.00** CON'TD Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses [June 4, 2015 through March 31, 2018]

**[BURD & NAYLOR, AS SPECIAL COUNSEL FOR TRUSTEE]**

FR: 9-13-18

Docket 267

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Trustee(s):**

Karen S Naylor (TR)

Represented By



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Arthur A Menchaca and Christine L. Menchaca**

Robert P Goe

William M Burd

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

8:10-25751 Arthur A Menchaca and Christine L. Menchaca

Chapter 7

#21.00 CON'TD Hearing RE: Application for Payment of Final Fees and/or Expenses

[RINGSTAD & SANDERS, LLP, ATTORNEY FOR KAREN SUE NAYLOR,  
CHAPTER 7 TRUSTEE]

FR: 9-13-18

Docket 269

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Trustee(s):**

Karen S Naylor (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Arthur A Menchaca and Christine L. Menchaca**

Robert P Goe

William M Burd

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

8:10-25751 Arthur A Menchaca and Christine L. Menchaca

Chapter 7

#22.00 CON'TD Hearing RE: First and Final Fee Application

**[GOE & FORSYTHE, LLP AS GENERAL COUNSEL FOR CHAPTER 7  
TRUSTEE KAREN NAYLOR]**

FR: 9-13-18

Docket 273

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Arthur A Menchaca

Represented By  
Riordan J Zavala

**Joint Debtor(s):**

Christine L. Menchaca

Represented By  
Riordan J Zavala

**Trustee(s):**

Karen S Naylor (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Arthur A Menchaca and Christine L. Menchaca**

Robert P Goe

William M Burd

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#23.00 CON'TD Post-Confirmation Status Conference Re: Confirmation of Debtor's  
Second Amended Chapter 11 Plan [November 29, 2016]

(Set at Ch 11 Plan Hrg. Held 3-30-17)  
FR: 10-5-17; 4-5-18

Docket 399

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 5, 2017**

Continue postconfirmation status conference to April 5, 2018 at 10:30 a.m.;  
updated status report must be filed by March 22, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at this hearing is not required. It is Debtor's  
responsibility to confirm compliance with the US Trustee in advance of  
the hearing.***

-----

**April 5, 2018**

Continue postconfirmation status conference to October 18, 2018 at 10:30 a.m.;  
updated status report must be filed by October 4, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the  
US Trustee, appearance at this hearing is not required. It is Debtor's  
responsibility to confirm compliance with the US Trustee in advance of  
the hearing.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

October 18, 2018 **[GOLD STAR PLEADING]**\*

Continue postconfirmation status conference to April 11, 2019 at 10:30 a.m.; updated status report must be filed by March 28, 2019.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading. The postconfirmation status report [docket #559] qualifies for a Gold Star designation.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Boyajian

Represented By  
Tamar Terzian  
Alan G Tippie

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-13771 Samuel Sanchez Rebolledo**

**Chapter 7**

**#24.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Samuel Sanchez Rebolledo

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#25.00 CON'TD Hearing RE: Debtor's Objection to Education Credit Management Corporation's Proof of Claim Number 4**

FR: 5-31-18; 7-31-18

Docket 105

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/7/19 AT 10:30 A.M.,  
PER ORDER ENTERED 9/5/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 3/7/19 at 10:30 a.m., Per Order Entered  
9/5/18 (XX) -td (9/5/2018)**

**Tentative Ruling:**

**May 31, 2018**

There is a service issue with this objection. Pursuant to LBR 9009-1(b)(4), regarding court-approved forms, "[r]egardless of whether a court-approved form is mandatory or optional, no language or provisions may be altered or deleted from a form, whether a form is filed or lodged." Proof of Service of Documents are one such mandatory form.

Here, Debtor's Notice of Objection includes a Proof of Service Document (Form F 3007-1.1.NOTICE.OBJ.CLAIM), which begins with the phrase "I am over the age of 18 and *not a party to this bankruptcy case* or adversary proceeding." (emphasis added). However, Debtor signed this form despite the fact that she *is* a party to this bankruptcy case. See Docket No. 107, p.2.

Debtor's Objection to claim includes a Proof of Service Document (Form F 9013-3.1.PROOF.OF.SERVICE), *which has been modified* in violation of LBR 9009-1(b)(4), to only say "I am over the age of 18. My business address is..." See Docket No. 105, p.13.

Therefore, service needs to be corrected to comply with the exact language of the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

mandatory court form re the proof of service. Stated otherwise, someone other than Debtor needs to serve the Notice and the Objection. In addition, the Notice and Objection should be served on Claimant's attorney of record, Scott A. Schiff, 16255 Ventura Blvd., Suite 706, Encino CA 91436.

The court notes that this objection seems to be either in part or in whole duplicative of a pending adversary proceeding -- Adv. #18-01071 in which Education Credit Management Corporation is the defendant. If this is the case, perhaps Debtor should consider withdrawing this objection and proceeding solely with the adversary proceeding.

-----  
**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

Basis for Tentative Ruling:

A. Service:

ECMC complains that the objection was not served pursuant to FRBP 7004. Service of an objection to claim pursuant to FRBP 7004 is no longer required in light of the 2017 Amendments to FRBP 3007(a)(1)(2)(A) which provides that the objection "shall be served on a claimant by first-class mail to the person most recently designated on the claimant's original or amended proof of claim as the person to receive notices, at the address so indicated." FRBP 3007(a)(1)(2)(A)(i) and (ii) only require 7004 service if the claimant is the United States or an insured depository institution. See also Advisory Committee Notes to the 2017 Amendment: "Rule 7004 does not apply to the service of most claim objections." As ECMC is a private corporation, service per FRBP 3007(a)(2)(A) is sufficient. Here, ECMC was served to the person and at the address indicated

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**  
on its proof of claim (POC).

Chapter 7

B. Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim and not an interest.

2. Sufficiency of the Documentation

Debtor's objection regarding sufficiency of the writings upon which the POC is based is well-taken. While it is true that Debtor has not come forward with evidence to rebut the amount of the overall claim, the argument regarding the sufficiency of the documentation accompanying the POC is sufficient to shift the ultimate burden to ECMC. The court has reviewed the documents attached to the POC and cannot discern how the documentation supports the claim nor can the court discern what the various columns and figures mean. Further, it is difficult to ascertain whether payments have been applied. More information/explanation is required. Claimant has the ultimate

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**  
burden of proof.

**Chapter 7**

3. Dischargeability

This issue can only be determined through the pending adversary proceeding and will not be addressed through the claims objection process. See FRBP.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Movant(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#26.00** CON'TD Hearing RE: Debtor's Objection to PHEAA's Proof of Claim Number 9  
FR: 7-31-18

Docket 188

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/6/2018 AT 10:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Hearing filed  
10/4/2018, Document # 317 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/6/2018 at 10:30 a.m. on Court's Own  
Motion; See Notice of Continued Hearing filed 10/4/2018, Document # 317  
(XX) - td (10/4/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

See comments re Calendar #24 re sufficiency of documentation.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room

5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#27.00 CON'TD Hearing RE: Debtor's Objection to Bank of America's Proof of Claim Number 6

FR: 7-31-18

Docket 190

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/6/2018 AT 10:30 A.M. ON COURT'S OWN MOTION; See Notice of Continued Hearing filed 10/4/2018, Document # 317 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/6/2018 at 10:30 a.m. on Court's Own Motion; See Notice of Continued Hearing filed 10/4/2018, Document # 317 (XX) - td (10/4/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to October 18, 2018 at 10:30 a.m. in light of the pending motion for relief from stay to seek a determination of the appeal fees/costs in state court. (XX)

Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 7**

disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

2. Debtor's reference to 11 USC 101(b) [sic] has no application to this matter. Section 101(a) defines a creditor as "an entity that has a claim against the debtor that arose at the time of or before the order for relief [filing of voluntary petition] concerning the debtor. Debtor's reference is actually to Section 101(10A)(B) which defines *current monthly income* and excludes benefits received on account of payment to victims of international or domestic terrorism."

2. Sufficiency of the Documentation

There is a state court judgment which substantiates a portion of the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. That said, the amount of the claim representing attorneys fees relating to the appeal have not yet been determined by the state court. There is a pending motion for relief from stay to seek such a determination set for August 2, 2018.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room      5A**

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan      Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11273 D'Best Beverages, Inc.**

**Chapter 11**

**#28.00** Hearing RE: Debtor's Motion to Extend the time to File a Plan and Disclosure Statement Pursuant to 11 U.S.C. Section 1121(e)(3)

Docket 72

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/25/18 AT 10:30 A.M.,  
PER ORDER ENTERED 10/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: The Hearing is Continued to 10/25/18 at 10:30 a.m., Per  
Order Entered 10/12/18 (XX) - td (10/12/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 18, 2018

Hearing Room 5A

10:30 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#29.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case  
**(Order for Joint Administration Entered 4/12/18;  
Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES)**

FR: 5-31-18; 9-20-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 10/25/18 AT 10:30 A.M.,  
PER ORDER ENTERED 10/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference is Continued to 10/25/18 at 10:30 a.m.,  
Per Order Entered 10/12/18 (XX) - td (10/12/2018)**

**Tentative Ruling:**

**May 31, 2018**

Claims bar date: Aug. 1, 2018; notice by Jun. 1, 2018

Deadline to file plan/DS: Sep. 6, 2018\*

Continued Status Conference: Sep. 20, 2018 at 10:30 am; updated status report must be filed by Sep. 6, 2018 unless a plan & DS has been filed by such date, in which case the requirement of an updated status report will not be required. (XX)

\*Debtors have stated no good reason for filing a plan and disclosure statement in January 2019, nine months after the filing of this noncomplex case.

***Note: If Debtors accept the foregoing tentative ruling, and Debtors are in substantial compliance of the requirements of the U.S. Trustee after the confirming the same with the UST prior to the hearing, appearance at this hearing is not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... D'Best Beverages, Inc.**

**Chapter 11**

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

2:00 PM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#30.00** CONT'D Hearing RE: Motion of Counter-Claimant Rosalva Ramirez for Summary Judgment or in the Alternative, for Partial Summary Adjudication

FR: 9-20-18

Docket 132

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m. as a holding date; Movant to file supplemental declaration with exhibits by November 1, 2018. Continue status conference to the same date/time (updated status report not required.)

The court is inclined to grant the Motion but needs to review the following documents before rendering a decision:

1. An executed copy of the Ramirez Family Trust;
2. A copy of the Trust Transfer Deed transferring the Ramirez Family Trust's interest in the subject property to Movant;
3. A copy of the Quitclaim Deed transferring the subject property from Movant to the Olimpia Family Trust; and
4. A copy of the Olimpia Family Trust

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 18, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Rosalva Ramirez**

**Chapter 11**

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Manee

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

Family Steel Corporation

Pro Se

First American Title Insurance

Pro Se

Olimpia Family Trust, Dated

Pro Se

**Plaintiff(s):**

Mayanin Sotelo

Pro Se

Salon Envious, Inc.

Pro Se

Aurelio Vera

Pro Se

Faviola Vera

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

**8:18-12929 Michael P Monroe and Deborah J. Monroe**

**Chapter 13**

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/27/2018 - td (8/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael P Monroe

Represented By  
Anthony P Cara

**Joint Debtor(s):**

Deborah J. Monroe

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

8:18-12905 Marvin O Sanders

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Falure to File Schedules, Statements, and/or Plan Entered 8/27/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Falure to File Schedules,  
Statements, and/or Plan Entered 8/27/2018 - td (8/27/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marvin O Sanders

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12900 Brian Oliveira Miranda**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian Oliveira Miranda

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12840 Adolph Martin Robles and Dolores Delcina Robles**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Adolph Martin Robles

Represented By  
Seema N Sood

**Joint Debtor(s):**

Dolores Delcina Robles

Represented By  
Seema N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12823 Lorraine S Roman**

**Chapter 13**

**#5.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lorraine S Roman

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12819 Elwood Gulley**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements and/or Plan Entered 8/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements and/or Plan Entered 8/20/2018 - td (8/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elwood Gulley

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12818 Annie M. Johnson**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Annie M. Johnson

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

8:18-12800 Obdulia Cantoran

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/20/2018 - td (8/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Obdulia Cantoran

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12797 Johnny Phan**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Johnny Phan

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12769 Yolanda Y. Serrano**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yolanda Y. Serrano

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12730 Thuy T Nguyen**

**Chapter 13**

**#11.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thuy T Nguyen

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12725 Denise M Deme Yue**

**Chapter 13**

**#12.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denise M Deme Yue	Pro Se
-------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12714 Edna Bamba Novales**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edna Bamba Novales

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12689 Vincent Lopez**

**Chapter 13**

**#14.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed  
10/22/2018; Case Converted to Chapter 7**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case  
from Chapter 13 to Chapter 7 filed 10/22/2018; Case Converted to  
Chapter 7 - td (10/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vincent Lopez

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

8:18-12682 Heriberto Moreno

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 8/21/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 8/21/2018 - td (8/21/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Heriberto Moreno

Represented By  
Lionel E Giron

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12681 Graciela Garcia**

**Chapter 13**

**#16.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Graciela Garcia

Represented By  
Joseph Arthur Roberts

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12633 Joy Anne Victoria Lacebal Fumera**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joy Anne Victoria Lacebal Fumera

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12606 Michelle Renee Gillespie**

**Chapter 13**

**#18.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

8:18-12591 Christopher William Irvine

Chapter 13

#19.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/3/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/3/2018 - td (10/1/2018 )**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher William Irvine

Represented By  
Michael E Hickey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12575 Allen A Rahmani**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Debtor's Motion for  
Voluntary Dismissal of Chapter 13 Case Entered 9/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Motion for Voluntary Dismissal of Chapter 13  
Case Entered 9/25/2018 - td (9/26/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Allen A Rahmani

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12567 Jay R. Bauer**

**Chapter 13**

**#21.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay R. Bauer

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12502 Sandra Leanna Wilson**

**Chapter 13**

**#22.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 10/16/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 10/16/2018 - td (10/16/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Leanna Wilson

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12499 Katrina Barrientos and James Wee**

**Chapter 13**

**#23.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 9-25-18

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Katrina Barrientos

Represented By  
Amanda G Billyard

**Joint Debtor(s):**

James Wee

Represented By  
Amanda G Billyard

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12419 Omar Martinez Sanchez**

**Chapter 13**

**#24.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-25-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Omar Martinez Sanchez

Represented By  
Bryn C Deb

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12169 James Ray Peterson**

**Chapter 13**

**#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Ray Peterson

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11943 Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa**

**Chapter 13**

**#26.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

FR: 9-25-18

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vincent D. Gamboa

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Lisa K. Sarvinski-Gamboa

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11865 Ray A Palacio**

**Chapter 13**

**#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ray A Palacio

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11765 Sergio Rubio Sanchez and Silvia Sanchez**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sergio Rubio Sanchez

Represented By  
Raymond Perez

**Joint Debtor(s):**

Silvia Sanchez

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, October 23, 2018

Hearing Room 5A

1:30 PM

8:18-11298 Chao Chen Yang

Chapter 13

#29.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-17-18; 9-25-18

Docket 15

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 10/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 10/9/2018 - td (10/9/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Chao Chen Yang

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:18-11006 Kimberly Nadina Fisher**

**Chapter 13**

**#30.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 43

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/9/2018 - td (10/9/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Nadina Fisher

Represented By  
Heather J Canning  
Barry E Borowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:18-10334 Amiee Elizabeth Musselman**

**Chapter 13**

**#31.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amiee Elizabeth Musselman

Represented By  
Anthony B Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-14551 Italo Victor Ismodes, Sr**

**Chapter 7**

**#32.00** CONT'D Hearing RE: Application of Attorney for Debtor for Allowance of Fees and Expenses Following Dismissal or Conversion of Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA)

FR: 9-2518

Docket 100

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Notice of Withdrawal of  
Docket #100, filed 10/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR; Notice of Withdrawal of Docket #100, filed 10/18/2018 -  
td (10/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nanette D Sanders

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-13262 Troy Bernard Jemerson**

**Chapter 13**

**#33.00** CONT'D Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 9-25-18

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Troy Bernard Jemerson

Represented By  
Nicholas M Wajda

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#34.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12702 Rogelio B. Escobido, Jr.**

**Chapter 13**

**#35.00** CON'TD Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

FR: 9-25-18

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rogelio B. Escobido Jr.

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#36.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, October 23, 2018

Hearing Room 5A

2:30 PM

**8:16-15074 Katherine Burroughs Heidelbergman**

**Chapter 13**

#37.00 Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments.

Docket 79

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Trustee's Motion for Order Dismissing Chapter 13 Filed 9/25/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order  
Dismissing Chapter 13 Filed 9/25/2018 - td (9/26/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Katherine Burroughs Heidelbergman

Represented By  
Steven A Alpert

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14474 Christine Chi Kim Luu**

**Chapter 13**

**#38.00** CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 9-25-18

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christine Chi Kim Luu

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#39.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 9-25-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-14636 Eric Anthony Perez**

**Chapter 13**

**#40.00** Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 82

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Trustee's Motion for Order Dismissing Chapter 13 filed 9/19/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order  
Dismissing Chapter 13 filed 9/19/2018 - td (9/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eric Anthony Perez

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:15-13261 Bruce R Fink**

**Chapter 13**

**#41.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 9-25-18

Docket 122

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-12624 Jimmy DeAnda**

**Chapter 13**

**#42.00** Hearing RE: Creditor The Lemoine Group Inc.'s Motion to Dismiss Chapter 13 Case

Docket 126

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jimmy DeAnda

Represented By  
Michael E Hickey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:14-10354 Brian Lee Head**

**Chapter 13**

**#43.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Brian Lee Head

Represented By  
Alaa A Yasin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#44.00** CONT'D Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

FR: 7-17-18; 9-25-18

Docket 63

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary Dismissal of Debtor's Motion to Modify Plan or Suspend Plan Payments Filed as Doc #63, filed 10/22/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Voluntary Dismissal of Debtors Motion to Modify Plan or Suspend Plan Payments filed as Doc #63, filed 10/22/2018 - td (10/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#45.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 3-27-18; 5-22-18; 6-19-18; 7-17-18; 9-25-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-14355 James Patrick Maher**

**Chapter 13**

**#46.00** CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 9-25-18

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Patrick Maher

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

Adv#: 8:18-01154 Dailey, Jr. v. Transcend Investment Group, Inc.

**#1.00** Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Deny motion.

Basis for Tentative Ruling:

1. Service:

The complaint, amended complaint and the motion for default judgment were not served on Defendant in the manner required by FRBP 7004(b)(3). As the complaint was not properly served, the court believes the default entered by the Clerk was entered in error.

2. Merits:

Under FRBP 7055(b), the court may required a plaintiff to demonstrate a *prima facie* case by competent evidence in a prove-up hearing in order to obtain a default judgment. *In re Lui*, 282 BR 904 (Bankr.C.D.Cal 2002). Plaintiff must demonstrate each of the elements of a cause of action to support a *prima facie* case and the court has wide discretion to determine whether the evidence presented supports the alleged claim and warrants judgment for plaintiff.

Here, there is virtually no legal analysis or argument in support of the Motion. Though there is a reference to Cal Fam.Code 1102, there is no

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

9:30 AM

CONT... **Thomas Charles Dailey, Jr** Chapter 13

analysis of a) the applicability of this statute, and b) whether the language of this statute *alone* somehow invalidates the deed of trust. Further, the underlying promissory note referenced in the deed of trust is not provided. Finally, there is no other legal authority or analysis supporting Debtor's apparent position that the deed of trust, notice of default, notice of trustee's sale and trustee's deed upon sale are all invalid. In sum, this motion falls woefully short of establishing a *prima facie* case warranting judgment in favor of Plaintiff.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Defendant(s):**

Transcend Investment Group, Inc.

Pro Se

**Plaintiff(s):**

Thomas Charles Dailey Jr.

Represented By  
Ronald Appel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

9:30 AM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

Adv#: 8:18-01154 Dailey, Jr. v. Transcend Investment Group, Inc.

**#1.05** CON'TD STATUS CONFERENCE RE: Complaint for Order Clearing Title to Debtor's Residence (or to Set Aside Defendant's Trustee's Deed)

FR: 10-18-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue status conference to October 25, 2018 at 9:30 a.m., same date/time as hearing on motion for default judgment. Updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----

**October 25, 2018**

Continue status conference to December 20, 2018 at 9:30 a.m.; updated status report must be filed by December 6, 2018; Plaintiff needs to re-serve the amended complaint in accordance with FRBP 7004(b)(3).

The court intends to vacate the default entered by the Clerk in light of the defective service.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas Charles Dailey, Jr**

**Chapter 13**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Defendant(s):**

Transcend Investment Group, Inc.

Pro Se

**Plaintiff(s):**

Thomas Charles Dailey Jr.

Represented By  
Ronald Appel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#1.10** CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Determination of Non-Dischargeability of Debt Under 11 U.S.C. Section 523(a)(2)

FR: 8-31-17; 10-19-17; 5-31-18; 9-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 31, 2017**

Continue Status Conference to Oct. 19, 2017 at 9:30 a.m.; updated status report to be filed by Oct. 5, 2017 unless a motion for default judgment has been filed by such date. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

9:30 AM

CONT... Farhad Naderi

Chapter 7

**October 19, 2017**

Discovery Cut-off Date:	April 5, 2018
Deadline to Attend Mediation:	April 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 31, 2018**

Court's Comments:

1. No party filed a timely joint or unilateral pretrial stipulation. See LBR 7016-1(c) and 7016-1(e)(2).
2. Plaintiff filed an untimely unilateral pretrial statement which appears to be incomplete. The default judgment does not include any indication that the judgment was based on the fraud in the second amended complaint. For example, no punitive damages were awarded. Because the second amended complaint includes dischargeable causes of action such as negligence and breach of contract, the judgment *could* have been rendered on such claims without consideration of the fraud causes of action. Accordingly, claim and/or issue preclusion would appear to not be applicable. One of the elements for collateral estoppel or res judicata is that a particular issue or claim must have necessarily been decided. As previously noted, the default judgment gives no indication that the fraud claim was decided. For that reason, the pretrial stipulation must set forth all facts, disputed and undisputed, that establish the elements of fraud.
3. Defendant filed an improper "objection" to Plaintiff's unilateral pretrial

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room

5A

9:30 AM

CONT...

**Farhad Naderi**

**Chapter 7**

statement and did not file a unilateral pretrial statement that complies with LBR 7016-1(e)(2).

4. Defendant complains that Plaintiff has not complied with FRCP 26 but fails to address whether *he* has complied with the same. Rule 26 requires that "*a party, without awaiting a discovery request*" provide certain information "*that the disclosing party may use to support its claims or defenses*". . . . (emphasis added). Compliance with Rule 26 is not limited to plaintiffs. Moreover, it appears that Plaintiff has complied with Rule 26 by making disclosures to Defendant's prior attorney on October 31, 2017. See Reply of Plaintiff filed May 25, 2018 [Docket #35].

5. Any disputes re FRBP 7026 must be addressed strictly in accordance with LBR 7026-1(c).

6. Attorney of record, in the court's view, includes all attorneys working for a law firm -- in this case the Law Offices of Edward C. Ip & Associates. Both Ms. Bhupinder Malik and Ms. Jenny Zhao appear on the firm's website. Even if Ms. Zhao no longer works at the firm, she was apparently associated with the firm at some point during the pendency of this adversary proceeding as evidenced by the fact that Defendant's current counsel, Mr. Cohen, served Ms. Zhao (via NEF) with his substitution of attorney. See Docket #26, proof of service: "jenny@lawyer4property.com"

7. The parties are encouraged to ratchet down the querulous rhetoric and start working together in a civil manner. This court expects no less.

6. Due to Defendant's own failure to comply with Rule 26 and LBR 7016-1(e)(2), and possibly LBR 7026-1(c)(1)-(3), the court will not dismiss this adversary proceeding at this time.

*Special note: The court is aware that Defendant filed a motion to dismiss on 5/22/18; however such motion does not relieve Defendant from complying with LBR 7016-1(e)(2).*

***Note: Appearances at this hearing are required.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

9:30 AM

CONT... Farhad Naderi

Chapter 7

**September 6, 2018**

Continue pretrial conference to October 18, 2018 at 9:30 a.m.; revised joint pretrial stipulation must be filed by September 27, 2018.

The pretrial stipulation requires substantial revision. See comments below.

Comments re the Joint Pretrial Stipulation filed Aug. 22, 2018 (docket #42):

1. Re paragraph B(15)(a)(i):

This issue of fact shall be included -- overruler Defendant's objection.

2. Re paragraph B(15)(b):

a. Re paragraph i. Basis for the assertion that this court limited Plaintiff's trial exhibits to the five documents referenced therein. Is there an entered order to that effect?

b. Re paragraphs vi, viii, x, xii, xiii, xiv, xv: Why is/are the conduct and/or actions of Lynn Yang relevant to this action? *Defendant's* actions/conduct are the focus of 523(a)(2)(A).

c. Re paragraphs xvi, xvii, xviii, xix, xx, xxi, xxii, xxiii and xxiv: Unless Plaintiff can establish that the state court judgment necessarily decided fraud causes of action (as opposed to non-fraud causes of action), neither res judicata or estoppel applies and, as a consequence, the issues identified in these paragraphs are irrelevant to this adversary and need not be decided at trial. . Does Plaintiff intend to assert res judicata or collateral estoppel?

3. Re Paragraphs C(1) - (5) and (a)(i), (ii) and (iii)

If Plaintiff is not asserting collateral estoppel, these paragraphs should be deleted as irrelevant.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

9:30 AM

CONT...

**Farhad Naderi**

**Chapter 7**

4. Re Paragraphs C(a)(iv), (v), (vi),(vii):

These issues relate to the sufficiency of evidence to be determined at trial and are not "issues of law." For example, paragraph vii even includes argument (last sentence). Delete.

5. Re Paragraphs C(a)(viii, ix, and x)e

These issues relate to the admission or exclusion of evidence and are not "issues of law." Moreover, the issues are already addressed in Paragraph F re motions in limine.

6. Re Paragraph F(2):

This paragraph states that defendant shall file motions in limine, motion for summary judgment and/or nonsuit, motion for directed verdict, *once Plaintiff rests*. The court assumes that "once Plaintiff rests" refers only to nonsuit and not to motions in limine or summary judgment, both of which must be filed and heard before trial.

7. Re Time Estimate of 2-3 days: Does Plaintiff assume direct testimony will be declaration or live? This court's normal trial practice to require the parties to submit direct testimony by declaration prior to trial (exclusive of adverse or rebuttal testimony).

8. Re Witness List

a. Is this a joint plaintiff/defendant witness list?

b. Re witness Bin Hao, reference is made to the "fraud" judgment she obtained in LA Superior Court. What fraud judgment? There is no finding of fraud in the judgment attached to the Complaint as exhibit 2. Absent an actual fraud judgment, the description of testimony must be specified.

c. Re defendant Naderi: The testimony description is inadequate if limited to "knowledge about the civil case" in Superior Court. What about his

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

knowledge about the transaction in dispute?

d. Re witness Henry Hirsch: Testimony description is inadequate. Simply states he was a defendant and does not describe the nature of his testimony in this matter.

e. Re witness Lynn Yang: same comments as for Henry Hirsch.

f. Re witness C. Ip: Testimony description is inadequate. What will he testify about?

***Note: Appearances at this hearing are required.***

-----  
**October 25, 2018**

Plaintiff to appear and explain why a joint stipulation was not filed and also why the witness testimony summaries in the list of witnesses were not corrected to address the issues raised by the court in its Sept. 6, 2018 tentative ruling. See above.

Defendant to explain why there was no participation in the preparation of the pretrial stipulation.

**Party Information**

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Farhad Naderi**

**Chapter 7**

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Bin Hao

Represented By  
Chi L Ip

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14196 Maria Gomez**

**Chapter 7**

**#2.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
SCHOOLSFIRST FEDERAL CREDIT UNION  
VS.  
DEBTOR

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Gomez

Represented By  
Erika Luna

**Movant(s):**

SchoolsFirst Federal Credit Union

Represented By  
Paul V Reza



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Maria Gomez**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room

5A

10:00 AM

8:18-12500 Maria Faith Burks

Chapter 13

#3.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
SANDS AT CAROLINA BEACH CONDOMINIUMS, III, OWNERS, INC.  
VS.  
DEBTOR

Docket 25

**Courtroom Deputy:**

**SPECIAL NOTE: Order of Dismissal Arising from Chapter 13 Confirmation Hearing Entered 9/26/2018; Notice of Intent to Proceed with Motion for Relief from Stay filed 10/2/2018. This Motion to Remain on Calendar - td (10/3/2018)**

**Tentative Ruling:**

**October 25, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Deny motion as moot.

Basis for Updated Tentative Ruling:

This motion was not filed until after the order dismissing the case was entered on September 26, 2018. The court declines to grant a motion that was not filed prior to dismissal of the case. Further, counsel for movant was present at the September 25, 2018 confirmation hearing where this court dismissed the case without a bar and counsel made no request for reservation of jurisdiction re *future* relief from stay motions.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Faith Burks

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Maria Faith Burks**

**Chapter 13**

**Movant(s):**

Sands at Carolina Beach

Represented By  
Kelly Zinser

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13040 Julie Burkhart**

**Chapter 7**

**#4.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

SETERUS, INC.

VS.

DEBTOR

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Julie Burkhart

Represented By  
Freddie V Vega

**Movant(s):**

SETERUS, INC., AS THE

Represented By  
James F Lewin

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Julie Burkhart**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13487 Shahid Jamil**

**Chapter 13**

**#5.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Deny Motion due to insufficient grounds stated therefor.

Basis for Updated Tentative Ruling

The court has re-reviewed the Motion and determined that insufficient grounds exist for relief from stay. First, there is apparently no postpetition delinquency as none is indicated in the Motion. Second, the prior multiple bankruptcies appear to have been filed years prior to the scheduled foreclosure sale.

**Party Information**

**Debtor(s):**

Shahid Jamil

Represented By  
Brian J Soo-Hoo

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Shahid Jamil**

Kelsey X Luu

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13570 William Hamilton**

**Chapter 7**

**#6.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

JUN-NAM LLC

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant with 4001(a)(3) waiver; deny request for co-debtor stay as there is no co-debtor stay applicable to a chapter 7 case.

Debtor's request that the court deny the request for waiver of FRBP 4001(a)(3) is denied in light of 1) Debtor is not named on the lease and Movant denies consenting to a sublease in favor of Debtor, 2) Debtor has known of the default for nearly four months and could have used such time looking for alternative living arrangements, and 3) Movant has provided evidence of financial hardship caused by the lease default that will be exacerbated by an additional 14-day stay.

<b>Party Information</b>
--------------------------

**Debtor(s):**

William Hamilton

Represented By  
Dana M Douglas



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... William Hamilton**

**Chapter 7**

**Movant(s):**

Jun-Nam LLC

Represented By  
Young Shin

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room**

**5A**

10:00 AM

**8:15-11014 Maricela Diaz and Ruben Diaz**

**Chapter 13**

**#6.10** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 5-17-18; 6-21-18; 7-19-18; 9-6-18; 10-11-18

Docket 140

**\*\*\* VACATED \*\*\* REASON: Order granting stipulation for relief from  
stay entered 10/15/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order granting stipulation for relief from stay entered  
10/15/18- mp (10/16/18)**

**Tentative Ruling:**

**May 17, 2018**

Deny Motion. Movant shall not assess attorneys fees/costs against Debtors' account for the preparation and prosecution of the Motion.

Debtors appear to account for all payments. The court notes that Movant previously filed a motion for relief from stay in 2016 and the parties continued the hearing for approximately 11 months until November 2017, at which time Movant withdrew its motion without even requesting an APO. The court assumes this was done because Debtors were determined to be current as of November 2017. So, as a preliminary matter, how could Debtors be seven payments delinquent just 5 months later? In any event, the documentation attached to the Opposition appears to demonstrate that all payments have been made as of April 2018.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Maricela Diaz and Ruben Diaz

Chapter 13

***Note: If the parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**July 19, 2018**

At least one of the parties must appear and advise the court re the status of this matter. If more time is needed, the hearing may be continued to either July 31, 2018 or September 6, 2018 at 10:00 a.m. by requesting a continuance during the calendar roll call by the courtroom clerk on the day of the hearing.

-----

**September 6, 2018**

One of the parties must appear and advise the court re the status of this matter.

-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maricela Diaz

Represented By  
Steve S Gohari

**Joint Debtor(s):**

Ruben Diaz

Represented By  
Steve S Gohari

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Maricela Diaz and Ruben Diaz**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank N.A.

Represented By  
Joseph Smith  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13864 Friendly Village GP, LLC**

**Chapter 7**

**#6.20** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(OST Entered 10/23/18)**

CHAPTER 7 TRUSTEE, RICHARD A. MARSHACK

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant Motion with 4001(a)(3) waiver if no opposition is received at the hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village GP, LLC

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

**8:09-23186 Miguel Valdez Liera and Yolanda Vargas Liera**

**Chapter 13**

**#7.00** Hearing RE: Co-Debtor's Motion Pursuant to 11 U.S.C. Section 350 and F.R.B.P. Rule 5010(l) to Reopen the Chapter 13 Bankruptcy Case

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Miguel Valdez Liera

Represented By  
Ralph Ascher

**Joint Debtor(s):**

Yolanda Vargas Liera

Represented By  
Ralph Ascher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:11-27644 Frederick Moreno Rivera and Laura Sainz Rivera**

**Chapter 7**

**#8.00** Hearing RE: Order requiring the personal appearance of Kelly S. Johnson and Frederick Moreno Rivera to show cause why Kelly S. Johnson should not be referred to the State Bar of California for engaging in the unauthorized practice of law (OSC Issued 9/18/18)

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

No opposition to the OSC was filed by Debtors or Kelly Johnson.

At a minimum, the court will order Mr. Johnson to refrain of providing any further assistance to Debtors in connection with this bankruptcy case.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Frederick Moreno Rivera

Represented By

John L Greifendorff - INACTIVE -

**Joint Debtor(s):**

Laura Sainz Rivera

Represented By

John L Greifendorff - INACTIVE -

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:14-11492 The Tulving Company Inc

Chapter 7

#9.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 764

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Linda F Cantor ESQ



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-11492 The Tulving Company Inc**

**Chapter 7**

**#10.00** Hearing RE: Second Interim and Final Application of R. Todd Neilson for Allowance and Payment of Fees and Expenses Incurred as Chapter 7 Trustee for the Period May 22, 2014 Through March 31, 2016

**[R. TODD NEILSON, FORMER CHAPTER 7 TRUSTEE]**

Docket 756

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Linda F Cantor ESQ

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:14-11492 The Tulving Company Inc

Chapter 7

#11.00 Hearing RE: Third Interim and Final Application for Approval of Compensation and Reimbursement of Expenses

**[PACHULSKI STANG ZIEHL & JONES LLP, COUNSEL TO THE CHAPTER 7 TRUSTEE]**

Docket 758

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

The Tulving Company Inc

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Linda F Cantor ESQ

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:14-11492 The Tulving Company Inc

Chapter 7

#12.00 Hearing RE: Third Interim and Final Application for Allowance and Payment of Fees and Expenses Incurred as Accountants and Final Advisors for the Chapter 7 Trustee Weneta Kosmala for the Period May 22, 2014 Through May 31, 2018

**[BERKELEY RESEARCH GROUP, LLC, ACCOUNTANTS AND FINANCIAL ADVISORS TO THE CHAPTER 7 TRUSTEE]**

Docket 757

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

The Tulving Company Inc

Pro Se

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Linda F Cantor ESQ

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

**#13.00** Hearing RE: First Interim Fee Application for Approval of Compensation in the Amount of \$121,039.50, and Reimbursement of Expenses in the Amount of \$4,640.59 for the Period January 1, 2017 Through September 30, 2018

**[JEFFREY S. SHINBROT, APLC, COUNSEL TO THOMAS H. CASEY,  
CHAPTER 7 TRUSTEE]**

Docket 250

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses on an interim basis as requested.

The court has reviewed the objections to payment of fees filed by moore design [usa] ltd., Stuart Moore, Rev. Charles A.E. Lawrence, Dr. Lorraine Lawrence and Anthony M.C. Brown and overrules such objections as unpersuasive.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#14.00 Hearing RE: First Interim Application for Allowance of Fees and Expenses From July 27, 2018 Through October 3, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 254

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

**#15.00** Hearing RE: Chapter 7 Trustee's Motion for Disallowance of Debtor's Claimed Homestead Exemption

Docket 85

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/15/18 AT 10:30 A.M.,  
PER ORDER ENTERED 10/22/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 11/15/18 at 10:30 a.m., Per Order  
Entered 10/22/18 (XX) - td (10/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12188 Farhad Naderi**

**Chapter 7**

Adv#: 8:17-01100 Hao v. Naderi

**#16.00** CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Determination of Non-Dischargeability of Debt Under 11 U.S.C. Section 523(a)(2)

FR: 8-31-17; 10-19-17; 5-31-18; 9-6-18

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: See Calendar Item #1.1  
at 9:30 a.m. (xx)

**Courtroom Deputy:**

**OFF CALENDAR: See Calendar Item #1.1 at 9:30 a.m. (xx) - td  
(10/16/2018)**

**Tentative Ruling:**

**August 31, 2017**

Continue Status Conference to Oct. 19, 2017 at 9:30 a.m.; updated status report to be filed by Oct. 5, 2017 unless a motion for default judgment has been filed by such date. (XX)

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

CONT... Farhad Naderi

Chapter 7

***this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

-----

**October 19, 2017**

Discovery Cut-off Date:	April 5, 2018
Deadline to Attend Mediation:	April 30, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**May 31, 2018**

Court's Comments:

1. No party filed a timely joint or unilateral pretrial stipulation. See LBR 7016-1(c) and 7016-1(e)(2).
2. Plaintiff filed an untimely unilateral pretrial statement which appears to be incomplete. The default judgment does not include any indication that the judgment was based on the fraud in the second amended complaint. For example, no punitive damages were awarded. Because the second amended complaint includes dischargeable causes of action such as negligence and breach of contract, the judgment *could* have been rendered on such claims without consideration of the fraud causes of action. Accordingly, claim and/or issue preclusion would appear to not be applicable. One of the elements for collateral estoppel or res judicata is that a particular issue or claim must have necessarily been decided. As previously noted, the default judgment gives no indication that the fraud claim was decided. For that reason, the pretrial stipulation must set forth all facts, disputed and undisputed, that establish the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

CONT... Farhad Naderi  
elements of fraud.

Chapter 7

3. Defendant filed an improper "objection" to Plaintiff's unilateral pretrial statement and did not file a unilateral pretrial statement that complies with LBR 7016-1(e)(2).

4. Defendant complains that Plaintiff has not complied with FRCP 26 but fails to address whether *he* has complied with the same. Rule 26 requires that "a *party*, without awaiting a discovery request" provide certain information "that the disclosing party may use to support its claims *or defenses*" . . . . (emphasis added). Compliance with Rule 26 is not limited to plaintiffs. Moreover, it appears that Plaintiff has complied with Rule 26 by making disclosures to Defendant's prior attorney on October 31, 2017. See Reply of Plaintiff filed May 25, 2018 [Docket #35].

5. Any disputes re FRBP 7026 must be addressed strictly in accordance with LBR 7026-1(c).

6. Attorney of record, in the court's view, includes all attorneys working for a law firm -- in this case the Law Offices of Edward C. Ip & Associates. Both Ms. Bhupinder Malik and Ms. Jenny Zhao appear on the firm's website. Even if Ms. Zhao no longer works at the firm, she was apparently associated with the firm at some point during the pendency of this adversary proceeding as evidenced by the fact that Defendant's current counsel, Mr. Cohen, served Ms. Zhao (via NEF) with his substitution of attorney. See Docket #26, proof of service: "jenny@lawyer4property.com"

7. The parties are encouraged to ratchet down the querulous rhetoric and start working together in a civil manner. This court expects no less.

6. Due to Defendant's own failure to comply with Rule 26 and LBR 7016-1(e)(2), and possibly LBR 7026-1(c)(1)-(3), the court will not dismiss this adversary proceeding at this time.

*Special note: The court is aware that Defendant filed a motion to dismiss on 5/22/18; however such motion does not relieve Defendant from complying with LBR 7016-1(e)(2).*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

CONT... Farhad Naderi

Chapter 7

***Note: Appearances at this hearing are required.***  
-----

**September 6, 2018**

Continue pretrial conference to October 18, 2018 at 9:30 a.m.; revised joint pretrial stipulation must be filed by September 27, 2018.

The pretrial stipulation requires substantial revision. See comments below.

Comments re the Joint Pretrial Stipulation filed Aug. 22, 2018 (docket #42):

1. Re paragraph B(15)(a)(i):

This issue of fact shall be included -- overruler Defendant's objection.

2. Re paragraph B(15)(b):

a. Re paragraph i. Basis for the assertion that this court limited Plaintiff's trial exhibits to the five documents referenced therein. Is there an entered order to that effect?

b. Re paragraphs vi, viii, x, xii, xiii, xiv, xv: Why is/are the conduct and/or actions of Lynn Yang relevant to this action? *Defendant's* actions/conduct are the focus of 523(a)(2)(A).

c. Re paragraphs xvi, xvii, xviii, xix, xx, xxi, xxii, xxiii and xxiv: Unless Plaintiff can establish that the state court judgment necessarily decided fraud causes of action (as opposed to non-fraud causes of action), neither res judicata or estoppel applies and, as a consequence, the issues identified in these paragraphs are irrelevant to this adversary and need not be decided at trial. . Does Plaintiff intend to assert res judicata or collateral estoppel?

3. Re Paragraphs C(1) - (5) and (a)(i), (ii) and (iii)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

CONT...

**Farhad Naderi**

**Chapter 7**

If Plaintiff is not asserting collateral estoppel, these paragraphs should be deleted as irrelevant.

4. Re Paragraphs C(a)(iv), (v), (vi),(vii):

These issues relate to the sufficiency of evidence to be determined at trial and are not "issues of law." For example, paragraph vii even includes argument (last sentence). Delete.

5. Re Paragraphs C(a)(viii, ix, and x)e

These issues relate to the admission or exclusion of evidence and are not "issues of law." Moreover, the issues are already addressed in Paragraph F re motions in limine.

6. Re Paragraph F(2):

This paragraph states that defendant shall file motions in limine, motion for summary judgment and/or nonsuit, motion for directed verdict, *once Plaintiff rests*. The court assumes that "once Plaintiff rests" refers only to nonsuit and not to motions in limine or summary judgment, both of which must be filed and heard before trial.

7. Re Time Estimate of 2-3 days: Does Plaintiff assume direct testimony will be declaration or live? This court's normal trial practice to require the parties to submit direct testimony by declaration prior to trial (exclusive of adverse or rebuttal testimony).

8. Re Witness List

a. Is this a joint plaintiff/defendant witness list?

b. Re witness Bin Hao, reference is made to the "fraud" judgment she obtained in LA Superior Court. What fraud judgment? There is no finding of fraud in the judgment attached to the Complaint as exhibit 2. Absent an actual fraud judgment, the description of testimony must be specified.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Farhad Naderi**

**Chapter 7**

c. Re defendant Naderi: The testimony description is inadequate if limited to "knowledge about the civil case" in Superior Court. What about his knowledge about the transaction in dispute?

d. Re witness Henry Hirsch: Testimony description is inadequate. Simply states he was a defendant and does not describe the nature of his testimony in this matter.

e. Re witness Lynn Yang: same comments as for Henry Hirsch.

f. Re witness C. Ip: Testimony description is inadequate. What will he testify about?

***Note: Appearances at this hearing are required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Farhad Naderi

Represented By  
Halli B Heston

**Defendant(s):**

Farhad Naderi

Pro Se

**Plaintiff(s):**

Bin Hao

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Farhad Naderi**

**Chapter 7**

Chi L Ip

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10200 TodoCast, Inc.**

**Chapter 7**

**#17.00** Hearing RE: Chapter 7 Trustee's Objection to Proof of Claim No. 6 of Mario Sanchez

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Continue hearing to December 6, 2018 at 10:30 a.m. to allow Trustee to comply with LBR 3007-1(c)(4).

Though the objection is partly based on timeliness, the objection does not include the evidence required under LBR 3007-1(c)(4).

Tentative ruling for 12/6/18 hearing: Sustain if no opposition is filed.

***Note: If Trustee accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

TodoCast, Inc.

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#18.00 Hearing RE: Debtor's Motion to Dismiss Chapter 11 Proceeding

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Grant Motion; judgment in favor of the U.S. Trustee for outstanding quarterly fees, if any.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11273 D'Best Beverages, Inc.**

**Chapter 11**

**#18.10** CON'TD Hearing RE: Debtor's Motion to Extend the time to File a Plan and Disclosure Statement Pursuant to 11 U.S.C. Section 1121(e)(3)

FR: 10-18-18

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Deny Motion as moot in light of granting of Debtor's motion to dismiss ch. 11 cases.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

8:18-11273 D'Best Beverages, Inc.

Chapter 11

#18.20 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case  
**(Order for Joint Administration Entered 4/12/18;  
Lead Case: D'Best Beverages Inc., Case No. 8:18-bk-11273-ES)**

FR: 5-31-18; 9-20-18; 10-18-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 31, 2018**

Claims bar date: Aug. 1, 2018; notice by Jun. 1, 2018

Deadline to file plan/DS: Sep. 6, 2018\*

Continued Status Conference: Sep. 20, 2018 at 10:30 am; updated status report must be filed by Sep. 6, 2018 unless

a

plan & DS has been filed by such date, in which case the requirement of an updated status report will not be required. (XX)

\*Debtors have stated no good reason for filing a plan and disclosure statement in January 2019, nine months after the filing of this noncomplex case.

***Note: If Debtors accept the foregoing tentative ruling, and Debtors are in substantial compliance of the requirements of the U.S. Trustee after the confirming the same with the UST prior to the hearing, appearance at this hearing is not required.***

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

CONT... D'Best Beverages, Inc.

Chapter 11

-----  
**October 25, 2018**

Off Calendar in light of granting of motion to dismiss cases.

***Note: Appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

D'Best Beverages, Inc.

Represented By  
Leonard W Stitz

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11942 Maureen T. Todd**

**Chapter 13**

**#19.00** CONT'D Hearing RE: Debtor's Motion to Disallow Claim No. 1 of Cavalry SPV I, LLC Pursuant to F.R.B.P. 3001(c)(1)

FR: 9-20-18

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

Continue hearing to October 25, 2018 at 10:30 a.m. to allow Debtor to correct service issue: Objection was served on less than 30 days' notice. (XX)

Tentative ruling for 10/24/18 hearing (if unopposed): Grant motion to disallow claim; deny all other relief requested as beyond the scope of a motion for disallowance. Stated otherwise, the request to "preserve" claims against claimant is not germane to the objection or necessary for a ruling.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall service of the continued hearing date/time.***

-----

**October 25, 2018**

Grant motion to disallow claim; deny all other relief requested as beyond the scope of a motion for disallowance.

***Note: This matter appears to be uncontested. Accordingly, if Movant accepts the foregoing tentative ruling, no court appearance by the Movant is required. Should an opposing party file a late opposition or***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Maureen T. Todd

Chapter 13

***appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maureen T. Todd

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12346 John W. Fox and Lisa D. Fox**

**Chapter 13**

**#20.00** Hearing RE: Debtors' Motion for Order Disallowing Proof of Claim Number 1  
Filed by Jonathan Neil & Associates, Inc.

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Deny motion without prejudice. Counsel for Debtors may not charge Debtors for the preparation of the Motion.

Though there appear to be issues with the documentation in support of the proof of claim, the Motion is being denied without prejudice to filing a new motion for the following reasons:

1. Service: Counsel made no attempt whatsoever to serve the claimant, Jonathan Neil & Associates, Inc. ("Claimant") with the Motion or the amended notice in violation of FRBP 3007(b)(2)(A) and LBR 3007-1(b)(2).
2. Evidence: There is no declaration of either debtor concerning the claim and why the claim should not be allowed. Debtors have the initial burden of presenting evidence sufficient to overcome the presumed validity of the proof of claim.
3. Argument: The Motion provides no legal basis or analysis of the claim and why the claim should be disallowed. In short, the Motion is wholly inadequate in this regard.

In light of all of the foregoing, Debtors should not be charged for the preparation of a motion that was improperly served and is so lacking in substance.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

10:30 AM

CONT... John W. Fox and Lisa D. Fox

Chapter 13

***Note: If Movants accept the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

John W. Fox

Represented By  
Ali R Nader

**Joint Debtor(s):**

Lisa D. Fox

Represented By  
Ali R Nader

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#21.00** Hearing RE: Order to Show Cause Why Bankruptcy Case Should Not Be Dismissed Due to Debtor's Possible Violation of Federal Law (OSC Issued 9/19/18)

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

The Court is inclined to do the following regarding this and the other matters on involving this case:

1. Unless Debtor is in substantial compliance with the requirements of the United States Trustee (UST) as today's hearing, advance the UST hearing re his motion to dismiss from November 15, 2018 at 10:30 a.m. to November 8, 2018 at 10:30 a.m. (opposition by Debtor would still be due November 1, 2018 and any reply by the UST would be due November 6, 2018).
2. Set an evidentiary hearing regarding the OSC for November 13, 2018 at 9:00 a.m. Required witnesses: Nguyen Dec, at least one Debtor's two managers, and Debtor's accountant, if any. November 16, 2018 is also available as an evidentiary hearing date. *Special Note: If the UST's motion is granted on November 8, 2018, the evidentiary hearing will be unnecessary.*
3. All documentary evidence regarding ONAC's Code of Ethics and Code of Conduct must be filed with the court no later than November 1, 2018. The Court does not accept as evidence, reference to a website.
4. The hearing re the landlord's motion for relief from stay would be continued to November 13, 2018 on condition that Debtor pays all postpetition rent, including CAM charges, through November by or before



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... White Dove Church Inc, a California nonprofit corp Chapter 11**

November 1, 2018. Landlord's acceptance of such postpetition rent would not affect any rights or arguments it may have under applicable state law regarding the alleged prepetition defaults.

5. The hearing regarding Debtor's motion to assume the subject lease would be continued to November 13, 2018 on the same condition noted in paragraph 4 above re payment of postpetition rent.

6. The chapter 11 status conference would be continued to November 13, 2018 at 9:00 a.m.

***Note: If Debtor, UST, and landlord all agree to the foregoing tentative ruling, appearances at this hearing are not required. If one party does not agree, all appearances are required.***

3.

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#22.00** CONT'D Hearing RE: Debtor-in-Possession's Motion for Order Authorizing Assumption of Real Property Lease, and/or for Relief from Forfeiture

FR: 9-13-18

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue this hearing to October 11, 2018 at 10:30 a.m. This court intends to issue an Order to Show Cause Why This Case Should Not Be Dismissed Due to Debtor's Possible Violation of Federal Law, which OSC shall be set for the same date/time.

See, e.g., OKLEVUEHA NATIVE **AMERICAN** CHURCH OF HAWAII, INC v. LORETTA E. LYNCH, 828 F.3d 1012 (9th Cir 2013).

**October 25, 2018**

See tentative ruling for #21 on today's calendar

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**Movant(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#23.00 CON'TD Hearing RE: Amended Motion for relief from the automatic stay [UD]**

DDD PHAM LLC

VS

DEBTOR

FR: 9-13-18

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue hearing to October 11, 2018 at 10:00 a.m. to allow movant to correct defective service: the twenty largest unsecured creditors were not served as required by FRBP 4001(d)(1)(C) and LBR 4001-1(1)(C)(v).

***Note: If Movant and Debtor accept the foregoing tentative ruling, appearances at this hearing are not required.***  
-----

**October 25, 2018**

See tentative ruling for #21 on today's calendar

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**Movant(s):**

DDD Pham LLC

Represented By  
Chi L Ip

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#24.00** CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case

FR: 10-11-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

See tentative ruling for #21 on today's calendar

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13119 DFH Network Inc.**

**Chapter 11**

**#25.00** STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and (2)  
Requiring Report on Status of Chapter 11 Case

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Deadline to file plan/disclosure stmt: Jan. 17, 2019

Continued status conference:  
a.m. Feb. 7, 2019 at 10:30

Updated status report due: Jan. 24, 2019  
(this requirement is waived if Debtor  
timely files plan/disclosure stmt)

***Note: If Debtor accepts the foregoing tentative ruling and is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.***

**Party Information**

**Debtor(s):**

DFH Network Inc.

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

2:00 PM

**8:14-10918 Robert Boyajian**

**Chapter 11**

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

**#26.00 ORAL RULING RE:** Plaintiff's Motion for Summary Judgment, or in the Alternative, for Summary Adjudication of Issues

FR: 5-17-18; 7-31-18

Docket 27

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/17/19 AT 10:30 A.M. AS  
A HOLDING DATE, Per Order Entered 10/17/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 1/17/19 at 10:30 a.m. as a Holding  
Date, Per Order Entered 10/17/18 (XX) - td (10/17/2018)**

**Tentative Ruling:**

**July 31, 2018**

Grant partial summary adjudication as to the Third Claim for Relief (disallowance of Amended Claim) only; abstain as to all other claims for relief pursuant to 28 USC 1334(c)(1). All funds currently being held in the estate for the benefit of Layla Boyajian shall be held for 90 days following entry of the order re the Motion, subject to disposition and/or release by a non-bankruptcy court of competent jurisdiction. After expiration of the 90 days, such funds shall be distributed to Layla Boyajian.

Basis for Tentative Ruling:

1. Partial Summary Adjudication: Granted on the ground that The estate has no liability for any part of the Amended Claim as Plaintiff did not obligate himself by written agreement or otherwise for any amounts that may be owing by Layla Boyajian to Defendant.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, October 25, 2018

Hearing Room 5A

2:00 PM

CONT... Robert Boyajian

Chapter 11

2. Abstention under 28 USC 1334(c)(1)

Pursuant to *In re Tucson Estates, Inc.*, 912 F.2d 1162 (9th Cir.1990), permissive abstention under 28 USC 1334(c)(1) is appropriate as to this adversary proceeding based upon the following circumstances:

a. The alleged lien at issue in this matter concerns a lien against *non-estate* property, i.e., Layla Boyajian's interest in the sale proceeds;

b. The remaining claims for relief all involve state law;

c. This adversary at its core reflects a dispute between two non-debtors -- Defendant and Plaintiff's mother, Layla Boyajian based upon their attorney-client relationship;

d. Except for the Third Claim for Relief, the adjudication of the remaining claims for relief will have no material impact on the administration of this case where a plan has already been confirmed and largely, if not entirely, consummated.

e. As Defendant's lien rights, if any, were created under applicable California law, such rights can be efficiently adjudicated in a California state court.

f. This court lacks jurisdiction to adjudicated the dispute between two nondebtors as such no bankruptcy laws are implicated. Stated otherwise, any claims between the nondebtors neither arose under the Bankruptcy Code or in this chapter 11 case.

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schenum

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, October 25, 2018

Hearing Room 5A

2:00 PM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#27.00 CONT'D PRE-TRIAL CONFERENCE RE: Complaint for: 1. Quiet Title to Real Property; 2. Declaratory Relief; 3. Objection to Claim; and 4. Avoidance of Unperfected Lien; 5. Recovery of Avoided Transfer

FR: 11-2-17; 5-31-18; 6-21-18; 7-31-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/17/19 AT 10:30 A.M. AS A HOLDING DATE, Per Order Entered 10/17/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 1/17/19 at 10:30 a.m. as a Holding Date, Per Order Entered 10/17/18 (XX) - td (10/17/2018)**

**Tentative Ruling:**

**November 2, 2017**

Discovery Cut-off Date:	Mar. 1, 2018
Deadline to Attend <u>Mandatory</u> Mediation:	Apr. 6, 2018
Pretrial Conference Date:	May 31, 2018 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	May 17, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schennum  
Jessica G McKinlay

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, October 25, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... Robert Boyajian**

**Chapter 11**

**Defendant(s):**

Ascher & Associates

Represented By  
Ralph Ascher

**Plaintiff(s):**

Robert Boyajian

Represented By  
Michael G Spector  
Vicki L Schenum

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11101 Koller Coatings Corporation**

**Chapter 7**

Adv#: 8:18-01019 Marshack v. Bernards Bros. Inc., a California corporation

**#1.00** CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Open Book; (3) Account Stated; (4) Common Counts

FR: 4-12-18; 6-7-18; 7-27-18; 8-3-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**April 12, 2018**

Continue status conference to June 14, 2018 at 2:00 p.m., same date/time as hearing on the pending motion to compel arbitration. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**November 1, 2018**

Plaintiff to advise the court re the status of the arbitration matter. If more time is needed, this hearing may be continued to December 20, 2018 at 9:30 a.m. (updated status report to be filed by December 6, 2018) by filing a stipulation or requesting a continuance during the roll call on the day of the hearing.

**Party Information**

**Debtor(s):**

Koller Coatings Corporation

Represented By  
Arash Shirdel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Koller Coatings Corporation**

**Chapter 7**

**Defendant(s):**

Bernards Bros. Inc., a California Pro Se

**Plaintiff(s):**

Richard A Marshack Represented By  
Scott A Kron

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Scott A Kron

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-10735 Brian D. Thaler**

**Chapter 13**

**#2.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEBTOR

FR: 10-11-18

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**November 1, 2018**

Movant to advise the court re the status of this matter

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Brian D. Thaler**

**Chapter 13**

**Debtor(s):**

Brian D. Thaler

Represented By  
James D. Hornbuckle

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 1, 2018

Hearing Room 5A

10:00 AM

8:18-12169 James Ray Peterson

Chapter 13

#3.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 28

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Chapter 13 Confirmation Hearing Entered 10/23/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13  
Confirmation Hearing Entered 10/23/2018 - td (10/23/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

James Ray Peterson

Pro Se

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Erin M McCartney

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12412 Elena Veronica Deleon**

**Chapter 7**

**#4.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elena Veronica Deleon

Represented By  
Brian J Soo-Hoo

**Movant(s):**

JPMorgan Chase Bank, N.A.

Represented By  
Joseph M Pleasant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Elena Veronica Deleon**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12656 Jenny Kristin Porter**

**Chapter 7**

**#5.00** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]

LA PAZ MORTGAGE, INC. AND CHARLES R. LEIBOLD

VS.

DEBTOR

Docket 22

**Courtroom Deputy:**

**SPECIAL NOTE: Notice of Withdrawal of Opposition to be filed per Chris Langley - td (10/31/2018)**

**Tentative Ruling:**

**November 1, 2018**

Grant motion with 4001(a)(3) waiver; deny request for 180-day prospective relief (no grounds for the latter stated).

Debtor's opposition is completely undermined by the fact that the chapter 7 trustee fully intends to prosecute the litigation in state court, having obtained an order, entered Oct. 3, 2018, approving employment of special counsel to represent the trustee in the subject action. See docket #19. Movant is entitled to relief from the stay to defend itself, including the assertion of cross-claims.

**Party Information**

**Debtor(s):**

Jenny Kristin Porter

Represented By  
Christopher J Langley

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room      5A**

10:00 AM

**CONT...      Jenny Kristin Porter**

**Chapter 7**

**Movant(s):**

La Paz Mortgage, Inc.

Represented By  
Hamid R Rafatjoo

Charles R. Leibold

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
David M Goodrich  
Jeffrey G Jacobs

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13548 Mary G. Gifford**

**Chapter 7**

**#6.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

CARRINGTON MORTGAGE SERVICES, LLC

VS.

DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mary G. Gifford

Represented By  
Richard G Heston

**Movant(s):**

Carrington Mortgage Services, LLC

Represented By  
Alexander G Meissner

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Mary G. Gifford**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-11594 George Carl Natzic and Cheri Lynn Natzic**

**Chapter 7**

**#6.10** Hearing RE: Motion for relief from automatic stay  
[ACTION IN NON-BANKRUPTCY FORUM]  
**(OST Entered 10/31/18)**

ADD2NET, INC.

VS.

DEBTORS

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#7.00** Hearing RE: Verified Petition to Confirm Contractual Arbitration Award and Enter Judgment

Docket 222

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

The court will hear oral argument on this matter. Each side will have a total of 10 minutes to highlight their primary arguments. The matter will then be taken under submission for further review by the court. A hearing on the oral ruling will take place on November 29, 2018 at 2:00 p.m.

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#7.10** CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapides

**[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ,  
CHAPTER 7 TRUSTEE]**

FR: 7-13-17; 10-12-17; 12-14-17; 5-31-18; 8-2-18; 9-20-18; 10-18-18

Docket 172

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 1, 2018 at 10:30 a.m., same date/time as hearing on request for confirmation of arbitration award. (XX)

*Special note: If the court determines that the matters set for November 1, 2018 should be heard on the court's longer matter afternoon calendar, the parties will be notified of the new hearing date/time at least 48 hours prior to the November 1, 2018 hearing.*

**Note: Appearances at this hearing are not required.**  
-----

**November 1, 2018**

Continued to November 29, 2018 at 2:00 p.m. for final ruling.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Jay Johnson and Debra Johnson**

**Chapter 7**

**Debtor(s):**

Jay Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#8.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 850

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#9.00 Hearing RE: Application for Payment of Final Fees and/or Expenses  
[Period: 5/29/2013 to 11/14/2013]

[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR WENETA  
M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 848

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Sandra Elisabeth Johnson**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-11464 Sandra Elisabeth Johnson**

**Chapter 7**

**#10.00** Hearing RE: Application for Payment of Final Fees and/or Expenses  
[Period: 7/20/2015 to 9/11/2018]

**[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR WENETA  
M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 849

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

The court has reviewed the opposition but is not persuaded by it. The court recalls the litigation over the issue of the homestead exemption. The objections of the trustee were not frivolous as Debtor's investment of the exemption for the purchase of a residence were novel and raised issues of first impression for this court. For example, Debtor paid her mother \$100,000 for a small, non-marketable interest in real property her mother had already purchased on her own, which funds were deposited into a joint account owned by Debtor and Debtor's mother. Debtor's mother thereafter proceeded to immediately use the money to pay expenses benefitting Debtor and her children. Well-taken issues were raised by the trustee about the legitimacy of the transaction. This court was required to take the matter under submission and review hundreds of documents before reaching a decision in favor of Debtor. See tentative ruling comments below.

**July 27, 2017**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Sandra Elisabeth Johnson**

**Chapter 7**

The matter will be continued for the purpose of requiring Debtor to provide a more detailed accounting of the use of the exemption proceeds that were deposited in her joint account with her mother for the asserted purchase of the property.

While it is possible that the purchase of the interest in the property as outlined in the "Simple Real Estate Agreement" ("Agreement") and set forth in Exhibit 2 of Debtor's Response to the Motion could satisfy the statutory requirements for a homestead, the court must first determine that the exempt proceeds were, in fact, used for the purchase of a homestead or if the funds were actually used for other non-homestead purposes.

The homestead reinvestment requirements are that: (1) a debtor must reinvest the exempt proceeds within a period of six months after the time the proceeds are actually received by the debtor; and (2) the debtor must reinvest the entire funds to a replacement homestead, not the necessities of life. Cal. C.C.P. § 704.720(b); *see also In re Binesh*, 542 BR 1.

The court's concerns re the use of the funds are raised by the following circumstances:

1. It appears that funds out of the joint account were used for everyday living expenses of Debtor and her daughters. For example, within 30 days of the March 15, 2016 homestead purchase, more than at \$3500 appears to have been transferred out of the account to Debtor's two daughters. Transfers to the daughters from March 15, 2016 through May 17, 2017 total in excess of \$16,000.
2. During the period from March 15, 2017 through May 17, 2017, approximately \$10,000 was paid out of the account to a sorority, Alpha Kappa Theta.
3. During the same period, several thousands of dollars were spent on airline travel, including what appears to be a trip to Park City Utah.
4. During the same period, several thousands of dollars were spent on what appear to be ordinary living expenses such as groceries, clothing, restaurant meals, etc.
5. Tens of thousands of dollars were transferred to other bank accounts and then re-transferred to the joint account. Who owns the accounts ending in 7207 and 7249?

Homestead Analysis

If Debtor can prove that the entire exemption was actually used for the homestead, the purchase may be appropriate as a homestead under California law.

A. The Property Can Qualify A Homestead under California Law

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Sandra Elisabeth Johnson**

**Chapter 7**

The object of homestead legislation is to provide a place for the family and its surviving members, where they may reside and enjoy the comforts of a home, freed from any anxiety that it may be taken from them against their will. Under California law, a homestead can be a dwelling acquired through reinvesting exempt proceeds within the six-month period provided by section 704.720, if it is the principal dwelling in which the debtor resided continuously from the date of acquisition until the date of the court determination that the dwelling is a homestead. Cal. C.C.P. § 704.710(c). A debtor may acquire a homestead right regardless of whether the debtor's interest on the property is a fee simple, joint tenant, tenant in common, leasehold, or lesser interest. Cal. C.C.P. § 704.820; 16 Cal. L. Rev. Comm. Reports 1431 (1982). The "lesser interest" has not been defined by statutes or case laws.

When a debtor acquires a replacement homestead through reinvesting her exempt proceeds, Section 704.710(c) and 704.820 establish three requirements for a homestead: (1) the debtor's interest in the dwelling must be a homestead right; (2) a debtor must continuously reside in the newly acquired dwelling from the date of acquisition until the date of the court determination that the dwelling is a homestead; and (3) the dwelling is the debtor's principal dwelling.

*1. Debtor's Interest in the Property Is A Homestead Right*

California law provides that a homestead right can be a fee simple, joint tenancy, tenancy in common, leasehold, or lesser interest. Cal. C.C.P. § 704.820. California state courts adopt a liberal construction of the homestead exemption law and facts to promote the beneficial purposes of the homestead legislation to benefit the debtor. *Tarlesson v. Broadway Foreclosure Investments, LLC*, 184 Cal. App. 4th 931, 936 (2010). A homestead right does not require a debtor to hold title to the home. *Id.*; *Spencer v. Geissman*, 37 Cal. 96 (1869). The Supreme Court of California held that a debtor who has only the naked possession of land, the title being in a stranger, may acquire a homestead right thereto under the homestead law as to everyone but the owner. *Spencer*, 37 Cal. 96. The *Tarlesson* court also held that the debtor had homestead right when the home had been the debtor's principal residence for over 20 years and the debtor continued to live in the home for a period of nine months after she conveyed title of the home to another. *Tarlesson*, 184 Cal. App. 4th 931. Therefore, a lesser interest on the property can be a naked possession.

Here, the Agreement alleges that Debtor has 5% ownership interest on the Property in the Property with her mother. Resp., Ex. 2. The 5% interest does not afford Debtor any control of the Property except for right to reside in the Property. Debtor's interest is not reflected on title, Resp., Ex. 2, ¶ 8a; Debtor may not assign or transfer her interest to anyone other than Debtor's mother, Resp., Ex. 2, ¶¶ 12a, 13a and 13b; and Debtor's mother retains the exclusive possession of the Property, Resp., Ex. 2, ¶ 7a; and if Debtor's mother decides to sell the Property, Debtor must agree to the sale, Resp., Ex. 2, ¶ 13c. Moreover, the 5% financial interest is not marketable because Debtor cannot transfer it to anyone other than her mother. As a result, Debtor's interest in the Property is the 5% unmarketable financial interest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Sandra Elisabeth Johnson**

**Chapter 7**

coupled with the right to reside in the Property.

The further inquiry is whether Debtor's interest in the Property constitutes a homestead right under section 704.820. The courts have liberally constructed the term "lesser interest" in section 704.820. A lesser interest on the property can be a naked possession. *Spencer*, 37 Cal. 96; *Tarlesson*, 184 Cal. App. 4th 931. Unlike the debtor's possession right in *Tarlesson* and *Spencer*, Debtor does not have possession right in the Property. See Resp., Ex. 2, ¶ 7a. However, it does not necessarily mean that Debtor's interest in the Property cannot be a homestead right.

This court shall, in accord with California law/policy, liberally construct the boundaries of homestead rights as long as a debtor's right in the dwelling serves the legislation purpose of the homestead law. The legislation purpose of the homestead law is to provide a place for a debtor and her family to reside and enjoy the comforts of a home, and to free the debtor from any anxiety that it may be taken from her against her will by creditors. Here, Debtor's right to reside in the Agreement can serve the legislature purpose of the homestead law. Debtor's interest in the Property guarantees her and her children a home. Similarly to the possession right, her interest in the Property is good as to everyone but the owner, Debtor's mother. Thus, Debtor's interest in the Property in the Agreement is be able to free Debtor from any anxiety that it may be taken from her against her will by creditors. Therefore, Debtor's interest in the Property is a homestead right.

*2. Debtor has continuously resided in the Property*

A Chapter 7 debtor loses her right to any exemption in proceeds from sale of their homestead when the debtor has still not begun to occupy her newly acquired residence as home after new residence was ready for occupancy within the six-month period. See *In re Binesh*, 542 B.R. 1. Here, Debtor deposited the \$100,000 exempt proceeds on March 15, 2016. Debtor's six-month period for reinvestment starts to run on March 16, 2016. The Agreement indicates that Debtor acquired her interest in the Property on March 15, 2016. Debtor began residing in the Property since April 6, 2016. Resp., Johnson Decl., p. 3:17-19, Ex. 4. Debtor does appear to continuously reside at the Property within the six-month period. Resp., Ex. 4, 5 and 6.

-----  
**October 26, 2017**

The court is inclined to grant the Motion due to Debtor's failure to timely file supplemental evidence in support of her opposition to the Motion -- her pleadings were filed nearly three three weeks late. Debtor was given two months from the July 27, 2017 hearing to file evidence establishing that the entire \$100,000 of homestead exemption funds were actually used for the acquisition of a homestead and not for other purposes. The deadline for such filing was September 28, 2017. The briefing schedule was designed to allow the trustee 14

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

CONT... **Sandra Elisabeth Johnson**

**Chapter 7**

days to review what would likely be substantial financial records and to file a reply. The briefing schedule further afforded this court 14 days to review the records as well as the trustee's reply. Instead, Debtor filed nothing until October 18, 2017, twenty days after her due date and six days after the trustee's reply was due. The exhibits accompanying the late-filed pleadings exceed 200 pages. By way of an excuse, Debtor asserts that the tardiness was caused by a corruption of her files. However, Debtor had to know by or before September 28, 2017 that the pleading would not be timely filed and failed to either notify the trustee and request a continuance or file a request for a continuance with the court. Instead, she said nothing and waited until six days after the trustee's due date passed to file pleadings, leaving the trustee less than a week to review and analyze hundreds of pages of records and to prepare for an evidentiary hearing. Under the circumstances, it is unlikely that the court will consider the late-filed pleadings over the objection of the trustee.

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#11.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From April 11, 2018 through June 4, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 838

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#12.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[WEINSTEIN LAW FIRM, A PROFESSIONAL CORPORAITON, ATTORNEY  
FOR DEBTOR-IN-POSSESSION]**

Docket 768

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:13-11464 Sandra Elisabeth Johnson

Chapter 7

#13.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LOBUGLIO & SIGMAN, A PARTNERSHIP OF PROFESSIONAL  
CORPORATIONS, ACCOUNTANT FOR TRUSTEE]**

Docket 769

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sandra Elisabeth Johnson

Represented By  
Lorraine G Howell  
Michael E Reznick  
Mark S Rosen

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14536 Thavy Tanksley**

**Chapter 7**

**#14.00** CONT'D Hearing RE: U.S. Trustee's Motion to Show Cause ("OSC") Why Attorney Alon Darvish Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts of the Central District of California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3,1 of the Local Rules of the Central District of California

FR: 5-31-18; 7-31-18; 9-20-18

Docket 26

**Courtroom Deputy:**

**SPECIAL NOTE: Order Signed Approving Stipulation by and Between the United States Trustee and Attorney Alon Darvish Resolving the Motion to Show Cause why Attorney Alon Darvish Should Not be Referred to the Disciplinary Panel for Bankruptcy Courts of the Central District of California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3.1 of the Local Rules of the Central District of California filed 10/30/18 -- es**

**Tentative Ruling:**

**May 31, 2018**

Per movant's request, continue hearing to July 31, 2018 at 10:30 a.m.

***Note: Appearances at this hearing are not required.***

-----  
**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. as requested by Movant. LBR 9013-1(f) briefing schedule will apply. (XX)

***Note: Appearances at this hearing are not required.***



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Thavy Tanksley

**Chapter 7**

-----  
**September 20, 2018**

This matter will be referred to the Court's Disciplinary Panel for review and adjudication.  
-----

**November 1, 2018**

Order approving stipulation signed -- off calendar

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thavy Tanksley

Represented By  
Alon Darvish

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#15.00 Hearing RE: Chapter 13 Trustee's Application for Instructions RE Distribution of Funds

Docket 133

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order on Application for Instructions Re Distribution of Funds Entered 10/25/2018

Courtroom Deputy:

OFF CALENDAR: Order on Application for Instructions Re Distribution of Funds Entered 10/25/2018 - td (10/25/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By  
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By  
Nanette D Sanders

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12329 Jose Angel Sandoval Pineda**

**Chapter 13**

**#16.00** Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 35

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion  
Under 11 U.S.C. §329 Entered 10/22/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees  
Pursuant to U.S. Trustee's Motion Under 11 U.S.C. §329 Entered  
10/22/2018 - td (10/22/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Angel Sandoval Pineda

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13173 Anthony Nguyen**

**Chapter 7**

**#17.00** Hearing RE: United States Trustee's Motion to Dismiss Chapter 7 Case, with a Three Year Bar to Refiling Pursuant to 11 U.S.C. Sections 707(b)(3)(A), 105(a), 109(g) and 349

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony Nguyen	Pro Se
----------------	--------

**Trustee(s):**

Karen S Naylor (TR)	Pro Se
---------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 1, 2018

Hearing Room 5A

10:30 AM

8:18-13368 Quynh Thuy Lu

Chapter 13

#18.00 Hearing RE: Motion by United States Trustee to Determine Whether Compensation Paid to Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017

Docket 30

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to 11 U.S.C. §329 and Taking Matter Off Calendar Entered 10/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to 11 U.S.C. §329 and Taking Matter Off Calendar Entered 10/26/2018 - td (10/26/2018)**

**Tentative Ruling:**

**November 1, 2018**

Grant motion in its entirety.

Counsel filed a chapter 13 case knowing that his client was ineligible to be a debtor under chapter 13 when the case was filed. This is patently unacceptable and an abuse of the bankruptcy process.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Quynh Thuy Lu

Represented By  
Kevin Tang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 1, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#19.00** Hearing RE: Beitler Creditors' Omnibus Motion for Orders Temporarily Allowing Claims for Voting Purposes Pursuant to FRBP 3018(a)

(Set at SC RE: Ch 11 Plan held 9-20-10)

Docket 561

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 1, 2018**

*This matter remains under review by the court. A tentative ruling may be posted at any time prior to the hearing*

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Bobby Samini  
Dean A Ziehl

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01190 Marshack v. SD Medical Clinic, Inc. et al

**#1.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint for: 1) Conversion; 2) Avoidance, Recovery, and Preservation of Fraudulent and Unauthorized Post-Petition Transfers; and 3) Turnover of Property of the Estate (set at s/c held 5-18-17)

FR: 11-3-16; 12-15-16; 2-16-17; 5-4-17; 5-18-17; 11-16-17; 1-17-18; 3-22-18; (advanced from 1-18-18); 3-29-18; 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/14/19 AT 9:30 A.M., PER ORDER ENTERED 7/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED:** Order approving stipulation continuing:(1) Discovery cut-off date; (2)Pre-trial conference; and (3) Related report dates and deadlines. - Pre-conference from 11/8/18 at 9:30 to 3/14/2019 at 9:30 a.m. Entered 7/2/18, dkt. #89 (liz)

**Tentative Ruling:**

**May 4, 2017**

Continue status conference to May 18, 2017 at 2:00 p.m.; updated status report not required. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

SD Medical Clinic, Inc.

Pro Se

Pacific Western Bank

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Caroline Djang

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

**8:15-10719 Margaret Allen Rawson**

**Chapter 7**

Adv#: 8:15-01285 Marshack v. Rawson et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for declaratory relief as to whether, and to what extent, assets constitute property of the estate; turnover of property of the estate; and for a temporary restraining order, and preliminary and permanent injunction

FR: 9-10-15; 4-14-16, 7-21-16; 10-6-16; 12-15-16; 3-30-17; 7-13-17; 8-17-17; 12-14-17, 1-1-18; 5-17-18; 7-19-18; 9-20-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion to Approve Stipulation, Approve Professional Compensation and Dismiss Chapter 7 Case (and to Dismiss this Adversary Proceeding) Entered 9/26/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion to Approve Stipulation, Approve Professional Compensation and Dismiss Chapter 7 Case (and to Dismiss this Adversary Proceeding) Entered 9/26/2018 - td (9/28/2018)**

**Tentative Ruling:**

**September 10, 2015**

Discovery Cut-off Date: Jan. 15, 2016  
Deadline to Attend Mandatory Mediation: Mar. 11, 2016

Pretrial Conference Date: Apr. 14, 2016 at 9:30  
a.m. (XX)  
Deadline to Lodge Joint Pretrial Stipulation: Mar. 31, 2016

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

CONT... Margaret Allen Rawson

Chapter 7

**August 17, 2017**

Continue status conference to Dec. 14, 2017 at 9:30 a.m. with updated status report due Nov. 30, 2017; any further pretrial motion(s) must be filed in time for reserved hearing date of November 16, 2017 at 2:00 p.m. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----

**December 14, 2017**

Continue hearing to January 11, 2018 at 2:00 p.m., same date/time as hearing on summary judgment motion. Updated status report not required. (XX)

***Note: Appearances at this hearing are not required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated status report must be filed by September 6, 2018. (XX)

***Note: Appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Margaret Allen Rawson

Represented By  
Sylvia Lew

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Margaret Allen Rawson**

**Chapter 7**

**Defendant(s):**

Margaret Allen Rawson Pro Se

Margaret Allen Rawson, Successor Pro Se

DR Rawson, Third Successor Pro Se

**Plaintiff(s):**

Richard Marshack Represented By  
Misty Perry Isaacson

**Trustee(s):**

Richard A Marshack (TR) Pro Se

Richard A Marshack (TR) Pro Se

**U.S. Trustee(s):**

United States Trustee (SA) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#3.00** CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers

FR: 9-6-18

Docket 3

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons Issued 9/13/18; New Status Conference Set for 12/6/18 at 9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 9/13/18; New Status Conference Set for 12/6/18 at 9:30 a.m. (xx) - td (9/13/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 8, 2018 at 9:30 a.m.; updated status report to be filed by October 25, 2018. (XX)

**Note: Appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Steve Burnell  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:18-01118 Smith, III v. Swindell et al

**#4.00 STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief**

Docket 3

**Courtroom Deputy:**

**SPECIAL NOTE: Notice of Voluntary Partial Dismissal of an Adversary Proceeding that Does Not Involve Claims Under 11 U.S.C. §727 as to Defendants Casey Swindell and Kimberly Amaral Only filed 8/29/18 - td (8/30/2018)**

**Tentative Ruling:**

**November 8, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m. to allow Plaintiff to file a formal motion to serve complaint by publication pursuant to Fed.R.Civ.P.7004(c). Informal request in a declaration

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Patrick Swindell

Pro Se

David P Hutchens

Pro Se

Casey Swindell

Pro Se

Kimberly Amaral

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

**Plaintiff(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01142 Kosmala v. Liebeck et al

**#5.00** STATUS CONFERENCE RE: Amended Complaint for: (1) Avoidance of Postpetition Transfers Pursuant to 11 U.S.C. § 549(a) and 550; (2) Preservation of Avoided Transfers Pursuant to 11 U.S.C. §551; (3) Turnover of the Property of the Estate Pursuant to 11 U.S.C. § 542; (4) Willful Violation of the Automatic Stay Pursuant to 11 U.S.C § 362; and (5) Declaratory Relief (another summons issued 8-22-18)

Docket 3

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Discovery Cut-off Date:	Feb. 1, 2019
Deadline to Attend Mandatory Mediation:	Dec. 21, 2018
Pretrial Conference Date:	Mar. 7, 2019 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Feb. 21, 2019

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Defendant(s):**

Kevin Liebeck

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Denny Roy Steelman**

**Chapter 7**

Shaunah Lynn Steelman

Pro Se

Jodi Denise Steelman

Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala

Represented By  
Faye C Rasch

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Faye C Rasch

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

8:16-15264 Kristina Thi Lin

Chapter 7

Adv#: 8:18-01034 BB West Hollywood, Inc. et al v. Lin

#6.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4), 523(a)(6) and 523(c)

FR: 5-17-18; 6-26-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Settled; Per Robert Wing, Attorney for Plaintiff, he will make an appearance and request continuance to allow filing of motion to approve settlement to be filed - td (11/1/2018)**

**Tentative Ruling:**

**June 26, 2018**

Discovery Cut-off Date:	Oct. 5, 2018
Deadline to Attend Mediation:	Aug. 21, 2018
Pretrial Conference Date:	Nov. 8, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Oct. 25, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

-----

**November 8, 2018**

Continue status conference to January 17, 2019 at 9:30 a.m. in light of pending settlement; updated status report must be filed by January 10, 2019 unless a settlement has been approved by such date.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

9:30 AM

CONT... Kristina Thi Lin

Chapter 7

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kristina Thi Lin

Represented By  
Jeffrey B Smith

**Defendant(s):**

Kristina Thi Lin

Pro Se

**Plaintiff(s):**

BB West Hollywood, Inc.

Represented By  
Robert K Wing

Thanh Tran

Represented By  
Robert K Wing

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Richard A Marshack

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12897 John Bruce Johnson**

**Chapter 7**

**#7.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
EAGLE COMMUNITY CREDIT UNION  
VS.  
DEBTOR

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant with 4001(a)(3) waiver on condition that Movant submits, within 7 days of the hearing, a fully executed proof of service showing timely and proper service of the Motion.

The proof of service attached to the Motion is blank.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Bruce Johnson

Pro Se

**Movant(s):**

Eagle Community Credit Union

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... John Bruce Johnson**

Mark S Blackman

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13652 Linda Nataly Lopera**

**Chapter 7**

**#8.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HYUNDAI MOTOR FINANCE COMPANY  
VS.  
DEBTOR; AND KAREN S. NAYLOR, TRUSTEE

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Nataly Lopera

Represented By  
Kevin J Kunde

**Movant(s):**

Hyundai Motor Finance Company

Represented By  
Sheryl K Ith

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Linda Nataly Lopera**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13746 Michael P Monroe and Deborah J. Monroe**

**Chapter 13**

**#9.00** Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate [Real Property]

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Deny motion.

Basis for Tentative Ruling:

1. Pursuant to Section 362(c)(3)(C)(i)(II)(aa), this case is presumed to have been filed not in good faith, thereby requiring Debtors to rebut such presumption by clear and convincing evidence.
2. The Motion is a bare-bones pleading which does not include *any* evidence rebutting the presumption of lack of good faith, let alone by clear and convincing evidence.
3. The chapter 13 plan filed in this case, which is identical to the one filed in the prior case, is infeasible on its face as it purports to provide for monthly payments of \$1,167.55 despite the fact that Debtors' Schedule J shows monthly disposable income of only \$559.72. This circumstance supports a finding of lack of good faith.

**Party Information**

**Debtor(s):**

Michael P Monroe

Represented By  
Anthony P Cara



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Michael P Monroe and Deborah J. Monroe**

**Chapter 13**

**Joint Debtor(s):**

Deborah J. Monroe

Represented By  
Anthony P Cara

**Movant(s):**

Michael P Monroe

Represented By  
Anthony P Cara

Deborah J. Monroe

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13991 Aqeel Ahmed**

**Chapter 7**

**#9.10 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
(OST Entered 11/2/18)**

FARMERS INSURANCE GROUP FEDERAL CREDIT UNION

VS.

DEBTOR

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant motion with 4001(a)(3) waiver if unopposed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aqeel Ahmed

Pro Se

**Movant(s):**

Farmers Insurance Group Federal

Represented By  
Mirco J Haag

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:94-22272 County Of Orange**

**Chapter 9**

**#10.00** Hearing RE: Motion of The County of Orange for Order Closing Case

Docket 5863

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

County Of Orange

Represented By  
Adam C Clanton  
Leon J Page  
Ronald T Magsaysay  
Paul R. Glassman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#11.00** Hearing RE: Trustee's Application for Order to Show Cause RE Sanctions Against Richard Lapides for Willful Violation of 28 U.S.C. Section 1927, 11 U.S.C. Section 105, and Rule 9011

Docket 232

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/29/18 AT 2:00 P.M.,  
PER HEARING HELD 11/1/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 11/29/18 at 2:00 p.m., Per Hearing  
Held 11/1/18 (XX) - td (11/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay Johnson

Represented By

James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By

James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:06-11151 Lance M Spence**

**Chapter 7**

Adv#: 8:06-01548 Veronese v. Spence et al

**#12.00** Hearing RE: Plaintiff's Motion for an Earnings Withholding Order Against Earnings of the Judgment Debtor's Spouse

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant in part; deny in part. Grant to permit Plaintiff to obtain garnishment of the wages of Debtor Lance Spence as requested in the Motion; Deny untimely additional relief requested in Plaintiff's reply for turnover of employment information as such request should have been included in the Motion itself.

Basis for Tentative Ruling:

1. The court is satisfied that Debtors were properly served with the Motion. Debtors' counsel's argument that he was not properly served because a) his address has changed and b) he is under no obligation to notify the court of his new address is not well-taken. If he continues to represent Debtors and wants be assured of receiving notice of pleadings, it is his responsibility to file a notice of change of address with the court. Moreover, a full and complete response to the Motion was timely filed.

2. Section 524(a)(3) applies in this case. Debtors' opposition failed to quote the entire subsection which provides as follows:

A discharge in a case under this title ---

---

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Lance M Spence

Chapter 7

---

(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 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, 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 on such community claim is waived. (emphasis added).

Thus, section 524(a)(3) contains two exceptions. First, the section makes it clear that if a debtor is denied a discharge of a debt, there is no discharge injunction applicable to after-acquired community property interests of either spouse relative to collection of the debt. Second, even if the debtor is granted a discharge of a debt, the discharge injunction does not protect after-acquired community property interests of either spouse relative to collection of the debt where the debt would have been excepted from discharge in a hypothetical bankruptcy case commenced by the non-debtor spouse on date the debtor's case was commenced. In this case, the court need not concern itself with hypotheticals because one of the joint debtors, Nittaya Spence, was in fact denied discharge of Plaintiff's debt under section 523(a)(2)(A).

In *In re Kimmel*, 378 B.R. 630 (9th Cir BAP 2007), a case which Debtors cite as dispositive, the BAP observed about section 524(a)(3):

" . . . . [T]he protection of after-acquired community property from liability for a prepetition community claim does not apply when the claim is 'excepted from discharge . . . [or] would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title in a [hypothetical] case concerning the debtor's spouse commenced on the date of the filing of the petition . . . . '

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room

5A

10:30 AM

CONT...

**Lance M Spence**

**Chapter 7**

The net result is that [sections] 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.* [citation omitted]."

378 B.R. at 636-37.(emphasis added)

In *Kimmel*, the creditor did not seek a determination as to whether the debt should have been nondischargeable as to the nondebtor spouse and, for that reason, the BAP held that the community property was immune under 524(a)(3) from collection on the judgment.

The court agrees with Plaintiff's analysis in its Reply at p. 3 that "the facts of this case put [Plaintiff's] claim squarely within the exception to the 'community discharge' that would otherwise be afforded to an allowable community claim."

Finally, the court notes that Plaintiff requested, for the first time, in his Reply pleading that the court order additional relief in the form of the production of certain employment information. This relief should have been requested in the Motion itself, which simply requests that the court "issue an order that he [Plaintiff] may garnish the wages of Debtor LANCE SPENCE."

**Party Information**

**Debtor(s):**

Lance M Spence

Represented By  
Sunita N Sood  
David Brian Lally

**Defendant(s):**

Lance Spence

Represented By  
David Brian Lally

Nittaya Spence

Represented By  
David Brian Lally

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lance M Spence**

**Chapter 7**

**Joint Debtor(s):**

Nittaya Spence

Represented By  
Sunita N Sood  
David Brian Lally

**Plaintiff(s):**

Robert Veronese

Represented By  
Marilyn R Thomassen

**Trustee(s):**

James J Joseph (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:10-26006 James E. Case and Laura M. Case**

**Chapter 7**

**#13.00** CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Authorizing Sale of Property Pursuant to 11 U.S.C. Section 363(b); (2) Approving Overbid Procedures; (2) Approving Buyer as Good-Faith Purchase Pursuant to 11 U.S.C. Section 363(m); and (4) Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019

FR: 10-11-18

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Comments re the Motion/Opposition

1. According to the claims register, proofs of claim have been filed in the amount of approximately \$33,000. Presumably, the current bid of \$63,000 would be sufficient to pay such claims 100% with interest.
2. The court *presumes* claims could be paid 100% with interest but such is not clear as the trustee has not indicated what the amount of administrative expenses would be. Trustee needs to provide this information.
3. The court is open to granting the Motion (subject to overbid at the hearing) unless Debtors pay all claims with interest at the offered rate of 5% as well as all administrative expenses, in full within 15 days of the hearing date, at which time the claim against Bank of American will be deemed abandoned to Debtors.
4. If Debtors are unable to pay all claims and administrative expenses in full in indicated above, then the sale to Bank of America may be immediately

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... James E. Case and Laura M. Case**  
consummated in the amount of \$63,000.

**Chapter 7**

5. The court notes that on Nov. 5, 2018, Debtors filed a skeletal motion to convert to chapter 11 without providing any evidence of an ability to fund a chapter 11 plan. Clearly, it's in the best interest of creditors of the estate to be paid in full immediately than to wait until a chapter 11 plan is confirmed and consummated.

<b>Party Information</b>
--------------------------

**Debtor(s):**

James E. Case

Represented By  
Bert Briones

**Joint Debtor(s):**

Laura M. Case

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:12-11704 Luis M Morales

Chapter 7

#14.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 92

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luis M Morales

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Leonard M Shulman  
Rika Kido

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-10508 Aviiir, Inc.**

**Chapter 7**

**#15.00** Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 60-2  
Filed by Silicon Valley Bank (\$4,698,754.04)

Docket 234

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Aviiir, Inc.

Represented By  
Stephen T O'Neill

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
Nanette D Sanders  
Brian R Nelson  
Todd C. Ringstad  
Callahan & Blaine, APLC  
Raphael Cung

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-12923 Evan Gammo**

**Chapter 7**

**#16.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 88

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Evan Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:16-12923 Evan Gammo

Chapter 7

#17.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[LAW OFFICES OF WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 87

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Evan Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:16-12924 Bassam Gammo

Chapter 7

#18.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 81

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bassam Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:16-12924 Bassam Gammo

Chapter 7

#19.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LAW OFFICES OF WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bassam Gammo

Represented By  
Darren G Smith

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:17-11063 Karem Angelica Blair

Chapter 7

#20.00 Hearing RE: First Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP, GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE]**

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Approve fees and expenses as requested on an interim basis.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Karem Angelica Blair

Represented By  
Kelly H. Zinser

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kristine A Thagard  
Chad V Haes

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#21.00** Hearing RE: Debtor's Motion for Objection to Court Claim Number Five (15)  
Filed by Wells Fargo Bank, N.A. (\$655,348.65)

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Continue hearing to December 13, 2018 at 10:30 a.m. to allow Movant to correct service issues (the motion [docket #49], which includes a copy of the proof of claim, was not served on claimant at all and references the Riverside Division, and the amended notice was not served until 10/16/18, less than 30 days prior to the hearing). The notice and motion must be re-served correctly no later than November 13, 2018.

Tentative ruling for 12/13/18 hearing (if unopposed): Grant motion.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10566 Eugene Martin Huapaya**

**Chapter 7**

**#22.00** Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate, Requiring Vacating of Premises, and Allowing Trustee to Exercise all Legal Remedies to Obtain Possession

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant motion. Debtor must vacate the premises no later than November 18, 2018.

Overrule Debtor's objections: a) objections are not supported by any evidence including any evidence to show that Debtor can pay the equivalent of the 5% buyer's premium, that the amount of the liens against the property have been overstated or that the value of the property has been undervalued; b) there is unrefuted evidence that Debtor has obstructed the showing of the property which is in violation of his duty as a chapter 7 debtor to cooperate with the Trustee, c) Debtor has occupied the residence for nearly nine months without making any mortgage payments.

Even if all of Debtor's evidentiary objections are sustained, there is still sufficient evidence to support the granting of the motion. The best evidence of value is what a buyer is willing to pay. Here, the trustee has received an offer of \$1,1750,000 from a potential buyer who has viewed the property (notably, an offer for a higher amount was withdrawn upon viewing the property), and the estate will receive a buyer's premium of approximately \$58,0000, which, according to the trustee is sufficient to pay administrative expenses and provide a dividend to creditors. Unless Debtor can tender a cashier's check for like amount by the time of the hearing, there is no reason why the motion should not be granted.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Eugene Martin Huapaya**

**Chapter 7**

**Party Information**

**Debtor(s):**

Eugene Martin Huapaya

Represented By  
Joseph A Weber

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11018 Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

**#23.00** Hearing RE: Motion of Creditor Everardo Muniz to Allow Late Filed Claim to be Treated as Timely Filed

Docket 55

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Deny motion.

Short Answer for Tentative Ruling:

1. Service: Service is technically defective as Debtors have not provided notice of the deadline to respond to the Motion as required by the Local Bankruptcy Rules. See LBR 9013-1(c)(2)e.

2. Merits:

a.) The court has already issued its order disallowing this claim due to tardiness. See Order Sustaining Objection to Claim #8 entered on September 19, 2018, docket #58. The Motion states no basis for vacating such order under either FRCP 59 or 60. The Motion can, therefore, be denied on that basis alone.

b.) As to Movant's complaint that his attorney was not notified of the claims bar date, as this court has previously noted in connection with the objection to this claim, there is no statute or rule that requires Debtors to list a creditor's attorney on their mailing list or schedules. Here, the creditor, Everardo Muniz, was properly listed and received timely notice of the claims bar date. See BNC Certificate of Notice, docket #14. Movant cites no legal authority requiring notice of the bankruptcy to a creditor's counsel.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

b.) FRBP 3002 allows for enlargement under certain circumstances, e.g., where notice was insufficient under the circumstances to give the creditor reasonable time to file a proof of claim because debtor failed to list the creditor as required by FRBP 1007(a). LBR 3002(c)(6). Movant was served with notice of the bar date on March 28, 2018, more than 60 days prior to the June 1, 2018 bar date. No explanation is provided as to why the proof of claim was not timely filed.

c) FRBP 9006(b) has no application under the circumstances presented. See *In re Gardenhire*, 209 F.3d 1145, 1148 (9th Cir. 2000) ("A bankruptcy court lacks equitable discretion to enlarge the time to file proofs of claim; rather it may only enlarge the filing time pursuant to the exceptions set forth in the Bankruptcy Code and Rules."). See also *In re Bailey*, 151 B.R. 28, 30 (Bankr.N.D.NY 1993). Significantly, Movant has presented no legal basis or evidence in support of the application of excusable neglect under *Pioneer Inv. Serv. Co. v. Brunswick*, 507 US 380 (1993).

Movant wanted more than three months from the expiration of the claims bar date to file the Motion. In fact, even after Debtors filed an objection to Movant's claim on the basis of timeliness on June 29, 2018, Movant waited until September 12, 2018 to file the Motion, the very day the court issued its tentative ruling for the September 13, 2018 claim objection hearing in which it sustained the objection. The court stated in its tentative ruling:

**September 13, 2018**

Sustain objection.

Claimant was properly served with notice of the bankruptcy filing . The court is aware of no legal requirement, and Claimant has cited none, indicating that in a subsequent bankruptcy case, a debtor is required to include a creditor's counsel on its mailing list. The burden of notifying counsel lies with the creditor himself if he chooses to employ the same counsel in a subsequent bankruptcy case. Claimant has known the claim was filed late for approximately 90 days and has never filed a formal motion seeking authority to file a late claim.

In addition, though the Motion was filed September 12, 2018, it was noticed for November 8, 2018, more than five months after the claims bar

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gerardo Caravez and Rafaela Caravez**

**Chapter 13**

date. Significantly, Debtors' plan was confirmed on October 31, 2018.

The Motion is completely silent (as was the opposition to the objection to claim) as to why Movant did not file timely file his proof of claim. The court will not allow any additional time for Movant to provide evidence of the same at this point as it should have been presented with the motion as required by LBR 9013-1.

Simply stated, Movant was properly served with notice of the bar date and did not file his proof of claim until 12 days after the bar date and, to the extent that "excusable neglect" could be asserted, there is no evidence supporting excusable neglect. Movant received notice and it was his responsibility to notify his attorney of the same. It was not Debtors' responsibility to list Movant's counsel on their mailing list or schedules. And, finally, this claim has already been disallowed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gerardo Caravez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Rafaela Caravez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12077 Martha DeVore**

**Chapter 7**

**#24.00** Hearing RE: Order to Show Cause RE: Dismissal for Failure to Comply with Rule 1006(b) (Final Filing Fee Installment in the Amount of \$75.25 Due on 10/10/2018)  
(OSC Issued 10/11/2018)

Docket 16

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Final Fee Installment of \$75.25 Paid in Full on 10/15/2018, Receipt #80072209**

**Courtroom Deputy:**

**OFF CALENDAR: Final Fee Installment of \$75.25 Paid in Full on 10/15/2018, Receipt #80072209 - td (10/17/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha DeVore

Pro Se

**Trustee(s):**

Thomas H Casey (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 8, 2018

Hearing Room 5A

10:30 AM

8:18-12419 Omar Martinez Sanchez

Chapter 13

#25.00 Hearing RE: Debtor's Objection to Daniels Home Center's Duplicate Claim

Docket 34

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: POC #4 was Withdrawn  
by Daniels Center on 10/23/2018 [dkt #41]; Debtor's Objection to POC #4 is  
Now Moot

**Courtroom Deputy:**

**OFF CALENDAR: POC #4 was Withdrawn by Daniels Center on  
10/23/2018 [dkt #41]; Debtor's Objection to POC #4 is Now Moot - td  
(11/1/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Omar Martinez Sanchez

Represented By  
Bryn C Deb

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#25.10** Haring RE: Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C Section 1112(b), and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of Hearing

(Advanced from 11-15-18)

Docket 78

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant motion with judgment in favor of Movant for any outstanding quarterly fees.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

2:00 PM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

**#26.00** Hearing RE: Chapter 7 Trustee's Objection to Debtor's Claim of Exemption

Docket 99

**Courtroom Deputy:**

**SPECIAL NOTE: Stipulation and Joint Request to Modify Briefing Schedule on Trustee's Objection to Debtor's Claim of Exemption filed 10/30/18; Order on Stipulation Lodged in LOU on 10/30/18, #6485555 - td (10/31/2018)**

**Tentative Ruling:**

**November 8, 2018**

Deny Motion, except that the court rules that the Objection was timely filed as the 341a meeting, per the court docket, has not concluded.

The Motion is being denied based upon the evidentiary objections and the court's rulings re the same. Absent the evidence for which objections have been sustained, the court cannot conduct a review sufficient to render a substantive ruling on the merits.

**EVIDENTIARY OBJECTIONS**

A. Trustee's Objections to Declaration of Christopher L. Blank

Objection #

Ruling:

1 Sustained. The court can take judicial notice of the fact that the 341a meeting has not concluded and is now set for Dec. 6, 2018. Moreover, this is a legal/procedural argument -- not factual evidence.

2 Sustained. The court can take judicial notice of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

2:00 PM

CONT...

**Denny Roy Steelman**

**Chapter 7**

the fact that the 341a meeting has not concluded and is now set for Dec. 6, 2018. Moreover, this is a legal/procedural argument -- not factual evidence.

3

Sustained. The court can take judicial notice of the fact that the 341a meeting has not concluded and is now set for Dec. 6, 2018. Moreover, this is a legal/procedural argument -- not factual evidence.

4

Sustained. While the court can take judicial notice of the filing of this pleading, the court should not have to parse which portions of the Opposition to the the Preliminary Injunction filed in the adversary proceeding should be considered as part of Liebeck's substantive opposition to the present Motion.

**B. Evidentiary Objections of Kevin Liebeck to Declartion of Weneta Kosmala**

*Special Note: The evidentiary objections were not numbered, which complicates an organized ruling format.*

**Objection**

**Ruling**

para 3, 5,6, 7  
12 ("Informed & believe . . . )  
premised

Sustain. A factual statement  
on information and belief is  
personal knowledge

undermines

paras 8, 9, 10

Sustain. Improper authentication

**C. Evidentiary Objections of Kevin Liebeck to Declaration of Howard Grobstein**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 8, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Denny Roy Steelman**

**Chapter 7**

Objection

Ruling

Entire declaration on  
basis of lack of foundation  
re *Daubert* requirements for  
expert testimony

Sustain. Foundation should have  
been laid in declaration itself, not  
in reply pleading

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denny Roy Steelman

Represented By  
William E Winfield

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Faye C Rasch

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01200 Marshack v. Lee, Dr.

**#1.00** CONT'D STATUS CONFERENCE RE: Complaint for (1) Breach of Fiduciary Duty; and (2) Recovery of Estate Property Transferred for the Benefit of Dr. Donald Woo Lee  
[11 U.S.C. Section 550(a)(1), 1107(a), C.C.P. Section 309(a), 316(a) and (b), 339(1) and 343]

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18; 8-2-18; 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***  
-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

CONT... Donald Woo Lee

**Chapter 7**

-----  
**July 13, 2017**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**November 15, 2018**

In light of the pending settlement, continue the status conference to January 24, 2019 at 9:30 a.m.; updated status report must be filed by January 10, 2019. (XX)

*Special note: I am looking forward to the consummation of this settlement -- hopefully sometime before my retirement.*

***Note: Unless Plaintiff has new information to report regarding the status of the settlement, appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Donald Woo Lee, Dr.

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

**#2.00** CON'TD STATUS CONFERENCE RE: Complaint for: 1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers; and 2) Turnover of Property of the Estate

FR: 12-1-16; 4-13-17; 7-13-17; 9-21-17; 12-14-17; 2-15-18, 4-12-18  
(Advanced from 6-14-18); 6-7-18; 8-2-18; 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 1, 2016**

In light of pending settlement discussions, continue status conference to April 13, 2017 at 9:30 a.m.; updated status report must be filed by March 30, 2017 if a settlement has not been approved by such date. (XX)

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**April 13, 2017**

In light of pending settlement discussions, continue status conference to July 13, 2017 at 9:30 a.m.; updated status report must be filed by June 29, 2017 if a settlement has not been approved by such date.

***Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee  
July 13, 2017**

**Chapter 7**

In light of potential settlement, continue Status Conference to September 21, 2017 at 9:30 a.m.; updated status report must be filed by September 7, 2017 if the matter is not resolved by such date. (XX)

-----

**September 21, 2017**

Continue one final time to December 14, 2017 at 9:30 a.m. as a holding date pending completion of settlement; update status report must be filed by November 30, 2017 if the matter is still pending as of such date. (XX)

***Note: Appearances at this hearing are not required.***

-----

**November 15, 2018**

In light of the pending settlement, continue the status conference to January 24, 2019 at 9:30 a.m.; updated status report must be filed by January 10, 2019. (XX)

*Special note: I am looking forward to the consummation of this settlement -- hopefully sometime before my retirement.*

***Note: Unless Plaintiff has new information to report regarding the status of the settlement, appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

UIC Vein Center, Inc.

Pro Se

Michael Kim

Pro Se

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Richard A. Marshack

Represented By  
David Wood  
Matthew Grimshaw

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13488 Rubin J Skipper**

**Chapter 7**

Adv#: 8:18-01111 Skipper v. United States Department of Education

**#3.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m. to allow Plaintiff to properly serve the complaint and to timely file the proof of service re the same with the court. (XX)

Plaintiff has not filed the proof of service showing proper service of the complaint on the defendant, a United States agency. The proof of service attached to unilateral status report shows service at a P.O. box which is improper. Plaintiff will need to obtain another summons and properly serve the defendant. Plaintiff also needs to review the Federal Rules of Bankruptcy Procedure, the Local Rules, and the Court Manual of the Bankruptcy Court of the Central Dist of California re the proper method of service.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**November 15, 2018**

Continue status conference to December 20, 2018 at 9:30 a.m. As no progress has been made re the filing of a proof of service showing proper

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rubin J Skipper Chapter 7**

service to Defendant, the court will issue an Order to Show Cause Why This Adversary Should Not Be Dismissed Due to Lack of Prosecution ("OSC"), which OSC shall be set for December 20, 2018 at 9:30 a.m. (XX)

- OSC issued 11/16/18, dkt #5 - td (11/16/18)

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rubin J Skipper	Pro Se
-----------------	--------

**Defendant(s):**

United States Department of	Pro Se
-----------------------------	--------

**Plaintiff(s):**

Reuben J Skipper	Pro Se
------------------	--------

**Trustee(s):**

Weneta M Kosmala (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:16-14227 Denny Roy Steelman**

**Chapter 7**

Adv#: 8:18-01042 Kosmala v. Liebeck et al

**#4.00** PRE-TRIAL CONFERENCE RE: Complaint: (1) For declaratory relief regarding property of the estate pursuant to 11 U.S.C. §541; (2) For turnover of property of the estate pursuant to 11 U.S.C. §§542 and 543; (3) To avoid and recover fraudulent transfers pursuant to 11 U.S.C. §544(b) and 550, and California Civil Code §§3439.04(a)(1), 3439.07 and 3439.09; (4) To avoid and recover fraudulent transfers pursuant to 11 U.S.C. §§544(b) and 550, and California Civil Code §§3439.04(a)(2), 3439.07 and 3439.09; (5) To avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(A) and 550; (6) To avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; (7) To preserve avoided transfers pursuant to 11 U.S.C. §551; and (8) For injunction pursuant to 11 U.S.C. §105

FR: 5-17-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 20, 2018
Deadline to Attend Mediation:	n/a
Pretrial Conference Date:	Nov. 15, 2018 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Denny Roy Steelman  
November 15, 2018**

**Chapter 7**

Continue pre-trial conference to January 17, 2019 at 9:30 a.m.; joint pretrial stipulation must be filed by January 10, 2019.

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Denny Roy Steelman	Represented By William E Winfield
--------------------	--------------------------------------

**Defendant(s):**

Nationwide Life and Annuity	Pro Se
Nationwide Life Insurance Company	Pro Se
Jodi Denise Steelman	Pro Se
Shaunah Lynn Steelman	Pro Se
Mark Ziebold	Pro Se
Kevin Liebeck	Pro Se
Kevin Liebeck	Pro Se

**Plaintiff(s):**

Weneta M.A. Kosmala	Represented By Faye C Rasch
---------------------	--------------------------------

**Trustee(s):**

Weneta M Kosmala (TR)	Represented By Reem J Bello
-----------------------	--------------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 7**

Adv#: 8:17-01162 Langford v. BMW Financial Services N.A., LLC

**#5.00** CONT'D PRETRIAL CONFERENCE RE: Complaint for sanctions and other injunctive relief for violation of the automatic stay as against BMW Financial Services, LLC

FR: 1-11-18; 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Consolidated Adversary Proceedings 8:17-01162-ES and 8:18-01041-ES Entered 10/18/2018**

**Courtroom Deputy:**

**SPECIAL NOTE: Order on Motion to Consolidate Entered 7/6/18. Adversary Proceeding Number 8:17-ap-01041-ES and 8:17-ap-01162-ES are Consolidated; 8:17-ap-01162-ES is Lead Adversary Number - liz (7/6/18)**

**OFF CALENDAR: Order Dismissing Consolidated Adversary Proceedings 8:17-01162-ES and 8:18-01041-ES Entered 10/18/2018 - td (10/18/2018)**

**Tentative Ruling:**

**January 11, 2018**

Discovery Cut-off Date:	May 11, 2018
Deadline to Attend Mandatory Mediation:	June 29, 2018
Pretrial Conference Date: (XX)	Sept. 6, 2018 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Aug. 23, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jazmine Socorro Langford**

**Chapter 7**

**Party Information**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

BMW Financial Services N.A., LLC

Represented By  
Rebecca A Caley

**Plaintiff(s):**

Jazmine S Langford

Represented By  
Anerio V Altman

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:17-14174 Jazmine Socorro Langford**

**Chapter 7**

Adv#: 8:18-01041 Financial Services Vehicle Trust, by and through i v. Langford

**#6.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debtor [11 U.S.C. Section 523(a)(2)**

FR: 5-17-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order on Motion to Consolidate Entered 7/6/18. See Lead Consolidated Adversary Proceeding 8:17-01162-ES on calendar for Pre-trial Conference at 11/15/18 at 9:30 a.m.; Order Dismissing Consolidated Adversary Proceedings 8:17-01162-ES and 8:18-01041-ES Entered 10/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order on Motion to Consolidate Entered 7/6/18. See Lead Consolidated Adversary Proceeding 8:17-01162-ES on calendar for Pre-trial Conference at 11/15/18 at 9:30 a.m.; Order Dismissing Consolidated Adversary Proceedings 8:17-01162-ES and 8:18-01041-ES Entered 10/18/2018 - td (10/18/2018)**

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 1, 2018
Deadline to Attend Mediation:	Oct. 5, 2018
Pretrial Conference Date: (XX)	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jazmine Socorro Langford**

**Chapter 7**

**Debtor(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Defendant(s):**

Jazmine Socorro Langford

Represented By  
Anerio V Altman

**Plaintiff(s):**

Financial Services Vehicle Trust, by

Represented By  
Rebecca A Caley

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

8:17-14316 John Paul Marc Z. Escolar-Chua

Chapter 7

Adv#: 8:18-01031 Escolar-Chua v. United States Department of Education et al

#7.00 PRE-TRIAL CONFERENCE RE: Second Complaint For: Determination that Student Loan Debt is Dischargeable Pursuant to 11 U.S.C. Section 523(a)(8)

FR: 5-17-18

Docket 6

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.,  
PER ORDER ENTERED 7/20/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 12/20/18 at 9:30 a.m.,  
Per Order Entered 7/20/18 (XX) - td (7/20/2018)**

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 1, 2018
Deadline to Attend Mediation:	Oct. 5, 2018
Pretrial Conference Date: (XX)	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

John Paul Marc Z. Escolar-Chua

Represented By  
Christine A Kingston

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... John Paul Marc Z. Escolar-Chua**

**Chapter 7**

**Defendant(s):**

WELLS FARGO BANK, N.A.	Represented By John H Kim
Educational Credit Management	Represented By Scott A Schiff
Wells Fargo Education Financial	Pro Se
University of Southern California	Pro Se
United States Department of	Represented By Elan S Levey
Navient Solutions, LLC	Represented By Robert S Lampl

**Joint Debtor(s):**

Jacqueline R. Escolar-Chua	Represented By Christine A Kingston
----------------------------	--

**Plaintiff(s):**

Jacqueline Escolar-Chua	Represented By Christine A Kingston
-------------------------	--

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#8.00** CONT'D Hearing RE: Defendant Art Womack's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First and Second Claim for Relief

FR: 9-13-18

Docket 4

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continuance filed 10/12/18,  
Document #26 (XX)**

**Courtroom Deputy:**

**CONTINUED: Motion Continued to 12/20/18 at 9:30 a.m. on Court's Own Motion; See Notice of Continuance filed 10/12/18, Document #26 (XX) - td (10/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Art Womack Represented By  
Hallie D Hannah

Mitchell B Hannah Represented By  
Hallie D Hannah

**Movant(s):**

Art Womack Represented By  
Hallie D Hannah

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#9.00** CONT'D Hearing RE: Defendant Mitchell B. Hannah's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First Claim for Relief

FR: 9-13-18

Docket 8

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continuance filed 10/12/18,  
Document # 26 (XX)**

**Courtroom Deputy:**

**CONTINUED: Motion Continued to 12/20/18 at 9:30 a.m. on Court's Own Motion; See Notice of Continuance filed 10/12/18, Document #26 (XX) - td (10/15/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Art Womack Represented By  
Hallie D Hannah

Mitchell B Hannah Represented By  
Hallie D Hannah

**Movant(s):**

Mitchell B Hannah Represented By  
Hallie D Hannah



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#10.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs or set-off from creditor's claim in the alternative

FR: 7-10-18; 9-13-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document #25 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/18, Document #25 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 13, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required. (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required.**

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Defendant(s):**

Art Womack

Represented By  
Hallie D Hannah

Mitchell B Hannah

Represented By  
Hallie D Hannah

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room

5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Adv#: 8:18-01087 Albert-Sheridan v. Norman

**#11.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 7 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/18, Document # 7 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Jason Norman Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 13**

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

Adv#: 8:18-01088 Albert-Sheridan v. Pasillas et al

#12.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 7 (XX)

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on Court's Own Motion; See Notice of Continued Status Conference filed 10/8/18, Document # 7 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Amelia Pasillas Pro Se

Lorenzo Pasillas Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore Luann Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01089 Albert-Sheridan v. Lester

**#13.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 7 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/18, Document # 7 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Mark Lester Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01090 Albert-Sheridan v. Ballard et al

**#14.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION. See Notice of Continued Status Conference  
filed 10/8/2018, Document # 7 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/2018, Document # 7 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Steven Ballard Pro Se

Catherine Olsen Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore Luann Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01092 Albert-Sheridan v. Hannah et al

**#15.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Liens

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/2018, Document # 14 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/2018, Document # 14 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated  
status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Mitchell B Hannah Pro Se

The Education Resources Institute Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan Chapter 7**

Friendly Ford Pro Se

10675 S Orange Park Blvd LLC Pro Se

Gary A Schneider Pro Se

Francis B Lantieri Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**#16.00** CONT'D Hearing RE: Defendant Neal Kelley, Orange County Registrar of Voters' Motion to Dismiss or, in the Alternative, Motion for More Definite Statement

FR: 10-11-18

Docket 4

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
and Hearing on Motion to Dismiss filed 10/8/2018, Document # 12 (XX)**

**Courtroom Deputy:**

**CONTINUED: Motion Continued to 12/20/2018 at 9:30 a.m. on Court's Own Motion; See Notice of Continued Status Conference and Hearing on Motion to Dismiss filed 10/8/2018, Document # 12 (XX) - td (10/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Neal Kelley Represented By  
Donald K Dunn

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room

5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**#17.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Liens

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
and Hearing on Motion to Dismiss filed 10/8/2018, Document # 12 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference and  
Hearing on Motion to Dismiss filed 10/8/2018, Document # 12 (XX) - td  
(10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated  
status report must be filed by November 1, 2018. Pending motion to dismiss  
filed by defendant is continued from October 11, 2018 at 2:00 p.m. to  
November 15, 2018 at 9:30 a.m. as a holding date. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Defendant(s):**

Neal Kelley

Represented By  
Donald K Dunn

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01094 Albert-Sheridan v. Bitzer et al

**#18.00** CONT'D STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs; Indemnification

FR: 9-6-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M. ON COURT'S OWN MOTION; See Notice of Continued Status Conference filed 10/8/2018, Document # 19 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on Court's Own Motion; See Notice of Continued Status Conference filed 10/8/2018, Document # 19 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

David Bitzer Pro Se

Zhejiang Crafab Electronic Co Ltd Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan Chapter 7**

Jason Hartman Pro Se

Bonnie Kent Pro Se

Helen Koshak Pro Se

Norman Koshak Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01095 Albert-Sheridan v. Coast Huntington Business Centers et al

**#19.00** CONT'D STATUS CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M. ON COURT'S OWN MOTION; See Notice of Continued Status Conference filed 10;/8/2018, Document # 14 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on Court's Own Motion; See Notice of Continued Status Conference filed 10/8/2018, Document # 14 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Coast Huntington Business Centers Pro Se

Icon Owner Pool 1, LA Business Represented By  
Robert S Gebhard

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

Adv#: 8:18-01096 Albert-Sheridan v. INTERNAL REVENUE SERVICE et al

#20.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Lien; and Refund of Money Paid

FR: 9-6-18

Docket 1

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed d10/8/2018, Document # 10 (XX)

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/2018, Document # 10 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated  
status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required;  
Trustee/plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

INTERNAL REVENUE SERVICE Pro Se

UNITED STATES OF AMERICA Represented By  
Najah J Shariff

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room**

**5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01114 Albert-Sheridan v. Tessler et al

**#21.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Declaration that ViewCrest Debt is Dischargeable; Extortion

FR: 9-13-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/2018, Document # 7 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m. on Court's Own Motion; See Notice of Continued Status Conference filed 10/8/2018, Document # 7 (XX) - td (10/18/2018)**

**Tentative Ruling:**

**September 13, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; updated status report must be filed by November 1, 2018 (XX)

*Special Note: The chapter 7 trustee has requested a 60-day continuance based upon his intent to abandon this claim. However, the court notes that 1) this adversary appears to be seeking a determination of dischargeability, and 2) though the trustee's unilateral report indicates that all defendants were served with the summons and complaint, there is no filed proof of service indicating that defendants were served.*

**Note: Appearances at this hearing are not required**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Irwin Tessler Pro Se

Michael Tessler Pro Se

ViewCrest Road Properties, LLC Pro Se

Art Carvalho Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10862 Anthony James Hamilton**

**Chapter 7**

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

**#22.00** Hearing RE: Plaintiff's Motion for Default Judgment

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion for default judgment as to 523(a)(2)(B) only IF Plaintiff can provide a proof of service showing service of the Motion (and not just the notice) on Defendant Anthony Hamilton.

Basis for Tentative Ruling:

1. Service: The court could not locate a proof of service regarding the Motion. Service of the notice only is insufficient.

2. Merits:

Section 523(a)(2)(A) excepts from discharge a debt for money, credit or property obtained by false pretenses, false representation or fraud, "*other than a state respecting the debtor's . . . financial condition.*" Here, the credit application concerns defendant's financial condition. Accordingly, 523(a)(2)(A) does not apply.

Section 523(a)(2)(B) excepts from discharge a debt for money, credit or property obtained by the use of a statement in writing that is materially false "*respecting the debtor's . . . financial condition.*" The credit application is the materially false writing respecting defendant's financial condition. Therefore, the except under 523(a)(2)(B) applies.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

CONT... Anthony James Hamilton

Chapter 7

***Note: If Plaintiff files a proof of service showing timely and proper service of the Motion on Defendant prior to November 15, 2018, the Motion will be granted as indicated in the above tentative ruling and a court appearance will not be necessary. Otherwise, Plaintiff's counsel must appear at the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony James Hamilton

Represented By  
Kevin Tang

**Defendant(s):**

Anthony James Hamilton

Pro Se

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10862 Anthony James Hamilton**

**Chapter 7**

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

**#23.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A) and 523(a)(2)(B)

FR: 9-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue Status Conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

A motion for default judgment may be self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**November 15, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Anthony James Hamilton**

**Chapter 7**

No tentative ruling; disposition will depend upon the outcome of Calendar # 22.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony James Hamilton

Represented By  
Kevin Tang

**Defendant(s):**

Anthony James Hamilton

Pro Se

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

9:30 AM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:18-01123 Marshack (TR) v. Patow

#24.00 CON'TD STATUS CONFERENCE RE: Complaint to Deny Discharge Pursuant to 11 U.S.C. Section 727(A)(4)and (A)(2)

FR: 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Discovery Cut-off Date:	Feb. 15, 2019
Pretrial Conference Date:	Mar. 21, 2019 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Mar. 14, 2019

*Special Note: Defendant indicates he does not consent to this court entering a final judgment. However, as this matter involves core bankruptcy issues, i.e., right to bankruptcy discharge, and there is no right to a jury trial, this court has jurisdiction to enter a final judgment. Stated otherwise, the consent of the parties is not required for this court to enter a final judgment/order in this adversary proceeding concerning Plaintiff's objection to Defendant's discharge.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

Party Information

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... James Christopher Patow**

**Chapter 7**

**Debtor(s):**

James Christopher Patow

Represented By  
Kevin J Kunde

**Defendant(s):**

James Christopher Patow

Pro Se

**Plaintiff(s):**

Richard A. Marshack (TR)

Represented By  
D Edward Hays  
Chad V Haes

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Chad V Haes

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

8:14-12624 Jimmy DeAnda

Chapter 13

#25.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
THE LEMOINE GROUP INC.  
VS.  
DEBTOR

Docket 139

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/18 AT 10:00 A.M.,  
PER ORDER ENTERED 11/15/18 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 12/13/18 at 10:00 a.m., Per Order  
Entered 11/15/18 (XX) - td (11/15/2018)**

Tentative Ruling:

**November 15, 2018**

Continue hearing to December 20, 2018 at 10:00 a.m. in light of anticipated filing of stipulation re continuance of today's hearing.

Other available dates: December 6, 2018 or December 13, 2018.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required. If the parties would like an alternative date for the continued hearing, the parties may request the same at the time the calendar is announced by the clerk on the day of the hearing.***

Party Information

Debtor(s):

Jimmy DeAnda

Represented By  
Michael E Hickey

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jimmy DeAnda**

**Chapter 13**

**Movant(s):**

The Lemoine Group Inc.

Represented By  
Henry D Paloci

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-13345 David Bradford Redding**

**Chapter 13**

**#26.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
WELLS FARGO BANK, N.A.  
VS.  
DEBTOR

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Continue hearing to December 13, 2018 at 10:00 a.m. to allow Movant to file additional information by or before November 29, 2018. (XX)

Movant states, without evidence, that Debtor was deceased as September, 2018. No evidence of the police impoundment is provided. Further, payments were apparently made under the plan as recently as October 2018. If payments are current and if there is equity in the vehicle (Movant provides no evidence to the contrary), then on what basis is Movant entitled to relief from stay? Debtor, or debtor's estate still owns the vehicle. Movant needs to address these issues.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

David Bradford Redding

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      David Bradford Redding**

David S Henshaw

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Jennifer H Wang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room

5A

10:00 AM

8:16-11980 Jon J Pearson

Chapter 13

#27.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

HSBC BANK USA, NA

VS.

DEBTOR

FR: 10-11-18

Docket 44

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/7/2018

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 11/7/2018 - td (11/7/2018)

Tentative Ruling:

October 11, 2018

Grant with 4001(a)(3) waiver and co-debtor stay.

***Note: This matter appears to be uncontested. Accordingly, no court  
appearance by the Movant is required. Should an opposing party file a  
late opposition or appear at the hearing, the court will determine  
whether further hearing is required and Movant will be so notified.***

Party Information

Debtor(s):

Jon J Pearson

Represented By  
James Conkey  
Laleh Ensafi

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room      5A**

10:00 AM

**CONT...      Jon J Pearson**

**Chapter 13**

**Movant(s):**

HSBC Bank USA, National

Represented By  
Brett P Ryan  
Jason A Savlov  
Tyneia Merritt

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

8:16-12496 Anh Minh Nguyen and Quyen To Lieu

Chapter 13

#28.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
DEUTSCHE BANK NATIONAL TRUST COMPANY  
VS.  
DEBTORS

Docket 106

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/7/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 11/7/2018 - td (11/7/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anh Minh Nguyen

Represented By  
Vanmai H Nguyen

**Joint Debtor(s):**

Quyen To Lieu

Represented By  
Vanmai H Nguyen

**Movant(s):**

Deutsche Bank National Trust

Represented By  
April Harriott  
Keith Labell  
Sean C Ferry

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Anh Minh Nguyen and Quyen To Lieu**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#29.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 9-6-18; 10-11-18

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(b)(3) waiver unless the parties are able to reach a resolution prior to the hearing. If all parties agree that more time is needed, the hearing may be continued to October 11, 2018 at 10:00 a.m. by requesting the same during the court's calendar roll call prior to the hearing.

-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

-----

**November 15, 2018**

Nothing filed since the last hearing. Movant to appear and advise the court re the status of this matter.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**Party Information**

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil  
Rosemary Allen  
Katie M Parker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

8:17-11265 Edgar A Urtola

Chapter 13

#30.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HYUNDAI LEASE TITLING TRUST  
VS.  
DEBTOR

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Edgar A Urtola

Represented By  
Paul M Allen

**Movant(s):**

Hyundai Lease Titling Trust

Represented By  
Jennifer H Wang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Edgar A Urtola**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-11859 Peter P. Tamarat and Daungrudee Tamarat**

**Chapter 13**

**#31.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK TRUST N.A.

VS.

DEBTORS

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion with 4001(a)(3) waiver unless the parties agree to an adequate protection order or other resolution of this matter.

Debtor's opposition is unsupported by any declaratory or documentary evidence.

If Movant agrees to a continuance of the hearing, available continued dates are December 6, 2018, December 13, 2018 or December 20, 2018 at 10:00 a.m. Movant may request a continuance at the time of the Clerk calendar roll call on the day of the hearing.

**Party Information**

**Debtor(s):**

Peter P. Tamarat

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Daungrudee Tamarat

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room      5A**

---

10:00 AM

**CONT...      Peter P. Tamarat and Daungrudee Tamarat**  
Christopher J Langley

**Chapter 13**

**Movant(s):**

US Bank Trust National Association,

Represented By  
Michelle R Ghidotti  
Kristin A Zilberstein

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

8:17-14535 Prime Metals U.S.A., Inc.

Chapter 7

#32.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
**[REAL PROPERTY]**

BANK OF HOPE, A CALIFORNIA CORPORATION, SUCCESSOR-IN-INTEREST TO BBCN BANK

VS.

DEBTOR

FR: 10-18-18

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:00 a.m. to allow Movant to correct service issues (Debtor was not served per FRBP 7004(b)(3) which is required for contested motion such as a RFS motion) as well as motion form issue. (XX)

*Special Note: It appears Movant is seeking relief from stay to enforce liens against personal property but used the mandatory relief from stay form for real property. This has resulted in blank spaces on the form and convoluted supporting documents/pleadings. Also, the exhibits to the declarations of Song Kyong Cho are confusing and difficult to follow due to the use of both alphabets and numbers to identify exhibits in the same declaration. Movant may want to consider re-filing the motion.*

**Note: If Movant accepts the foregoing tentative ruling, appearance at**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

CONT... **Prime Metals U.S.A., Inc.**  
***today's hearing is not required.***

**Chapter 7**

-----  
**November 15, 2018**

As Movant did not heed the court's remarks re the convoluted Motion and supporting declarations/exhibits, Movant must appear at today's hearing and fully explain the evidence in support of this motion and the motion that is the subject of Calendar #33.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Movant(s):**

Bank of Hope, c/o The Song Law

Represented By  
Joon W Song

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Laila Masud  
David M Goodrich

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-14535 Prime Metals U.S.A., Inc.**

**Chapter 7**

**#33.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]**

BANK OF HOPE, A CALIFORNIA CORPORATION, SUCCESSOR-IN-INTEREST TO BBCN BANK

VS.

DEBTOR

FR: 10-18-18

Docket 62

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:00 a.m. to allow Movant to correct service issues (Debtor was not served per FRBP 7004(b)(3) which is required for contested motion such as a RFS motion). (XX)

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**November 15, 2018**

See comments re Calendar #33. The declaration/documentary evidence in support of this motion appears to be tied to another motion. Movant will need to appear and explain the evidence.

***Special Note: For future reference, if counsel files pleadings in such a***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Prime Metals U.S.A., Inc.**

**Chapter 7**

*disorganized fashion again, the motion will be denied outright.*

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Prime Metals U.S.A., Inc.

Represented By  
Steven Werth

**Movant(s):**

Bank of Hope, c/o The Song Law

Represented By  
Joon W Song

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
Laila Masud  
David M Goodrich



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room

5A

10:00 AM

8:18-10126 Willie Marie Singletary

Chapter 13

#34.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS

DEBTOR

FR: 9-6-18; 10-11-18

Docket 42

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
10/15/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 10/15/2018 - td (10/15/2018)**

Tentative Ruling:

**September 6, 2018**

Grant motion without 4001(a)(3) waiver unless the parties are able to reach a  
resolution prior to the hearing. Available continued hearing date if necessary:  
October 11, 2018 at 10:00 a.m.  
-----

**October 11, 2018**

Movant to advise the court re the status of this matter.

**Party Information**

**Debtor(s):**

Willie Marie Singletary

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room      5A**

10:00 AM

**CONT...      Willie Marie Singletary**

Luis G Torres

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12046 Jaime D. Krueger**

**Chapter 7**

**#35.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WILMINGTON TRUST, N.A.

VS.

DEBTOR

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant with 4001(a)(3) waiver.

Debtor's Opposition is overruled in its entirety for the following reasons:

1. Movant has a colorable claim to bring the Motion.

Debtor misconstrues the BAP's analysis in *In re Veal*, 450 B.R. 897, 917 (9th Cir. BAP 2011) that Wells Fargo had to show it had an interest in the note. In that case, the BAP was interpreting Illinois foreclosure law, not California law. In fact, in footnote 34 of the opinion, the BAP makes this distinction clear:

We are aware of statutory law and unreported cases in this circuit that may give lenders a nonbankruptcy right to commence foreclosure *based solely upon their status as assignees of a mortgage or deed of trust, and without any explicit requirement that they have an interest in the note.* See, e.g., *Cal. Civil Code* §§ 2924(a)(1) (a "trustee, mortgagee or beneficiary or

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

CONT...

**Jaime D. Krueger**

**Chapter 7**

*any of their authorized agents” may conduct the foreclosure process); 2924(b) (4) (a “person authorized to record the notice of default or the notice of sale” includes “an agent for the mortgagee or beneficiary, an agent of the named trustee, any person designated in an executed substitution of trustee, or an agent of that substituted trustee.”); Putkkuri v. Recontrust Co., No. 08cv1919, 2009 WL 32567 at \*2 (S.D.Cal. Jan.5, 2009) (“Production of the original note is not required to proceed with a non-judicial foreclosure.”); Candelo v. NDex West, LLC, No. 08–1916, 2008 WL 5382259 at \*4 (E.D.Cal. Dec.23, 2008) (“No requirement exists under the statutory framework to produce the original note to initiate non-judicial foreclosure.”); San Diego Home Solutions, Inc. v. Recontrust Co., No. 08cv1970, 2008 WL 5209972 at \*2 (S.D.Cal. Dec.10, 2008) (“California law does not require that the original note be in the possession of the party initiating non-judicial foreclosure.”). But see *In re Salazar*, 448 B.R. 814, 819 (Bankr.S.D.Cal.2011) (valid foreclosure under California law requires both that the foreclosing party be entitled to “payment of the secured debt” and that its “status as foreclosing beneficiary appear before the sale in the public record title for the [p]roperty.”).*

450 B.R. at fn.34. (emphasis added)

The court notes that the one case cited by *Veal* that required an interest in the note, *In re Salazar*, 448 BR 814 (Bankr.S.D.Cal. 2011) was reversed on appeal at 470 B.R. 557.

In sum, the BAP acknowledged in *Veal* that its ruling under Illinois law did not apply under California law.

Here, there is evidence that Wells Fargo assigned the deed of trust to Wilmington Trust, which assignment was recorded on May 18, 2018. See Exhibit 3 to the Motion. The recorded assignment establishes Wilmington's colorable claim.

2. Debtor's argument that declarant Lisa Johnson, as AVP of Fay Servicing LLC does not work for Wilmington Trust is unpersuasive

a. The court can take judicial notice of the fact that Wilmington Trust filed a proof of claim on August 18, 2018 (#11-2) in this case in which it

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

CONT... **Jaime D. Krueger**

**Chapter 7**

designated Fay Servicing LLC as the entity entitled to receive both bankruptcy notices and payments. Fay Servicing is also specifically identified as Wilmington's servicer on the face of the proof of claim. No objection to the proof of claim has been filed and, therefore, it is presumed to be valid.

b. The proof of claim alone is sufficient to establish Fay Servicing as Movant's servicer/agent. However, Debtor acknowledges Fay's status as servicer in her schedules. See Schedule D, page 15 of 52, part 2 [Docket # 15]

3. Debtor's argument that the amount paid in a prior case was unaccounted for is unavailing.

This case has been converted from chapter 13 to chapter 7. As such, Movant need only show under 362(d)(2) that there is no equity in the subject property. Debtor admits in Schedule D that there is no equity in the property. See Schedule D, page 15 of 52.

4. Evidentiary Objections:

Overrule all objections. The court notes parenthetically that even if it were to sustain all of the objections, the result (granting the Motion) would not change because a) possession of the note is not necessary under California law to establish a colorable claim (*Veal* at fn 34); b) Movant has filed a proof of claim, of which this court can take judicial notice given the presumed validity of the same; c) the court can calculate equity based on Debtor's own admissions in Schedule D; and d) equity cushion is irrelevant as to 362(d)(2).

**Party Information**

**Debtor(s):**

Jaime D. Krueger

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

Wilmington Trust, National

Represented By  
Robert P Zahradka

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jaime D. Krueger**

Megan E Lees

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

**8:18-12729 Marcus Holmden Anderson and Tammy Rae Seibert**

**Chapter 7**

**#36.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
BANK OF AMERICA, N.A.  
VS.  
DEBTORS

Docket 21

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal of  
Motion for Relief from the Automatic Stay, filed 11/5/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Voluntary Dismissal of Motion for Relief from the  
Automatic Stay, filed 11/5/2018 - td (11/5/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marcus Holmden Anderson

Represented By  
Richard G Heston

**Joint Debtor(s):**

Tammy Rae Seibert Anderson

Represented By  
Richard G Heston

**Movant(s):**

Bank of America, N.A.

Represented By  
Megan E Lees

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13538 Furnishings Direct, LLC**

**Chapter 7**

**#37.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
ORANGE COUNTY SALES, LLC  
VS.  
DEBTOR

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Continue hearing to December 20, 2018 at 10:00 a.m. to allow Movant to correct service issue (Debtor, a corporate entity, was not served in accordance with FRBP 7004(b)(3) as required by FRBP 9014 for contested matters such as this).

Tentative for 12/20/18 hearing (if unopposed): Grant with 4001(a)(3) waiver; deny request for prospective 180-day relief due to insufficient grounds stated for such extraordinary relief.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Furnishings Direct, LLC

Represented By  
Christine A Kingston



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Furnishings Direct, LLC**

**Chapter 7**

**Movant(s):**

ORANGE COUNTY SALES, LLC

Represented By  
Richard Sontag

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13755 Tamme R. Sewell**

**Chapter 7**

**#38.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
LA RAMADA, A CALIFORNIA LIMITED PARTERSHIP  
VS.  
DEBTOR

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tamme R. Sewell

Represented By  
James D. Hornbuckle

**Movant(s):**

La Ramada, A California Limited

Represented By  
Scott Andrews

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Tamme R. Sewell**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:00 AM

8:18-13828 Samuel Kim and Hye Ran Lee

Chapter 7

#39.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTOR; AND WENETA M. KOSMALA, CHAPTER 7 TRUSTEE

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Samuel Kim

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Hye Ran Lee

Represented By  
Christopher J Langley

**Movant(s):**

HONDA LEASE TRUST

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Samuel Kim and Hye Ran Lee**

Vincent V Frounjian

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:03-19407 Imperial Credit Industries Inc**

**Chapter 7**

**#40.00 CON'TD STATUS CONFERENCE RE: Status of Case**

(Set Per Order Entered 2/10/2016)

FR: 3-29-16; 9-15-16; 9-22-16; 11-10-16; 5-11-17; 11-9-17; 5-24-18; 5-31-18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2016**

Continue status conference to September 15, 2016 at 10:30 a.m.; updated status report to be filed by September 1, 2016. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**September 22, 2016**

Trustee to appear and advise the court regarding the status of the IRS' response. Waiting three years for a response is unprecedented. How many more years is the Trustee prepared to wait?

-----  
**November 10, 2016**

As of the posting of this tentative ruling (11/9/16 at approx. 3:15 p.m.), no amended proof of claim had been filed by the IRS.

***Note: Appearance at this hearing is required.***

-----  
**May 11, 2017**

Continue status conference to November 9, 2017 at 10:30 a.m.; updated

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

status report to be filed by October 26, 2017. (XX)

*Special Note: The updated report should only cover developments since today's hearing -- a summary of the history of the case is not required.*

***Note: Appearance at this hearing is not required.***

-----  
**November 9, 2017**

Continue status conference to May 24, 2018 at 10:30 a.m.; updated status report to be filed by May 10, 2018. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**May 31, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 1, 2018. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**November 15, 2018 [UPDATED SINCE ORIGINAL POSTING]**

Continue status conference to May 30, 2019 at 10:30 a.m.; updated status report must be filed by May 16, 2019 unless the case has been closed by such date. (XX)

***Note: Appearance at this hearing is not required.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Imperial Credit Industries Inc**

**Chapter 7**

**Debtor(s):**

Imperial Credit Industries Inc

Represented By  
David L. Neale  
Daniel H Reiss  
David R. Weinstein

**Trustee(s):**

Edward M Wolkowitz (TR)

Represented By  
Tavi C Flanagan  
Jeffrey M. Reisner  
Mike D Neue  
William N Lobel  
Edward M Wolkowitz  
James E Till  
Kerri A Lyman  
Michael K Sugar



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:08-17206 Palmdale Hills Property, LLC**

**Chapter 11**

**#41.00** CON'TD Post Confirmation Status Conference RE: Trustee's Chapter 11 Plan of Reorganization for SUNCAL EMERALD MEADOWS, LLC (Dated May 1, 2017)

(Set at Ch 11 Plan Conf. hrg. held 6-15-17)  
FR: 12-14-17; 5-31-18

Docket 5270

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 14, 2017**

A post-confirmation status report was due November 30, 2017 per the Confirmation Order entered June 28, 2017 [docket #5285]. Impose sanctions of \$100 against Reorganized Debtor's counsel for failure to do so; court to issue OSC why the case should not be dismissed for failure to prosecute.

***Note: Appearance at this hearing is required.***

-----

**May 31, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 1, 2018. (XX)

***Note: Appearance at this hearing is not required.***

-----

**November 15, 2018**

Continue status conference to May 30, 2019 at 10:30 a.m.; updated status report must be filed by May 16, 2019 unless a final decree has been entered by such date. (XX)

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

***Note: Appearance at this hearing is not required.***

Party Information

**Debtor(s):**

Palmdale Hills Property, LLC

Represented By

Paul J Couchot  
Peter W Lianides  
Richard W Esterkin  
Asa S Hami  
Charles Liu  
James M Miller  
Raymond H. Aver  
Sean A OKeefe  
Marc J Winthrop  
Martin Pritikin  
Selia M Acevedo  
Francis T Donohue  
Richard H Golubow  
Louis R Miller  
Jeffrey W Broker  
Kavita Gupta  
Garrick A Hollander  
R Grace Rodriguez  
Lei Lei Wang Ekvall  
Mike D Neue

**Trustee(s):**

Steven M Speier (TR)

Represented By

Louis R Miller  
Mike D Neue  
Lei Lei Wang Ekvall

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#42.00** CONT'D Hearing RE: Motion of Counter-Claimant Rosalva Ramirez for Summary Judgment or in the Alternative, for Partial Summary Adjudication **(Holding Date)**

FR: 9-20-18; 10-18-18

Docket 132

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 18, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m. as a holding date; Movant to file supplemental declaration with exhibits by November 1, 2018. Continue status conference to the same date/time (updated status report not required.) (XX)

The court is inclined to grant the Motion but needs to review the following documents before rendering a decision:

1. An executed copy of the Ramirez Family Trust;
2. A copy of the Trust Transfer Deed transferring the Ramirez Family Trust's interest in the subject property to Movant;
3. A copy of the Quitclaim Deed transferring the subject property from Movant to the Olimpia Family Trust; and
4. A copy of the Olimpia Family Trust

***Note: If Movant accepts the foregoing tentative ruling, appearance at***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Rosalva Ramirez

Chapter 11

*today's hearing is not required.*

-----

**November 15, 2018**

Plaintiff needs to address the following:

Reviewing the documents attached to the original complaint filed by Counter-Defendants, not all of the Unperfected Liens were a grant of Debtor's property (title was held by the Ramirez Family Trust at the time) because the Unperfected Liens were not granted by Luis in his capacity as co-trustee of the Ramirez Family Trust.

The SE1 Deed was executed by "Jose Luis Ramirez and Family Steel Corporation" and not by Luis as co-trustee of the Ramirez Family Trust. RJN, Ex. 1, (Ex. B of the Complaint).

The SE2 Deed was also executed by "Jose Luis Ramirez and Family Steel Corporation" and not by Luis as co-trustee of the Ramirez Family Trust. RJN, Ex. 1, (Ex. D of the Complaint).

In light of the foregoing, and viewing the evidence in the light most favorable to the non-moving parties, a genuine issue of fact may remain with regards to SE1 Deed and SE2 Deed and in which capacity Luis granted those security interests. As such, Debtor is entitled to summary judgment as a matter of law on the §§ 544(a)(3), § 550, and § 502(d) claims for relief only on the Veras Note.

Absent a satisfactory legal argument/explanation, the court would be inclined to grant summary adjudication as to the §§ 544(a)(3), § 550, and § 502(d) claims for relief only on the Veras Note and grant partial adjudication as to the first claim for relief in that the SE1 Deed and SE2 Deed were not recorded prior to Petition Date. The motion would be denied as to the balance.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Rosalva Ramirez**

**Chapter 11**

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Manee

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

Family Steel Corporation

Pro Se

First American Title Insurance

Pro Se

Olimpia Family Trust, Dated

Pro Se

**Plaintiff(s):**

Mayanin Sotelo

Pro Se

Salon Envious, Inc.

Pro Se

Aurelio Vera

Pro Se

Faviola Vera

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-14580 Rosalva Ramirez**

**Chapter 11**

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

**#43.00 CON'TD STATUS CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452 (As to the remaining cross-complaint)**

FR: 11-5-15; 12-17-15; 2-11-16; 9-1-16; 10-6-16; 11-10-16; 12-15-16; 1-19-16; 3-30-17; 5-11-17; 9-7-17; 10-5-17; 11-2-17; 11-30-17; 1-11-18; 2-22-18; 4-12-18; 6-21-18; 7-31-18; 10-18-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Complaint for Lack of Prosecution Entered 6/22/18; The Cross-Complaint will Remain for Prosecution by Cross-Plaintiffs - td (6/22/2018)**

**Tentative Ruling:**

**November 5, 2015**

The court will likely issue an Order to Show Cause why it should not abstain from adjudicating this matter per 28 USC 1334(c)(1)

-----  
**December 17, 2015**

Based upon the briefs filed since the last status conference, the court will not abstain at this time. The court notes that Debtor has not served the cross-defendants with the cross-complaint.

***Note: Appearances at this hearing are required***

-----  
**February 11, 2016**

Date to complete discovery: July 1, 2016  
Pretrial Stipulation due date: August 18, 2016

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room

5A

10:30 AM

CONT... Rosalva Ramirez

Chapter 11

Pretrial Conference: Sept. 1, 2016 at 9:30 a.m. (XX)

***Note: If all parties accept the foregoing schedule, appearances at this hearing are not required and Plaintiff shall lodge a scheduling order consistent with the same.***

-----  
**May 11, 2017**

Continue pretrial conference to August 17, 2017 at 9:30 a.m.; an amended joint pretrial stipulation must be filed by August 10, 2017; any substantive pretrial motion by party Ramirez must be filed no later than June 6, 2017 for a reserved hearing date of July 11, 2017 at 2:00 p.m. LBR briefing schedule for Summary Judgment Motions applies.

Comments re the Joint Pretrial Stipulation:

The Joint Pretrial Stipulation must follow the format set forth in LBR 7016-1(b) (2). The court will not accept two unilateral statements posing as a joint stipulation, i.e., no separation sections for "Plaintiff's Disputed Facts" and "Defendant's Disputed Facts."

***Note: If the all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----  
**November 2, 2017**

Joint pretrial stipulation not timely filed per this court's order entered Sept. 29, 2017. Parties to appear and advise the court why sanctions of \$100 should not be imposed on counsel for each party for failure to do so.

***Note: Appearances at this hearing are required.***

-----  
**November 30, 2017**

Joint pretrial stipulation not timely filed; updated status report re possible

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Rosalva Ramirez**

**Chapter 11**

settlement not filed; impose sanctions against Plaintiff's attorney in the amount of \$100 for failure to do so.

***Note: Appearances at this hearing are required.***  
-----

**January 11, 2018**

The parties are to appear and advise the court re the status of the possible settlement.

***Note: Appearances at this hearing are required.***  
-----

**February 22, 2018**

Plaintiff to appear and advise the court why sanctions in the amount of \$100 should not be imposed for failure to timely file an updated status report as ordered by the court at the 1/11/18 hearing.

**April 12, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; Court to issue order to show cause why this adversary should not be dismissed due to lack of prosecution ("OSC"), which OSC shall be heard on the same date/time as the continued status conference. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required and Defendants shall service notice of the continued status conference.***  
-----

**June 21, 2018**

Take matter off calendar in light of the dismissal of the adversary proceeding.  
-----



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

CONT... Rosalva Ramirez

Chapter 11

**July 31, 2018**

Continue as a status conference to October 18, 2018 at 9:30 a.m. Updated status report must be filed by October 4, 2018. Any pretrial motion must be filed by September 13, 2018. (XX)

***Note: Appearance at this hearing is waived; Cross-Plaintiff to serve notice of the continued hearing date.***

-----

**October 18, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required. (XX)

***NOTE: Appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Miller

**Defendant(s):**

Rosalva Ramirez

Represented By  
Marc C Forsythe  
Charity J Manee

Jose Luis Ramirez Sr

Represented By  
Christopher P Walker

Herman F Cea

Pro Se

The Ramirez Family Trust

Pro Se

Family Steel Corporation

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room      5A**

10:30 AM

**CONT...      Rosalva Ramirez      Chapter 11**

First American Title Insurance      Pro Se

Olimpia Family Trust, Dated      Pro Se

**Plaintiff(s):**

Mayanin Sotelo      Pro Se

Salon Envious, Inc.      Pro Se

Aurelio Vera      Pro Se

Faviola Vera      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room**

**5A**

---

10:30 AM

**8:16-14714 Bryson N Nazareno**

**Chapter 7**

**#44.00** CON'TD Hearing RE: Chapter 7 Trustee's Motion for Disallowance of Debtor's Claimed Homestead Exemption

FR: 10-25-18

Docket 85

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion.

Basis for Tentative Ruling:

Short Answer: Bankruptcy Code Section 522(g) applies in this matter and Debtor has offered no legal analysis or authority to the contrary.

Long Answer:

Burden of Proof

The party claiming an exemption bears the burden of proving the exemption. *Raleigh v. Illinois Dept. of Revenue*, 530 US 15, 20-21, 120 S.Ct. 1951, 1955 (2000); *In re Diaz*, 547 B.R. 329, 337 (BAP 9th Cir. 2016).

The Objection Is Timely

An objection to exemption must be filed within 30 days after the conclusion of a debtor's § 341 meeting of creditors. FRBP 4003(b)(1). Here, Debtor's meeting of creditors not been concluded because it was continued to November 15, 2018 per Trustee's notice of continuance filed on October 26,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:30 AM

CONT... **Bryson N Nazareno**

Chapter 7

2018 [dkt. #95]. The Objection is therefore timely.

The Homestead Exemption Must Be Disallowed Under §522(g)

Section 522(g) provides in pertinent part that "the debtor may exempt under subsection (b) of this section property that the trustee recovers under section... 542...550, 551... 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[.]"

The plain language of § 522(g) "limits the ability of a debtor to claim an exemption" and "a debtor may not exempt recovered property if the debtor voluntarily transferred such property or concealed the transfer of an interest in such property." *In re Glass*, 164 B.R. 759, 761-62 (B.A.P. 9th Cir. 1994), *aff'd*, 60 F.3d 565 (9th Cir. 1995). "The purpose of § 522(g) is to prevent a debtor from claiming an exemption in recovered property which was transferred in a manner giving rise to the trustee's avoiding power[.]" *Glass*, 60 F.3d at 568-69. A trustee has "recovered" property when a trustee is successful in a § 542 action. *See, In re Elliott*, 623 B.R. 188 (B.A.P. 9th Cir. 2014).

In this case, per the Summary Judgment which was entered on September 12, 2018 and which is now a final order, Trustee successfully avoided the transfer of the Property which was recovered and preserved for the benefit of the estate under §§ 550 and 551. *See*, Mot., Ex. D, p. 29, ¶¶ 1-3 (Summ. J.). Trustee also prevailed on the § 542 cause of action. Mot., Ex. C, p. 23, ¶¶41-44 (Compl.); Ex. D, p. 30, ¶5 (Summ. J.). Trustee therefore has satisfied the requirement that Trustee recover the Property under these three sections which are enumerated under § 522(g).

Debtor voluntarily transferred the Property to the Family Trust by executing the grant deed recorded on April 45, 2013. *See*, Mot., p. 7, ¶ 7 (Kosmala Decl.; Ex. B (grant deed from Debtor to the Family Trust)). As such, Trustee has satisfied the first prong of § 522(g)(1) demonstrating that the transfer avoided was a voluntary transfer by Debtor.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:30 AM

CONT... Bryson N Nazareno

Chapter 7

It is arguable that Debtor concealed the transfer of the Property in that he listed the Property in his Schedule A as property in which he and his wife held fee title, which he knew not to be true. Trustee discovered the true status of title through her investigation. Debtor did not disclose the prepetition transfer of title until specifically questioned about it by Trustee during the 341(a) meeting of creditors. See Mot., pp. 7-8, ¶¶6-9 (Kosmala Decl.); Ex. A (Schedule A).

Even if the transfer wasn't concealed, § 522(g) is written in the disjunctive: "a debtor may not exempt recovered property if the debtor voluntarily transferred such property **or** concealed the transfer of an interest in such property." *Glass*, 164 B.R. at 762 (emphasis added). The voluntary transfer and the recovery of the same by Trustee is sufficient to disallow the Homestead Exemption under 522(g)(1).

Debtor's argument that the Homestead Exemption should be allowed because Debtor's remain the beneficial and equitable owners of the Property does not constitute a viable counterargument to the disallowance provision of 522(g)(1).

*Special note: The court is aware that Debtor has filed another motion to convert to chapter 13. However, the motion appears not have been properly served on Trustee and includes declarations that are skeletal with very little substantive evidence in support of the motion.*

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bryson N Nazareno

Represented By  
Edward A Villalobos

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10359 Fantasy Aces LP**

**Chapter 7**

**#45.00** Hearing RE: Second Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP, GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE  
RICHARD A. MARSHACK]**

Docket 147

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

The court is concerned about possible duplication of services between this applicant and special counsel, Rutan & Tucker. There is extensive overlap between the two firms regarding the Frisinas matter. The court requires additional explanation re:

1. The necessity of constant oversight of the R&T firm by Applicant and Applicant's apparent review of every document prepared by R&T from complaint to settlement agreement. R&T was presumably hired for its litigation expertise and has attorneys who are experienced in bankruptcy matters.

2. An explanation of the division of labor between the two firms.

The court believes that some reduction in fees is appropriate -- either from Applicant or R&T or both for duplication of services. At a minimum, Applicant's fees in the Litigation category should be reduced by 10% as to the total time charged for the Frisinas litigation.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Fantasy Aces LP**

**Chapter 7**

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Golsa Honarfar

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10359 Fantasy Aces LP**

**Chapter 7**

**#46.00** Hearing RE: Application by Accountant for Chapter 7 Trustee for First Interim Compensation for the Period May 01, 2018 through October 22, 2018,

**[KARL T. ANDERSON CPA, ACCOUNTANTS FOR RICHARD A. MARSHACK,  
CHAPTER 7 TRUSTEE]**

Docket 142

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

The court has concerns about the amount of time charged by biller Murray A. Savage over a relatively short period of time, e.g., 14 hours between 9/24/18 and 9/28/18 working on a single tax return. In addition, the task description for the 4-hour charge for the 9/28/18 time entry is incomplete. See Exh B, p. 2. Further, another 6 hours charged on 10/22/18. Further information is required re the complexity of the 2016 and 2017 tax returns.

**Party Information**

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Golsa Honarfar



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10359 Fantasy Aces LP**

**Chapter 7**

**#47.00** Hearing RE: Application for Payment of Final Fees and/or Expenses

**[RUTAN & TUCKER, ATTORNEY FOR CHAPTER 7 TRUSTEE, RICHARD A. MARSHACK]**

Docket 143

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

See comments re Calendar #45 re the court's concerns about duplication of services between Applicant and Marshack Hays LLP.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fantasy Aces LP

Represented By  
Bert Briones

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Matthew Grimshaw  
Golsa Honarfar

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

**#48.00** Hearing RE: Debtor's Motion for Order Authorizing Distribution Under Section 726(a) to the State of California Franchise Tax Board and the Internal Revenue Service

Docket 187

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Kathleen J McCarthy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#49.00** CON'TD Hearing RE: Confirmation of Amended Chapter 11 Plan of Reorganization

(Set at DS hrg. held 7-31-18)  
FR: 10-4-18; 10-11-18

Docket 93

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m. to allow Debtor to file a supplemental pleading by November 1, 2018 that adequately addresses 11 U.S.C. 1129(b)(2)(B)(ii). (XX)

Notwithstanding the lack of opposition to confirmation by a creditor, this court must be able to find compliance with all applicable sections of 1129. Here, Debtor glosses over the statutory "cram down" requirements of 1129(b)(2)(B)(ii) re fair and equitable -- the absolute priority rule -- by relying on a "corollary". See Motion Supporting Confirmation of Second Amended Plan of Reorganization ("Confirmation Motion") at p. 19. Clearly, Debtors are retaining their interest in property while unsecured creditors are not being paid in full. There is no discussion of the new value exception to the absolute priority rule or evidence of new value. In fact, the Second Amended Plan does not provide for any contribution by Debtors that is new, substantial, money or money's worth, necessary for reorganization and reasonably equivalent to the value or interest retained by them.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

**November 15, 2018**

Confirm plan with modifications re new value. Post confirmation status conference to be held on May 16, 2019 at 10:30 a.m.; postconfirmation status report must be filed by May 2, 2019 (XX)

*Special Note:* Reference to new value as satisfaction of the cram provision can be included in the confirmation order.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw  
Richard L. Sturdevant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13894 Gregory A Moore and Edith A Moore**

**Chapter 11**

**#50.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case;  
and (2) Requiring Report on Status of Chapter 11 Case**

FR: 11-30-17, 5-31-18; 6-21-18; 7-31-18; 10-4-18; 10-11-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 30, 2017**

Claims bar date: Mar. 1, 2018

Deadline to file plan/discl. stmt: May 15, 2018

Continued status conference: May 31, 2018 at 10:30 a.m.  
(XX)

Deadline to file updated status report: May 17, 2018\*

\*If Debtors timely file a plan and disclosure statement by May 15, 2018, the requirement of filing an updated status report will be waived and the status conference will likely be continued to the same hearing date/time as approval of the disclosure statement.

***Note: Appearances are not required if Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee. It is Debtors' responsibility to confirm such compliance with the UST in advance of the hearing.***

-----

**June 21, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Gregory A Moore and Edith A Moore**

**Chapter 11**

Continue status conference to July 10, 2018 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.

-----

**July 31, 2018**

Continue status conference to same date/time as confirmation hearing; updated report not required. (Oct. 4, 2018 at 10:30 a.m.) (XX)

-----

**October 11, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----

**November 15, 2018**

Take chapter 11 status conference off calendar in light of confirmation of chapter 11 plan.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Gregory A Moore

Represented By  
Andy C Warshaw

**Joint Debtor(s):**

Edith A Moore

Represented By  
Andy C Warshaw

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14406 Kirk M. Nelson**

**Chapter 7**

**#51.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Approve fees and expenses as requested

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kirk M. Nelson

Represented By  
J Scott Williams

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#52.00** Hearing RE: Confirmation of First Amended Chapter 11 Plan of Reorganization  
(Set at DS Hrg. Held 9/13/18)

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Comments re plan confirmation:

1. Service per FRBP 2002

There is no proof of service on file showing service of the plan, disclosure and ballot by September 28, 2018.

2. 1129(a)(5) -- Disclosure of Compensation

Compensation of Debtor's sole officer not disclosed per 1129(a)(5)(B)

3. 1129(a)(7) -- Best Interest Test

The confirmation brief at p. 9, paragraph G is incomplete. There is no statement or evidence regarding how much unsecured creditors would receive under chapter 7. The disclosure statement is not clear on this point either. This is important because if creditors would receive 100% in chapter 7, Debtor would be required to pay creditors the present value of 100% under the plan to account for payments being made over time.

4. Cram Down under 1129(b)(2)



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Tri-Star Construction and Restoration Services, In Chapter 11**

No analysis is provided regarding compliance with 1129(b)(2)(A)(i)(I) and (II). Such analysis should have been set forth in the confirmation brief.

**5. Additional Creditors**

Were additional creditors added to Class 3a after the voting deadline?  
If so, this could negatively affect the vote tally if such creditors did not have sufficient time to cast ballots.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10006 Tri-Star Construction and Restoration Services, In**

**Chapter 11**

**#53.00** CONT'D STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 3-8-18; 6-7-18; 9-6-18; 9-13-18  
(Advanced from 6-14-18)

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 8, 2018**

Chapter 11 Status Report not filed as required by this court's Order entered 1/10/18 [docket #4]. Debtor's counsel to advise the court why sanctions in the amount of \$100 should not be imposed for failure to do so.

Deadline to file plan/disclosure statement: May 22, 2018  
Claims bar date: May 15, 2018 (notice by 3/15/18)  
Continued Status Conference: Jun 14, 2018 at 10:30 a.m. (XX)  
Deadline to file updated Status Report: May 31, 2018 (waived if plan & disclosure statement are filed)

***Note: Appearance at this hearing is required.***

-----  
**June 7, 2018**

Continue status conference to September 6, 2018 at 10:30 a.m.; updated status report must be filed by August 23, 2018 unless a plan and disclosure statement have been filed by such date, in which case the requirement of an

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

10:30 AM

CONT... **Tri-Star Construction and Restoration Services, In** Chapter 11

updated status report will be waived and the status conference will be continued to the date/time set for hearing on approval of the disclosure statement. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm compliance with the UST prior to the hearing.***

-----  
**September 6, 2018**

Continue hearing to September 13, 2018 at 10:30 a.m., same day/time as hearing on approval of disclosure statement. (XX)

***Note: Appearance at this hearing is not required.***

-----  
**September 13, 2018**

Continue status conference to November 15, 2018 at 10:30 a.m.; updated status report not required. (XX)

-----  
**November 15, 2018**

No Tentative Ruling -- disposition will depend upon the outcome of the plan confirmation hearing.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tri-Star Construction and

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#54.00** CON'TD Hearing RE: Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(1) and 12(b)(6)

FR: 8-2-18

Docket 4

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Hearing Filed  
10/9/18, Document # 17 (XX)**

**Courtroom Deputy:**

**CONTINUED: Motion Continued to 12/20/18 at 9:30 a.m. on Court's Own  
Motion; See Notice of Continued Hearing filed 10/12/18, Document #17  
(XX) - td (10/15/2018)**

**Tentative Ruling:**

**August 2, 2018**

Due to the conversion of the case to chapter 7, only the chapter 7 trustee has authority to prosecute this action as plaintiff. The trustee shall appear and advise the court if he has an opportunity to analyze the adversary proceeding and whether he wishes to continue prosecuting it. If so, this hearing will be continued to permit the trustee an opportunity to file an opposition.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Helen Galope Pro Se

**Movant(s):**

Helen Galope Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#55.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 7-10-18; 8-2-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 16 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/12/18, Document #16 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to August 2, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required**

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, November 15, 2018

Hearing Room 5A

10:30 AM

8:18-11183 Natalie Parham-Waters

Chapter 7

#56.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Natalie Parham-Waters

Represented By  
Daniel King

**Trustee(s):**

Richard A Marshack (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12322 Tung Phuong Nguyen-Phuc**

**Chapter 7**

**#57.00 CON'TD Hearing RE: Stipulation Regarding U.S. Trustee Report of Chapter 7 Election**

FR: 9-6-18; 10-11-18

Docket 16

**Courtroom Deputy:**

**SPECIAL NOTE: Emma Borges' Withdrawal of Trustee Election Pursuant to Section 02 of the Bankruptcy Code filed 11/9/18 - (11/9/2018)**

**Tentative Ruling:**

**September 6, 2018**

Counsel for creditor Emma Borges to appear and advise the court as to the reasons for the proposed election of Karl Anderson as chapter 7 trustee.  
-----

**October 11, 2018**

Continue hearing to November 15, 2018 at 10:30 a.m.; updated status report to be filed by November 8, 2018 re the status of this matter. (XX)

***Note: Appearances at this hearing are not required.***  
-----

**November 15, 2018**

Take Matter Off-Calendar in light of Withdrawal of Emma Borges' Trustee Election Pursuant to Section 702 of the Bankruptcy Code.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Tung Phuong Nguyen-Phuc**

**Chapter 7**

**Debtor(s):**

Tung Phuong Nguyen-Phuc

Represented By  
Leslie K Kaufman

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12960 Ricardo Miranda**

**Chapter 13**

**#58.00** Hearing RE: Motion of United States Trustee to Determine Whether Compensation Paid to Counsel Was Excessive Under 11 U.S.C. Section 329 and F.R.B.P. 2017 and to Order Counsel to File a 2016(b) Statement

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion in part; deny in part. Grant to require that debtor's counsel file a 2016 statement for this case within seven days of today's hearing, that counsel remit to Debtor all funds received as a retainer for this case within 30 days of today's hearing, and all remaining fees owed pursuant to any retainer agreement shall be deemed null and void. Deny Movant's request for relief re prior bankruptcy cases. Movant must seek such relief separately in each case.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Ricardo Miranda

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12960 Ricardo Miranda**

**Chapter 13**

**#59.00** Hearing RE: Debtor's Motion to Vacate and Set Aside Order Dismissing  
Bankruptcy Case

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Deny motion.

The motion is denied for the reasons stated in the chapter 13 Trustee's opposing comments, which are incorporated herein by reference. Specifically, this is Debtor's seventh bankruptcy case and the last two cases filed this year were dismissed for failure to timely file commencement documents. Debtor's argument that he did not understand that he needed to communicate with his attorney (who also represented him in the prior two failed cases) is unpersuasive. Further, Debtor appears to have no disposable income with which to fund a plan, giving the inescapable impression that this case was not filed in good faith.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ricardo Miranda

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#60.00** Haring RE: Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S..C Section 1112(b), and, Request for Judgment for Quarterly Fees Due and Payable to the U.S. Trustee at the Time of Hearing

Docket 78

**\*\*\* VACATED \*\*\* REASON: HEARING ADVANCED TO 11/8/18 AT 10:30 A.M., PER HEARING HELD 10/25/18 (XX)**

**Courtroom Deputy:**

**ADVANCED: Hearing is Advanced to 11/8/18 at 10:30 a.m., Per Hearing Held 10/25/18 (XX) - td (10/26/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13638 Friendly Village MHP Associates LP**

**Chapter 7**

**#61.00** Hearing RE: Chapter 7 Trustee's Motion for Order to Limit Notice Pursuant to Rules 2002 and 9007 of the Federal Rules of Bankruptcy Procedure

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13638 Friendly Village MHP Associates LP**

**Chapter 7**

**#62.00** Hearing RE: Chapter 7 Trustee's Motion for Order to: 1. Operate Business (Manage Real Property); 2. Collect Rents; 3. Pay Operating Expenses; and 4. Approve the Rent Reduction and Release Agreement Between the Trustee and the Tenants

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Comments re the Motion:

1. Payment of operating expenses/maintenance/repairs

Though the court understands there are no apparent cash collateral issues, the Motion is nevertheless vague re the monthly ordinary operating expenses and anticipated major repairs. Is the trustee, for example, seeking carte blanche to pay for deferred maintenance/repairs?

2. Tenant Releases

Have all tenants agreed to sign the releases? What happens to tenants who do not?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Friendly Village MHP Associates LP**

**Chapter 7**

D Edward Hays



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13638 Friendly Village MHP Associates LP**

**Chapter 7**

**#63.00** Hearing RE: Application by Chapter 7 Trustee to Employ Investors' Property Services as Property Manager and Pay Management Expenses

Docket 48

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

The court requires the declaration of the trustee confirming that he has reviewed the compensation rate of property managers for similar properties and that the proposed 4% of gross rents is standard for the industry.

Re reimbursement of costs to IPS, what is the scope and limit on such costs? The application is unacceptably vague re the same.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13854 Jezabel Jurado**

**Chapter 13**

**#64.00** Hearing RE:Debtor's Motion for Order Determining Value of Collateral [2015 Nissan Rogue Select]

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jezabel Jurado

Represented By  
Todd L Turoci

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#65.00** Hearing RE: Defefndant and Counterclaimant SNCR California, Inc.'s Motion:  
1. For Judgment on the Pleadings for Failure to State a Claim Upon Which  
Relief Can be Granted; and 2. To Dismiss for Lack of Subject Matter Jurisdiction

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Grant in part; deny in part. Grant without leave to amend as to the First Claim for Relief (De Factor Merger), grant with leave to amend as to the Second Claim for Relief (Intentional Fraudulent Transfer); Deny as to all other claims for relief; Deny request to dismiss under 12(b)(1).

Basis for Tentative Ruling:

Motion For Judgment On the Pleadings

Defendant argues that judgment on the pleadings pursuant to FRCP 12(c) should be entered in favor of Defendant because the Complaint fails to state a claim upon which relief may be granted. Specifically, Defendant asserts that Trustee's causes of action for *de facto* merger and avoidance of fraudulent transfers do not satisfy the *Twombly/Iqbal* "plausibility" standard.

FRCP 12(c) Standard

After the pleadings are closed, a party may move for judgment on the pleadings. FRCP 12(c) as adopted by FRBP 7012(b). A motion under FRCP 12(c) challenges the legal sufficiency of the opposing party's pleadings, similar to that of a FRCP 12(b)(6) motion. In deciding a FRCP 12(c) motion,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room

5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

**Chapter 7**

the court applies the same standards applicable to a FRCP 12(b)(6) motion. *Cafasso, U.S. ex. rel. v General Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1054, n. 4 (9th Cir. 2011).

"Judgment on the pleadings is proper when the moving party clearly establishes on the face of the pleadings that no material issue of fact remains to be resolved and that it is entitled to judgment as a matter of law... However, judgment on the pleadings is improper when the district court goes beyond the pleadings to resolve an issue; such a proceeding must properly be treated as a motion for summary judgment." *Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1550 (9th Cir. 1989). "On a 12(c) motion, the court considers 'the complaint, the answer, any written documents attached to them, and any matter of which the court can take judicial notice for the factual background of the case.'" *L-7 Designs, Inc. v. Old Navy, LLC*, 647 F.3d 419, 422 (2d Cir. 2011).

As with FRCP 12(b)(6) motions, the court must assume the truth of the facts alleged in the pleading being challenged and all reasonable inferences that can be drawn from those facts are construed in favor of the responding party. *Fleming v. Picard*, 581 F.3d 922, 925 (9th Cir. 2009).

*Twombly/Iqbal* "plausibility standards are applicable to FRCP 12(c) motions. *Chavez v. U.S.*, 683 F.2d 1102, 1108-09 (9th Cir. 2012). In *Atlantic Corp. v. Twombly*, 550 U.S. 544, 561 (2007), the Supreme Court established more stringent notice-pleading standard for motions to dismiss for failure to state a claim upon which relief may be granted. A plaintiff is required to provide more than "labels and conclusions, and a formulaic recitation of the elements of a cause of action ...." *Id.* The plaintiff must provide "enough facts to state a claim to relief that is plausible on its face."

A complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 129 S.Ct. 1937, 1949 (2009). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. The plausibility standard is not akin to a "probability requirement," but it asks more than a sheer possibility that a defendant has acted unlawfully. While legal conclusions can provide

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

---

2:00 PM

CONT... Team Business Solutions, Inc.

Chapter 7

the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. *Id.*

First Claim For Relief- *De Facto* Merger

Trustee's first claim for relief in the Complaint seeks declaratory relief that the prepetition transfer of assets to Defendant was a *de facto* merger under California law. Compl., p.5, ¶¶20-28.

The parties disagree on the proper standard for a *de facto* merger under California law. The parties disagree on whether the transfer of Debtor's assets needed for a *de facto* merger must be "all" or just "substantially all" of Debtor's assets. The parties also disagree on whether a transfer of stock is required.

The General Rule- Corporation Purchasing Assets Not  
Liable

Per the California Supreme Court, the general rule is that a corporation purchasing the principal assets of another corporation does not assume the other's liabilities unless: "(1) there is an express or implied agreement of assumption, (2) the transaction amounts to a consolidation or merger of the two corporations, (3) the purchasing corporation is a mere continuation of the seller, or (4) the transfer of assets to the purchaser is for the fraudulent purpose of escaping liability for the seller's debt." *Ray v. Alad Corp.*, (1977) 19 Cal.3d 22, 28 (emphasis added). This rule is "applicable only where all or substantially all of a corporation's assets are purchased[.]" *Acheson v. Flastaff Brewing Corp.*, 523 F.2d 1327, 1329-30 (9th Cir. 1975)(emphasis added)(declining to apply the rule to find successor brewing corporation was subject to seniority rights of prior company's employees because, in part, successor corporation did not purchase receivables, trade name, and goodwill).

In this case, Trustee alleged that substantially all of Debtor's assets were acquired by Defendant, including some or all of its accounts receivable,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

Chapter 7

its service contracts, its business relationships, its customer lists and its goodwill (the "Assets") constituted a de facto merger of [Debtor] into [Defendant]." Compl., p. 5, ¶21. This contention was supported by factual allegations, including Defendant acquiring prior clients by hiring prior employees who sent emails to customers to transition them to Defendant, Defendant billing Debtor's former clients, and Defendant taking over the office location previously used by Debtor. Compl., p. 4-5, ¶¶13-19, 23.

To be clear, the employees that were hired by Defendant is not being construed as the transfer of Debtor's assets; rather, the actions of Debtor's former employees is being construed as effectuating the transfer of Debtor's assets, i.e., contacting Debtor's clients. All reasonable inferences that can be drawn from those facts are construed in favor of the responding party. *Fleming v. Picard*, 581 F.3d 922, 925 (9th Cir. 2009). Furthermore, Debtor ceased operating, presumably because substantially all of its assets had been acquired by Defendant, minus the remaining assets listed on Schedule B. Compl., p. 5, ¶25. The Complaint therefore meets the "plausibility" standard that "substantially all" of Debtor's assets were acquired by Defendant, thereby evoking the general rule.

Exception to General Rule- De Facto Merger

As detailed above, the general rule is subject to the following four exceptions: "(1) there is an express or implied agreement of assumption, (2) the transaction amounts to a consolidation or merger of the two corporations, (3) the purchasing corporation is a mere continuation of the seller, or (4) the transfer of assets to the purchaser is for the fraudulent purpose of escaping liability for the seller's debt." *Ray*, 19 Cal.3d at 28.

In this case, Trustee's first claim for relief invokes the second stated exception: the transaction amounts to a consolidation or merger of the two corporations, i.e., a *de facto* merger. *See, id.* (emphasis added).

"With respect to the second stated ground for liability... [the] exception has been invoked where one corporation takes all of another's assets without providing any consideration that could be made available to meet claims of the other's creditors... or where the consideration consists wholly of shares of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

Chapter 7

the purchaser's stock which are promptly distributed to the seller's shareholders in conjunction with the seller's liquidation." *Ray*, 19 Cal. 3d at 28–29 (finding no *de facto* merger because adequate consideration in excess of \$207,000 was paid for the assets purchased). The *de facto* merger exception is applicable "where the assets of one corporation are transferred without consideration which can be made available to satisfy claims or "where the consideration consists wholly of shares of the purchaser's stock which are promptly distributed to the seller's shareholders in conjunction with the seller's liquidation." *Marks v. Minnesota Mining & Mfg. Co.*, (1986) 187 Cal. App. 3d 1429, 1435 (finding *de facto* merger occurred, in part, because buyer corporation issued stock in exchange for all of seller corporation's assets).

Five factors commonly considered under California law to determine whether a transaction cast in the form of an asset sale actually was a *de facto* merger are: (1) was the consideration paid for the assets solely stock of the purchaser or its parent; (2) did the purchaser continue the same enterprise after the sale; (3) did the shareholders of the seller become shareholders of the purchaser; (4) did the seller liquidate; and (5) did the buyer assume the liabilities necessary to carry on the business of the seller. *Marks*, 187 Cal. App.3d at 1436.

In this case, first turning to the two instances when the *de facto* merger exception is applicable, the Complaint has not, and cannot, plead facts that "all" Debtor's assets were taken by Defendant without providing any consideration that could be made available to meet claims of Debtor's creditors because at least some assets were scheduled by Debtor and subsequently abandoned by Trustee via the Abandonment Order. RJN, Ex. 3 and 4; Compl., p. 5 ¶21.

As for the second instance when the *de facto* merger exception is applicable, the Complaint alleges no consideration, "cash or otherwise," was paid for Debtor's assets. Compl., p. 5, ¶24. Since the second instance is applicable when the "consideration consists wholly of shares of the purchaser's stock which are promptly distributed to the seller's shareholders in conjunction with the seller's liquidation," the Complaint has not pled any facts to make the second prong of the *de facto* merger exception "plausible."

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room

5A

2:00 PM

CONT...

**Team Business Solutions, Inc.**

**Chapter 7**

Thus, before even turning to the five *Marks* factors described by the California Court of Appeal, the California Supreme Court identified the two instances when the *de facto* merger exception is applicable. In this case, Trustee has failed to plead any facts that describe that the instant case falls within one of the two instances. As such, Trustee's first claim for relief is not "plausible."

Second Claim For Relief- Avoidance of Intentional Fraudulent Transfer

Trustee's "strong-arm" powers under § 544(b) allow Trustee to utilize remedies available to creditors under state law. California's Uniform Voidable Transactions Act under California Civil Code ("Civil Code") § 3439 *et seq.* provides such a remedy. Thus, under Civil Code § 3439.04(a)(1) and § 548(a)(1)(A), Trustee may avoid transfers made with "actual intent to hinder, delay, or defraud" creditors. The necessary intent to "hinder, delay or defraud" creditors" may be inferred based on the traditional "badges of fraud". See, Civ. Code § 3439.04(b); *In re Acequia, Inc.*, 34 F.3d 800, 805-06 (9th Cir. 1994).

With respect to allegations of actual fraudulent transfers, "a claim to avoid a fraudulent transfer is sufficient if it satisfies the heightened pleading standard for actual fraud provided in [FRCP9(b)] made applicable by [FRBP7009] requires a party alleging fraud to 'state with particularity the circumstances constituting fraud[.]' *In re Automated Fin. Corp.*, 2011 WL 10502417, at \*4 (Bankr. C.D. Cal. Jan. 25, 2011)(finding that trustee had not sufficiently pled met FRCP (9)(b) standards when pleading § 548(a)(1)(A) and Civil Code § 3439.04(a)(1) claims because trustee had failed to plead facts that tied together intent to defraud with specific transfers); *but see, In re Mihranian*, 2017 WL 2775044 \*1, 7 (BAP 9th Cir. Jun. 26, 2017)(affirming court's dismissal of trustee's third amended §§ 544 and 548 complaint for failure to satisfy FRCP 8(a) standards and questioning whether FRCP 9(b) is applicable to all avoidance actions because the statutes states the disjunctive- intent to hinder, delay or defraud).

In this case, Trustee has failed to satisfy the heightened standards of FRCP (9)(b). While Trustee has pled the required elements of intentional



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

**Chapter 7**

fraudulent transfer, Trustee has not pled specific facts regarding the alleged fraudulent transfer. Trustee has pled the time frame of the transfer, i.e., October 9, 2017 to October 13, 2017, but has not actually identified how the transfer of Debtor's assets was conducted or, more importantly, the fraudulent nature of the transfers. In some instances, the transfer is identified as an "acquisition," Compl., p. 5, ¶¶21, while in others the transfer is identified simply as a "transfer." Compl., p. 6, ¶¶31-37. Further, Trustee has failed to identify the "Assets" transferred. Consequently, Trustee's second claim for relief has failed to meet the heightened standard of FRCP 9(b).

Third Claim For Relief- Avoidance of Constructive Fraudulent Transfer

Under Civil Code § 3439.04(a)(2) and § 548(a)(1)(B), Trustee may avoid "constructive" fraudulent transfers if transfer was made for less than reasonably equivalent value and the debtor was, or by way of the transfer, became insolvent.

"A cause of action asserting a constructively fraudulent transfer is not subject to the heightened pleading standards... These causes of action are adequately pled as to most elements with a short plain statement as required by [FRCP] 8, as modified by *Twombly*." *Automated Fin. Corp., supra*, at 5.

In this case, Trustee's third claim for relief satisfies the "plausibility" standard by pleading the following facts: Debtor transferred its assets to Defendant within four days of the Petition for no consideration and in anticipation of the bankruptcy. Compl., p. 2-7, ¶¶2, 21, 24, 33-33. As such, the following reasonable inferences can be drawn from the alleged facts in the Complaint- less than reasonable value was received for the transfer because no consideration was allegedly paid, and Debtor was insolvent, or became insolvent due to the transfer, because Debtor filed for bankruptcy shortly after the transfer.

Fourth Claim For Relief- Preservation of Avoided Transfer  
Under § 551

The avoidance of a transfer under §§ 544 or 548 brings with it certain

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

**Chapter 7**

corollary rights under § 551 to preserve the recovered interest for the benefit of the estate. In this case, since the Complaint has met the plausibility standard for at least the third claim for relief, the fourth claim for relief is equally plausible.

Motion to Dismiss

Pursuant to FRCP 12(b)(1), made applicable in the instant adversary proceeding by FRBP 7012), a defendant may seek dismissal of a claim for lack of subject matter jurisdiction. Although defendant is typically the moving party on a 12(b)(1) motion, plaintiff is the party who invokes the court's jurisdiction at the outset. Therefore, the burden of establishing subject matter jurisdiction rests on the party asserting that the court has jurisdiction. *In re Wilshire Courtyard*, 729 F.3d 1279, 1284 (9th Cir. 2013). Dismissal for lack of subject matter jurisdiction is proper if the complaint, considered in its entirety, fails to allege facts that are sufficient to establish subject matter jurisdiction. *In re, Dynamic Random Access Memory (DRAM) Antitrust Litigation*, 546 F.3d 981, 984–85 (9th Cir.2008).

Attacks on jurisdiction pursuant to Rule 12(b)(1) can be either facial, confining the inquiry to the allegations in the complaint, or factual, permitting the court to look beyond the complaint. See *Savage v. Glendale Union High Sch.*, 343 F.3d 1036, 1039 fn. 2 (9th Cir.2003). In a facial attack "the challenger asserts that the allegations contained in a complaint are insufficient on their face to invoke federal jurisdiction." *Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir.2004). By contrast, "in a factual attack, the challenger disputes the truth of the allegations that, by themselves, would otherwise invoke federal jurisdiction." *Id.* A factual attack made pursuant to Rule 12(b)(1) may be accompanied by extrinsic evidence. *Whitehorn v. F.C.C.*, 235 F.Supp.2d 1092, 1095–96 (D.Nev. 2002) (*citing St. Clair v. City of Chico*, 880 F.2d 199, 201 (9th Cir.1989)). Dismissal for lack of subject matter jurisdiction is proper if the complaint, considered in its entirety, fails to allege facts that are sufficient to establish subject matter jurisdiction. *DRAM Antitrust Litigation*, 546 F.3d at 984–85.

In this case, Defendant argues that the Court lacks subject matter

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.** **Chapter 7**

jurisdiction as nothing in the Complaint demonstrates that it is "plausible" that the estate suffered any injury-in-fact as a result of the alleged transfers of property because the assets allegedly transferred were all subject to the Bank's prepetition security interest. Defendant is making a "factual" attack because Defendant argues that the Court may look beyond the Complaint. Mot., p. 11:1-11. As such, Defendant's argument is not that that the Court actually lacks subject matter jurisdiction (the Complaint arises from bankruptcy law which is obviously within the subject matter jurisdiction of bankruptcy courts) but rather that Trustee lacks standing Article III standing.

Standing

Standing is comprised of Article III requirements and prudential considerations: "[S]tanding jurisprudence contains two strands: Article III standing, which enforces the Constitution's case-or-controversy requirement... and prudential standing, which embodies "judicially self-imposed limits on the exercise of federal jurisdiction[.]" *Elk Grove Unified Sch. Dist. v. Newdow*, 542 U.S. 1, 11–12 (2004)(citation omitted), *abrogated on other grounds by Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118 (2014). "A federal court may exercise jurisdiction over a litigant only when that litigant meets constitutional and prudential standing requirements." *In re Veal*, 450 B.R. 897, 906 (B.A.P. 9th Cir. 2011)(citing *Elk Grove Unified Sch. Dist.*).

- First, the plaintiff must have suffered an "injury in fact" - an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical.'"
- Second, there must be a causal connection between the injury and the conduct complained of - the injury has to be "fairly traceable to the challenged action of the defendant, and not ... the result [ of] the independent action of some third party not before the court."
- Third, it must be "likely," as opposed to merely "speculative," that the injury will be redressed by a favorable decision."

*Kardules v. City of Columbus*, 95 F.3d at 1346 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-1 (1992)). The party invoking federal jurisdiction

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... **Team Business Solutions, Inc.**

Chapter 7

has the burden of establishing the elements of standing. *Id.* at 561-562. Each element of standing "must be supported .... with the manner and degree of evidence required at each successive stage of the litigation." *Defenders of Wildlife*, 504 U.S. 16 at 561.

In this case, Defendant's argument focuses on the first element of Article III standing, injury-in-fact. The plaintiff must clearly allege sufficient facts demonstrating injury-in-fact. *Spokeo, Inc. v. Robins*, 578 U.S. \_\_\_, 136 S.Ct. 1540 (2016). Under the *Twombly/Iqbal* standards, the complaint must allege sufficient facts to make the operative allegations "plausible," even as to allegations pertaining to injury-in-fact that would give rise to subject matter jurisdiction. *Amidax Trading Group v. S.W.I.F.T. SCRL*, 671 F.3d 140, 145-149 (2d Cir. 2011). As detailed above, since this is a factual attack, the Court should look beyond the Complaint and look to the arguments raised in the Opposition.

Defendant argument is unpersuasive because the Bank's lien does not attach to any recovery from the Complaint. Per § 552(a), property acquired by the estate after the petition date is not subject to any lien from a prepetition security interest. Debtor's reliance on § 552(b) is unpersuasive because estate's rights to recover under §§ 544 and 548 arose after the petition date and are not proceeds of the Bank's collateral. *See, In re EPD Inv. Co., LLC*, 2018 WL 947636, at \*9 (Bankr. C.D. Cal. Feb. 17, 2018)("Logically, it is difficult to understand how an avoidance power action that springs into being with the commencement of a bankruptcy case could be the proceed of *any* form of collateral.")

Further support is found in the California Commercial Code's definition of the term "proceeds":

California Commercial Code § 9306(1) defines "proceeds" to mean "whatever is received upon the sale, exchange, collection or other disposition of collateral or proceeds." The bankruptcy estate's right to sue under 11 U.S.C. § 547 is not received by the bankruptcy estate in exchange for the transfer of any property. Rather, it is a special power Congress grants to the fiduciary in charge of a bankruptcy estate, trustee or debtor in possession, to implement the equal distribution of assets among the various classes of

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... Team Business Solutions, Inc.  
claims in the estate.

Chapter 7

*In re Ludford Fruit Prod., Inc.*, 99 B.R. 18, 25 (Bankr. C.D. Cal. 1989).  
Granted, this case law addresses § 547, but Defendant has not provided  
persuasive argument to distinguish between §§ 547 and § 544 and 548-  
avoidance powers that all arose only after the petition was filed.

Defendant refers the court to the case of *In re Figearo*, 79 B.R. 914,  
918 (Bankr. D. Nev. 1987) which held that funds recovered from settlement of  
a § 548 action were subject to creditor's prepetition lien because such  
recovery was not "equivalent to a postpetition acquisition of property by the  
estate as contemplated by 11 U.S.C. §§ 552(a) or 541(a)(7). As noted by the  
court in *EPD*, however, "*Figearo* is contrary to the weight of authority and has  
not been followed by more recent cases, leading treatises, and was  
inconsistent with the *Ludford* court. *EPD, supra*, at 10. "To conclude that  
preference actions [or other avoidance actions] are the proceeds of collateral  
held pursuant to a pre-petition security interest would not only violate logic but  
also the policy behind the avoidance powers." *Id.* at 9. The court concludes  
that Trustee has standing because the estate has suffered an injury-in-fact by  
the alleged prepetition transfer of assets that would have been property of the  
estate.

Leave to Amend

Leave to amend a complaint or claim is generally within the discretion  
of the bankruptcy court and is reviewed under the abuse of discretion  
standard. *Mende v. Dun & Bradstreet, Inc.*, 670 F.2d 129 (9th Cir. 1982).  
FRCP 15, made applicable to this proceeding by FRBP 7015, provides that a  
party may amend the party's pleading by leave of court and leave shall be  
freely given when justice so requires. The Ninth Circuit applies this rule with  
"extreme liberality." *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir.  
1997). In exercising its discretion, a bankruptcy court "must be guided by the  
underlying purpose of [FRCP] 15 to facilitate decision on the merits, rather  
than on the pleadings or technicalities." *In re Magno*, 216 B.R. 34 (BAP 9th  
Cir. 1997). A bankruptcy court considers the following factors in determining  
whether a motion to amend should be granted: (1) undue delay; (2) bad faith;  
(3) futility of amendment; and (4) prejudice to the opposing party. *Hurn v.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, November 15, 2018

Hearing Room 5A

2:00 PM

CONT... Team Business Solutions, Inc.

Chapter 7

*Retirement Fund Trust of Plumbing, Etc.*, 648 F.2d 1252, 1254 (9th Cir. 1981).

In this case, Trustee should be granted leave to amend because: (1) leave to amend will not cause undue delay because the Complaint was filed just over three months ago (2) there is no evidence that Trustee filed the Complaint in bad faith; (3) while Defendant argues that amending the Complaint would be futile, it is unknown since this would be Trustee's first amendment to the Complaint (in *Mihranian, supra*, at 1, the BAP affirmed the dismissal of trustee's third amended complaint); (4) Defendant will not be prejudiced because Defendant will have the opportunity to file and answer to any amended complaint, the amended complaint will likely include similar causes of action, and Defendant has not provided any evidence that it has taken significant discovery efforts that will be rendered useless by an amended complaint. Furthermore, mindful to the guidance that the underlying purpose of [FRCP] 15 is to facilitate decision on the merits, rather than on the pleadings or technicalities, Trustee should be given the opportunity to amend in order to facilitate a decision on the merits.

**Party Information**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Represented By  
Michael G Spector

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 15, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Team Business Solutions, Inc.**

Thomas J Eastmond  
Robert P Goe

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, November 16, 2018**

**Hearing Room 5A**

9:00 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#0.50** Hearing RE: Debtor and Debtor-in-Possession's Motion for Protective Order Barring Deposition or Limiting Scope, Duration and Designating Alternative Location for Deposition

Docket 637

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Bobby Samini  
Dean A Ziehl



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, November 16, 2018

Hearing Room 5A

9:00 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp**

**Chapter 11**

**#1.00 EVIDENTIARY Hearing RE: Order to Show Cause Why Bankruptcy Case Should Not Be Dismissed Due to Debtor's Possible Violation of Federal Law (OSC Issued 9/19/18)**

FR: 10-25-18

Docket 58

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018 - td (11/14/2018)**

<b>Party Information</b>
--------------------------

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, November 16, 2018

Hearing Room 5A

9:00 AM

8:18-13026 White Dove Church Inc, a California nonprofit corp

Chapter 11

#2.00 CONT'D Hearing RE: Debtor-in-Possession's Motion for Order Authorizing Assumption of Real Property Lease, and/or for Relief from Forfeiture

FR: 9-13-18; 10-25-18

Docket 30

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018 - td (11/14/2018)**

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**Movant(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, November 16, 2018

Hearing Room 5A

9:00 AM

8:18-13026 White Dove Church Inc, a California nonprofit corp

Chapter 11

#3.00 CON'TD Hearing RE: Amended Motion for relief from the automatic stay [UD]

DDD PHAM LLC

VS

DEBTOR

FR: 9-13-18; 10-25-18

Docket 28

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C.  
§1112(b) and Judgment for Quarterly Fees Due and Owing Entered  
11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion filed by the United States  
Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment  
for Quarterly Fees Due and Owing Entered 11/13/2018 - td (11/14/2018)**

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**Movant(s):**

DDD Pham LLC

Represented By  
Chi L Ip

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, November 16, 2018

Hearing Room 5A

9:00 AM

**8:18-13026 White Dove Church Inc, a California nonprofit corp Chapter 11**

**#4.00 CON'TD STATUS CONFERENCE Hearing RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

FR: 10-11-18; 10-25-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion filed by the United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) and Judgment for Quarterly Fees Due and Owing Entered 11/13/2018 - td (11/14/2018)**

**Party Information**

**Debtor(s):**

White Dove Church Inc, a California

Represented By  
Robert M Yaspan

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, November 16, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#5.00** CON'TD Hearing RE: Defendant and Counterclaimant SNCR California, Inc.'s Motion: 1. For Judgment on the Pleadings for Failure to State a Claim Upon Which Relief Can be Granted; and 2. To Dismiss for Lack of Subject Matter Jurisdiction

FR: 11-15-18

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Represented By  
Michael G Spector

**Plaintiff(s):**

Richard A Marshack

Represented By  
Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Wednesday, November 21, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-14221 Taylor Tech Inc.**

**Chapter 7**

**#1.00** Hearing RE: Chapter 7 Trustee's Emergency Motion for Order Authorizing the Trustee to: 1) Operate the Debtor's Business Pursuant to 11 U.S.C. Section 721; 2) Use Property of the Estate Pursuant to 11 U.S.C. Sections 363(b)(1) and (c)(1); and 3) Pay Pre-Petition Wages

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 21, 2018**

If unopposed, grant motion, except that as to the request to be excused from the requirement of filing cash disbursement motions, such waiver would be limited to disbursement specifically requested in the Motion.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Taylor Tech Inc.

Represented By  
Anthony A Friedman

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Beth Gaschen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13337 Manuel Trejo and Maria I Trejo**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Manuel Trejo

Represented By  
Lionel E Giron

**Joint Debtor(s):**

Maria I Trejo

Represented By  
Lionel E Giron

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, November 27, 2018

Hearing Room 5A

1:30 PM

8:18-13328 Maria Tello

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 11/27/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 11/27/2018 - td (11/27/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maria Tello

Represented By  
Michael Avanesian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13315 Laurel Lee Linton**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Laurel Lee Linton

Represented By  
Caroline S Kim

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13313 Marc David Finnie**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 20

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 9/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 9/24/2018 - td (11/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marc David Finnie

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13301 Kari Marie Reeves**

**Chapter 7**

**#5.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 10/10/18;  
Case Converted to Chapter 7**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case  
from Chapter 13 to Chapter 7 filed 10/10/18; Case Converted to Chapter  
7 - td (10/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kari Marie Reeves

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13300 Stephen S Sampson**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen S Sampson

Represented By  
Parisa Fishback

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13295 Brealle Hollyfield**

**Chapter 13**

#7.00 Hearing RE:Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 9/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 9/24/2018 - td (11/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brealle Hollyfield

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13294 Alma Aramis Lopez**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 9/24/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 9/24/2018 - td (11/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alma Aramis Lopez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13257 Scott Samuel Wilson and Stacy Anne Wilson**

**Chapter 13**

**#9.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Scott Samuel Wilson

Represented By  
Kristin R Lamar

**Joint Debtor(s):**

Stacy Anne Wilson

Represented By  
Kristin R Lamar

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13228 Francisco Taga Aquino, Jr.**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Francisco Taga Aquino Jr.

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13227 Obdulia Cantoran**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 9/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 9/18/2018 - td (9/18/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Obdulia Cantoran	Pro Se
------------------	--------

**Movant(s):**

Obdulia Cantoran	Pro Se
------------------	--------

**Trustee(s):**

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13206 Joseph Hauck**

**Chapter 13**

**#12.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joseph Hauck

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13204 Jose Alberto Osorio**

**Chapter 13**

**#13.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Alberto Osorio

Represented By  
Kevin J Kunde

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13146 Jose Cervantes**

**Chapter 13**

**#14.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 9/11/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 9/11/2018 - td (11/6/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Cervantes

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13073 Bonifacio A. Baquiran and Virginia Prenda Baquiran**

**Chapter 13**

**#15.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bonifacio A. Baquiran

Represented By  
Tina H Trinh

**Joint Debtor(s):**

Virginia Prenda Baquiran

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13057 Severo Tlantenchi Blanco**

**Chapter 13**

**#16.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Severo Tlantenchi Blanco

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13047 Esteban Carrasco and Maria L Carrasco**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Esteban Carrasco

Represented By  
Seema N Sood

**Joint Debtor(s):**

Maria L Carrasco

Represented By  
Seema N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13042 Jane Kim**

**Chapter 13**

**#18.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jane Kim

Represented By  
Andrew K Kim

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13039 Manuel Pineda**

**Chapter 13**

**#19.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Manuel Pineda

Represented By  
David R Chase

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13013 Majid Nick Nikki**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Majid Nick Nikki

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-13002 Russell Lane**

**Chapter 13**

**#21.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Russell Lane

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12978 Robert Steven Thompson and Katy Jo Thompson**

**Chapter 13**

**#22.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Robert Steven Thompson

Represented By  
Jacqueline D Serrao

**Joint Debtor(s):**

Katy Jo Thompson

Represented By  
Jacqueline D Serrao

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12967 Lillian Sikanovski Dulac**

**Chapter 13**

**#23.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lillian Sikanovski Dulac

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12960 Ricardo Miranda**

**Chapter 13**

**#24.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/31/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/31/2018 - td (9/6/2018)**

**Tentative Ruling:**

Hearing RE: Confirmation of Chapter 13 Plan

<b>Party Information</b>
--------------------------

**Debtor(s):**

Ricardo Miranda

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12950 Michael Patrick Rupp and Rogedola Geraldina Ajike Rupp**

**Chapter 13**

**#25.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Patrick Rupp

Represented By  
Kaveh Ardalan

**Joint Debtor(s):**

Rogedola Geraldina Ajike Rupp

Represented By  
Kaveh Ardalan

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12944 Tracy L James**

**Chapter 13**

**#26.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 8/28/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 8/28/2018 - td (8/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tracy L James

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12940 Karin Marcum**

**Chapter 13**

**#27.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karin Marcum

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12769 Yolanda Y. Serrano**

**Chapter 13**

**#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yolanda Y. Serrano

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12714 Edna Bamba Novales**

**Chapter 13**

**#29.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edna Bamba Novales

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12499 Katrina Barrientos and James Wee**

**Chapter 13**

**#30.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 9-25-18; 10-23-18

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Katrina Barrientos

Represented By  
Amanda G Billyard

**Joint Debtor(s):**

James Wee

Represented By  
Amanda G Billyard

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-12346 John W. Fox and Lisa D. Fox**

**Chapter 13**

**#31.00 CON'TD Hearing RE: Confirmation of 3rd Amended Chapter 13 Plan**

FR: 9-25-18

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John W. Fox

Represented By  
Ali R Nader

**Joint Debtor(s):**

Lisa D. Fox

Represented By  
Ali R Nader

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Tuesday, November 27, 2018

Hearing Room 5A

1:30 PM

8:18-12130 Hye Ran Lee

Chapter 13

#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-25-18

Docket 13

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 10/2/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 10/2/2018 - td (10/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hye Ran Lee

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11943 Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

FR: 9-25-18; 10-23-18

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vincent D. Gamboa

Represented By  
Christine A Kingston

**Joint Debtor(s):**

Lisa K. Sarvinski-Gamboa

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11942 Maureen T. Todd**

**Chapter 13**

**#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maureen T. Todd

Represented By  
Christine A Kingston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-11765 Sergio Rubio Sanchez and Silvia Sanchez**

**Chapter 13**

**#35.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 9-25-18; 10-23-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sergio Rubio Sanchez

Represented By  
Raymond Perez

**Joint Debtor(s):**

Silvia Sanchez

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

1:30 PM

**8:18-10097 Daphne Alt**

**Chapter 13**

**#36.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daphne Alt

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:18-10171 Douglas Robert Redding and Dana Marie Redding**

**Chapter 13**

**#37.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Douglas Robert Redding

Represented By  
Sunita N Sood

**Joint Debtor(s):**

Dana Marie Redding

Represented By  
Sunita N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:18-10126 Willie Marie Singletary**

**Chapter 13**

**#38.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for failure to Make Plan Payments

Docket 48

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Willie Marie Singletary

Represented By  
Luis G Torres

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-14990 Victoria Ann Perris**

**Chapter 13**

**#39.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victoria Ann Perris

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#40.00** Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#41.00** CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 10-23-18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:17-12844 Mercedes Sinlao**

**Chapter 13**

**#42.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mercedes Sinlao

Represented By  
Sundee M Teeple

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, November 27, 2018

Hearing Room 5A

2:30 PM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#43.00** CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 10-23-18

Docket 63

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018 - td (11/13/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-14474 Christine Chi Kim Luu**

**Chapter 13**

**#44.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 9-25-18; 10-23-18

Docket 54

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018 - td (11/14/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christine Chi Kim Luu

Represented By  
Tina H Trinh

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#45.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 9-25-18; 10-23-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, November 27, 2018

Hearing Room 5A

2:30 PM

**8:13-18940 Chad D Heit and Sandy K Heit**

**Chapter 13**

**#46.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding For Failure to Complete the Plan Within Its Terms

Docket 55

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/1/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/1/2018 - td (11/1/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Chad D Heit

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Sandy K Heit

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#47.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision**

FR: 3-27-18; 5-22-18; 6-19-18; 7-17-18; 9-25-18; 10-23-18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 5A**

2:30 PM

**8:13-14355 James Patrick Maher**

**Chapter 13**

**#48.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 9-25-18; 10-23-18

Docket 49

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 11/13/2018 - td (11/14/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

James Patrick Maher

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Represented By  
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 29, 2018**

**Hearing Room 5A**

2:00 PM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#1.00** CONT'D Hearing RE: Verified Petition to Confirm Contractual Arbitration Award and Enter Judgment

FR: 11-1-18

Docket 222

**Courtroom Deputy:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jay Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By

David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By

James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 29, 2018**

**Hearing Room 5A**

2:00 PM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#2.00** CON'TD Hearing RE: Application for Payment of Final Fees and Expenses and for Entry of Money Judgment for Same Against Court-Approved Guarantor, Richard Lapidis

**[HINDS & SHANKMAN, LLP, ATTORNEY FOR ROSENDO GONZALEZ,  
CHAPTER 7 TRUSTEE]**

FR: 7-13-17; 10-12-17; 12-14-17; 5-31-18; 8-2-18; 9-20-18; 10-18-18; 11-1-18

Docket 172

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By  
David M Reeder  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 29, 2018**

**Hearing Room 5A**

2:00 PM

**CONT...**

**Jay Johnson and Debra Johnson**

Cristina F Keith

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, November 29, 2018**

**Hearing Room 5A**

2:00 PM

**8:06-10373 Jay Johnson and Debra Johnson**

**Chapter 7**

**#3.00** CONT'D Hearing RE: Trustee's Application for Order to Show Cause RE Sanctions Against Richard Lapides for Willful Violation of 28 U.S.C. Section 1927, 11 U.S.C. Section 105, and Rule 9011

FR: 11-8-18

Docket 232

**Courtroom Deputy:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay Johnson

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Joint Debtor(s):**

Debra Johnson

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Burton V McCullough

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
James Andrew Hinds Jr  
Paul R Shankman  
Cristina F Keith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247      Damon v. Haythorne

**#1.00**      Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket      80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant in part; deny in part. Grant motion for default judgment in favor of Plaintiff under 523(a)(2)(A) in the amount of \$460,000 at the nondefault contract interest rate of 12% per annum which amount will bear postjudgment interest at the federal judgment rate of 2.6%. Deny motion as to 523(a)(4) due to insufficiency of evidence of profit damages.

The court incorporates by reference herein the analysis set forth in Plaintiff's Motion and Reply regarding the standard for the entry of a default judgment (see Motion at pp. 3-4), as well as the complaint and the Declaration of Plaintiff). The court did review Defendant's evidence but none of it demonstrates that any money Plaintiff received from MHS was on account of repayment of the loan to Stellar. Further, under the standard for default judgment, Plaintiff provided sufficient prove up re Stellar as the alter ego of Defendant. Under the equitable doctrine of alter ego, a plaintiff may pierce the corporate veil and seek recovery from the individual principal.

Re 523(a)(4), Plaintiff has not sufficiently satisfied the standard for the entry of a default judgment as to this claim for relief due to the inadequacy of the evidence regarding damages relating to damages under 523(a)(4). There is no dispute that each of the principals of MFH, i.s., Plaintiff and Defendant, were entitled to one-half of the profits each. However, the information provided showing money coming in and out of the MHS account do not show how much was *profit*. On this point, the court agrees with Defendant's argument.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe  
Charity J Manee

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-12110 Stuart Moore (USA) Ltd.**

**Chapter 7**

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

**#2.00 STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)**

Docket 3

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/31/2019 AT 9:30 A.M., PER ORDER ENTERED 11/30/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 1/31/2019 at 9:30 a.m., Per Order Entered 11/30/2018 (XX) - td (11/30/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Stuart Moore (USA) Ltd.

Represented By  
William M Burd  
Jeffrey S Shinbrot

**Defendant(s):**

Stuart Moore

Pro Se

Sylvie Moore Masson

Pro Se

**Plaintiff(s):**

Thomas H. Casey, Chapter 7 Trustee

Represented By  
Jeffrey S Shinbrot

**Trustee(s):**

Thomas H Casey (TR)

Represented By  
Thomas H Casey  
Jeffrey S Shinbrot  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stuart Moore (USA) Ltd.**

**Chapter 7**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

Adv#: 8:18-01118 Smith, III v. Swindell et al

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18

Docket 3

**Courtroom Deputy:**

**SPECIAL NOTE: Notice of Voluntary Partial Dismissal of an Adversary Proceeding that Does Not Involve Claims Under 11 U.S.C. §727 as to Defendants Casey Swindell and Kimberly Amaral Only filed 8/29/18 - td (8/30/2018)**

**Tentative Ruling:**

**November 8, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m. to allow Plaintiff to file a formal motion to serve complaint by publication pursuant to Fed.R.Civ.P.7004(c). Informal request in a declaration (XX)

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**December 6, 2018**

No updated status report filed -- plaintiff's counsel to appear and advise the court re the status of the adversary and why sanctions in the amount of \$100 should not be imposed for failure to timely file a status report.

**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III**

**Chapter 7**

Michael Worthington

**Defendant(s):**

Patrick Swindell	Pro Se
David P Hutchens	Pro Se
Casey Swindell	Pro Se
Kimberly Amaral	Pro Se

**Plaintiff(s):**

Thomas J Smith III	Represented By Michael Worthington
--------------------	---------------------------------------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Thomas H Casey
-----------------------	----------------------------------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-10423 Chad Paul Delannoy**

**Chapter 7**

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

**#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt**

FR: 7-27-17; 9-21-17, 4-12-18; 5-31-18; 7-19-18; 9-20-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order Approving Woodlawn Colonial, L.P.'s Motion to Stay Adversary Proceeding Until Completion of Appellate Review of the Bankruptcy Court Order Approving Sale of Rights to State Court Appeal Entered 1/24/18 - td (1/24/2018)**

**Tentative Ruling:**

**July 27, 2017**

No tentative ruling -- the disposition of the status conference will depend upon the outcome of Plaintiff's motion for stay of the adversary proceeding, which set on today's 10:30am calendar.

-----  
**September 21, 2017**

Impose sanctions against counsel for Plaintiff in the amount of \$100 for failure to file joint status report as required by LBR 7016-1.

Discovery Cut-off Date:	Jan. 18, 2018
Deadline to File Pretrial Motions:	Feb. 1, 2018
Reserved hearing date re Pretrial Motions:	Mar. 8, 2018 at 2:00 p.m. (xx)
Pretrial Conference:	Apr. 12, 2018 at 9:30 a.m.
(XX)	
Deadline to File Pretrial Stipulation	Mar. 29, 2018

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room

5A

9:30 AM

CONT... Chad Paul Delannoy

Chapter 7

*Special Note: Defendant's counterclaim may be moot in light of the sale of the truck by the Trustee.*

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----  
**July 19, 2018**

In light of pending appeal, continue status conference to September 20, 2018 at 9:30 a.m., updated status report must be filed by September 13, 2018. (XX)

***Note: Appearances at this hearing are not required.***

-----  
**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----  
**December 6, 2018**

Continue status conference to March 21, 2019 at 9:30 a.m.; updated joint status report must be filed by March 7, 2019

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Chad Paul Delannoy**

**Chapter 7**

**Party Information**

**Debtor(s):**

Chad Paul Delannoy

Represented By  
Robert P Goe  
Charity J Miller

**Defendant(s):**

Chad Paul Delannoy

Pro Se

**Plaintiff(s):**

Woodlawn Colonial, L P

Represented By  
Howard M Bidna

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:17-11047 AA-TEK Machining, Inc.**

**Chapter 7**

Adv#: 8:18-01143 Marshack v. Nguyen

**#5.00** CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Continue pretrial conference to December 6, 2018 at 9:30 a.m.; joint pretrial stipulation due on November 29, 2018.

***Note: Appearances at this hearing are not required.***

**December 6, 2018**

In light of pending settlement, continue status conference to January 24, 2019 at 9:30 a.m.; updated status report to be filed by January 10, 2019,

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

AA-TEK Machining, Inc.

Represented By  
Tina H Trinh

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... AA-TEK Machining, Inc.**

**Chapter 7**

**Defendant(s):**

Natalie Nguyen

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Kelly Zinser

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Wesley H Avery  
Kelly Zinser

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-11063 Karem Angelica Blair**

**Chapter 7**

Adv#: 8:17-01112 Herrera et al v. Blair

**#6.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Debt to be Nondischargeable (11 USC Section 523)

FR: 9-21-17; 5-3-18; 5-17-18; 9-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 21, 2017**

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date:	May 3, 2018 at 9:30
a.m.	(XX)
Deadline to File Joint Pretrial Stipulation:	Apr. 26, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**September 6, 2018**

No status report filed. Impose sanctions in the amount of \$100 against counsel for plaintiffs for failure to do so.

Plaintiffs' counsel to appear and advise the court re the outcome of the mediation and the status of this adversary.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

CONT... Karem Angelica Blair

Chapter 7

**Note: Appearances at this hearing are required.**

-----

**December 6, 2018**

Both counsel for plaintiffs and counsel for defendant must appear and advise the court why sanctions in the amount of \$100 should not be imposed against both counsel for failure to comply with the Local Bankruptcy Rules, to wit:

1. Plaintiffs' counsel has not prepared, transmitted or filed a joint pretrial stipulation as required by LBR 7016-1(c);
2. Defendant's counsel, having not received a timely draft of a JPS, has not filed or served a proposed pretrial stipulation in accordance with LBR 7016-1(e)(2); and
3. Neither counsel has advised this court whether the parties attended mediation and the outcome of the same or, if not, why the parties did not attend mediation.

**Note: Appearance by all counsel at this hearing is required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Karem Angelica Blair

Represented By  
Kelly Zinser

**Defendant(s):**

Karem Angelica Blair

Pro Se

**Plaintiff(s):**

Yvonne Herrera

Represented By  
Fritz J Firman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Karem Angelica Blair**

**Chapter 7**

Dylan Herrera

Represented By  
Fritz J Firman

Ethan Herrera

Represented By  
Fritz J Firman

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kristine A Thagard  
Chad V Haes



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-12373 Todd Leroy Hinker**

**Chapter 7**

Adv#: 8:17-01153 Hinker v. Hinker

**#7.00** CONT'D STATUS CONFERENCE RE: Complaint for Determination of Non-Dischargeability of Debt

FR: 12-14-17; 3-22-18; 3-29-18; 6-21-18; 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**March 29, 2018**

Continue status conference to June 21, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by June 7, 2018. (XX)

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**June 21, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m.; updated report re status of state court action must be filed by September 7, 2018. (XX)

***Note: Appearances at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.***

-----

**September 20, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

CONT... **Todd Leroy Hinker**

**Chapter 7**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

*Special Note: The status report for December 6, 2018 should provide a substantive update of the status/procedural posture of the state court action.*

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

-----

**December 6, 2018**

Continue status conference to April 18, 2019 at 9:30 a.m.; updated joint status report must be filed by April 4, 2019.

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Todd Leroy Hinker

Represented By  
Diane L Mancinelli

**Defendant(s):**

Todd Leroy Hinker

Pro Se

**Plaintiff(s):**

Christine Hinker

Represented By  
Marc C Forsythe

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01072 Albert-Sheridan v. Majd

**#8.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs

FR: 7-10-18; 9-20-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 9:30 A.M.  
ON COURT'S OWN MOTION; See Notice of Continued Status Conference  
filed 10/8/18, Document # 10 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/18 at 9:30 a.m. on  
Court's Own Motion; See Notice of Continued Status Conference filed  
10/8/18, Document #10 (XX) - td (10/15/2018)**

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m. to allow chapter 7 trustee to review the adversary; updated status report must be filed by September 6, 2018. (XX)

Basis for tentative ruling:

Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.

***Note: Appearances at this hearing are not required.***

-----

**September 20, 2018**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018 unless abandonment order has been filed by such date. (XX)

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Defendant(s):**

Kazem Majd    Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-11594 George Carl Natzic**

**Chapter 7**

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

**#9.00** STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debt Due to: 1. Fraud (11 U.S.C. §523(a)(2)); 2. Fraud in a Fiduciary Capacity (11 U.S.C. §523(a)(4); 3. Willful and Malicious Injury by the Debtor to Plaintiff (11 U.S.C. § 523(a)(6)); and (4) Denial of Limited Discharge (11 U.S.C. §524(a)(3)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/2019 AT 2:00 P.M.,  
PER ORDER ENTERED 11/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 1/24/2019 at 2:00 p.m., Per  
Order Entered 11/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Defendant(s):**

George Carl Natzic

Pro Se

Cheri Lynn Natzic

Pro Se

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Plaintiff(s):**

Add2Net, Inc.

Represented By  
Kevin Meek

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... George Carl Natzic**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12003 Jack G. Gaglio**

**Chapter 7**

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

**#10.00** STATUS CONFERENCE RE: Complaint (1) Objecting to Discharge Pursuant to 11 U.S.C. §727(A)(2) and (2) to Determine Debt Non-dischargeable Pursuant to 11 U.S.C. §523(A)(6)

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/2018 AT 9:30 A.M.,  
PER ORDER ENTERED 12/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 12/20/2018 at 9:30 a.m.,  
Per Order Entered 12/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jack G. Gaglio

Represented By  
Timothy S Huyck

**Defendant(s):**

Jack G. Gaglio

Pro Se

Laura A. Gaglio

Pro Se

**Joint Debtor(s):**

Laura A. Gaglio

Represented By  
Timothy S Huyck

**Plaintiff(s):**

Pacific Western Bank

Represented By  
Kenneth Hennesay

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Jack G. Gaglio**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-12033 Seunghwan Jeong**

**Chapter 7**

Adv#: 8:18-01169 Ree v. Jeong

**#11.00 STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debts**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6 2018**

Continue status conference to February 7, 2019 at 2:00 p.m., same date/time as hearing on defendant's motion to dismiss. Updated status report not required for the February 7, 2019 hearing.

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Defendant(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Joint Debtor(s):**

Amy Park Jeong

Represented By  
Hyong C Kim

**Plaintiff(s):**

Jin Ree

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

9:30 AM

**CONT... Seunghwan Jeong**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

9:30 AM

**8:18-12058 John Timothy Quaid**

**Chapter 7**

Adv#: 8:18-01177 Potter et al v. Quaid

**#12.00** STATUS CONFERENCE RE: Complaint Objecting to Dischargeability

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status report must be filed by March 7, 2019 unless a motion for default judgment has been granted or is pending as of such date.

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

John Timothy Quaid

Represented By  
Brian J Soo-Hoo

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... John Timothy Quaid**

**Chapter 7**

**Defendant(s):**

John Timothy Quaid

Pro Se

**Plaintiff(s):**

Simon Potter

Represented By  
Daniel A Higson

Titi A Potter

Represented By  
Daniel A Higson

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:13-18097 Ernest Chavez and Roxanne Chavez

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 103

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Voluntary  
Dismissal of Motion for Relief from Automatic Stay, filed 11/28/2018

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion for Relief from  
Automatic Stay, filed 11/28/2018 - td (11/28/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ernest Chavez

Represented By  
Laura E Young

**Joint Debtor(s):**

Roxanne Chavez

Represented By  
Laura E Young

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Mark D Estle  
Anjane M Molock  
Darshana Shah  
Senique Moore  
Joseph Smith

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Ernest Chavez and Roxanne Chavez**

**Chapter 13**

Oneika White-Dovlo  
JoVan Jones  
William P McCooe Jr  
Angela M Fowler  
John Chandler  
Solomon K Njiraini  
LeeAnne D May  
Tunisia Cooper  
Gwendolyn C McClain  
Dane W Exnowski

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room

5A

10:00 AM

8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas

Chapter 13

#14.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTORS

Docket 52

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/10/2019 AT 10:00 A.M.,  
PER ORDER ENTERED 11/30/2018 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/10/2019 at 10:00 a.m., Per Order  
Entered 11/30/2018 (XX) - td (11/30/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Cornelio Fernandez Alvarez

Represented By  
Neda Mobassery

**Joint Debtor(s):**

Sulma Leyda Rivas

Represented By  
Neda Mobassery

**Movant(s):**

Ditech Financial LLC

Represented By  
Darlene C Vigil

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-10735 Brian D. Thaler**

**Chapter 13**

**#15.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEBTOR

FR: 10-11-18; 11-1-18

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 11, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**November 1, 2018**

Movant to advise the court re the status of this matter

-----

**December 6, 2018**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Brian D. Thaler**

**Chapter 13**

Unless the parties are still negotiating an APO, grant motion with 4001(a)(3) waiver. No motion to modify the plan has been filed since the last hearing. A default under the confirmed plan is a ground for granting relief from stay, irrespective of equity in the property. The court notes parenthetically, that a reference to Zillow.com is insufficient evidence of value.

If Movant is amenable to a continued hearing, the matter may be continued one final time to January 10, 2019 at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian D. Thaler

Represented By  
James D. Hornbuckle

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Mark S Krause

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-17037 Rajwant Sekhon**

**Chapter 13**

**#16.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]  
CITIMORTGAGE, INC.  
VS.  
DEBTOR

Docket 121

**\*\*\* VACATED \*\*\* REASON: Order Approving APO Signed 11/29/18**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving APO Signed 11/29/18-mp/td(11/29/18)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rajwant Sekhon

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Movant(s):**

CitiMortgage, Inc., its assignees

Represented By  
Nancy L Lee

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:15-11398 Rosa M Harding

Chapter 13

#17.00 CON'TD Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

BAYVIEW LOAN SERVICING, LLC, as servicer for THE BANK OF NEW YORK  
MELLON, ET AL

VS.

DEBTOR

FR: 7-19-18; 9-6-18; 10-11-18

Docket 98

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/12/2019 AT 10:00 A.M.,  
PER ORDER ENTERED 12/4/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing to Continued to 2/12/2019 at 10:00 a.m., Per Order  
Entered 12/4/2018 (XX) - td (12/4/2018)**

**Tentative Ruling:**

**July 19, 2018**

Grant motion without 4001(a)(3) waiver.

Debtor's response is muddled and equivocal -- she doesn't state definitively whether she has made all postpetition payments or, if not, how many are missing. Merely attaching miscellaneous copies of checks (presumably for the court to try to decipher) is insufficient.

-----

**September 6, 2018**

Movant to advise the court re the status of this matter.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

CONT... Rosa M Harding

Chapter 13

-----  
**October 11, 2018**

Movant to advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rosa M Harding

Represented By  
Thomas E Brownfield

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Gilbert R Yabes

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:15-12233 Scott R Wood and Denise M Wood**

**Chapter 13**

**#18.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
JPMORGAN CHASE BANK, N.A.  
VS.  
DEBTORS

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion without 4001(a)(3) unless Movant is willing to enter into an adequate protection agreement.

Absent an agreement to negotiate an APO, the motion will be granted because 1) Debtor admits to being in default, 2) Debtor has provided no evidence of an ability to bring the account postpetition current in 6 months, and 3) as a default under the plan establishes grounds for relief from stay, equity in the car is irrelevant though the court notes that Debtor has not even provided evidence of any equity.

If Movant agrees to a continuance to discuss an APO, the parties may do so by advising the clerk during the call of the calendar on the day of the hearing. Available continued dates are December 20, 2018 or January 10, 2019 at 10:00 a.m.

**Party Information**

**Debtor(s):**

Scott R Wood

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Scott R Wood and Denise M Wood**

**Chapter 13**

Joseph A Weber

**Joint Debtor(s):**

Denise M Wood

Represented By  
Joseph A Weber

**Movant(s):**

JPMorgan Chase Bank, N.A.

Represented By  
Joseph M Pleasant

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK NA

VS.

DEBTOR

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver and co-debtor relief.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Rocio Lopez Namdar

Represented By  
Anerio V Altman

**Movant(s):**

U.S. Bank National Association

Represented By  
Sean C Ferry

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Rocio Lopez Namdar**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#20.00** Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
WESTMINSTER MOBILHOME PARK  
VS.  
DEBTOR

Docket 333

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion without waiver of FRBP 4001(a)(3). Movant may proceed with unlawful detainer and writ of possession of the real property, including eviction, except that Movant may not pursue a warehouse lien against the mobilehome unless and until the chapter 7 trustee abandons the mobilehome under Section 554.

The tentative ruling is based on the following:

1. Movant has provided sufficient evidence of "cause" under Section 362(d) (1) by virtue of Debtor's prepetition and postpetition monetary failure to pay rent and other charges under the subject lease of which Movant is the lessor. The failure to pay rent and utility charges establish that Movant's interest in the lease is not adequately protected due to the lost rent and nonpayment of utility charges.
2. Debtor has not provided any evidence showing that she current on her obligations under the subject lease. On the contrary, she appears to concede this fact.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

3. Movant owns the real estate upon which the mobilehome sits, but not the mobilehome itself and Debtor has no ownership interest in the underlying real estate. Further, there is no evidence that Movant has a lien against the mobilehome as asserted by Debtor. Accordingly, the value of the mobilehome is not relevant to "adequate protection," "equity," or "equity cushion." The value of the mobilehome would only be relevant if the creditor had a security interest in the mobilehome itself, rather than just an interest in the lease.

4. Hardship to Debtor is not relevant to whether grounds exist for lifting the stay under 362(d)(1) or 362(d)(2).

5. As the chapter 7 trustee did not assume the lease within 60 days, the lease is deemed rejected (i.e., breached as of the date of the petition filing) as to the estate. As a consequence, granting relief from stay to terminate the lease will not affect the administration of the estate.

6. The mobilehome is property of the bankruptcy estate. Movant has not provided sufficient legal basis for the imposition of a postpetition lien on property of the estate. Though Movant will be granted relief from stay to obtain an unlawful detainer judgment and to obtain possession of the property through eviction. However, Movant must coordinate with the chapter 7 trustee regarding the removal of the mobilehome or abandonment of the mobilehome to Debtor. If the trustee obtains an order abandoning the mobilehome to Debtor, Movant may then pursue a warehouse lien and further remedies under state law.

7. The waiver of 4001(a)(3) is entirely within the discretion of the court; the court declines to waive the 14-day stay period in this case.

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Movant(s):**

Westminster Mobilehome Park, its

Represented By  
Nichole Glowin

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-12897 John Bruce Johnson**

**Chapter 7**

**#21.00** CON'TD Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

EAGLE COMMUNITY CREDIT UNION

VS.

DEBTOR

FR: 11-8-18

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Grant with 4001(a)(3) waiver on condition that Movant submits, within 7 days of the hearing, a fully executed proof of service showing timely and proper service of the Motion.

The proof of service attached to the Motion is blank.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

-----

**December 6, 2018**

Grant with 4001(a)(3) waiver.

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

CONT... John Bruce Johnson

Chapter 7

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information
-------------------

**Debtor(s):**

John Bruce Johnson

Pro Se

**Movant(s):**

Eagle Community Credit Union

Represented By  
Mark S Blackman

**Trustee(s):**

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13207 Salomon Gutierrez and Blanca M Gutierrez**

**Chapter 7**

**#22.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
HONDA LEASE TRUST  
VS.  
DEBTORS; AND KAREN S. NAYLOR, CHAPTER 7 TRUSTEE

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Salomon Gutierrez Pro Se

**Joint Debtor(s):**

Blanca M Gutierrez Pro Se

**Movant(s):**

HONDA LEASE TRUST Represented By  
Vincent V Frounjian

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Salomon Gutierrez and Blanca M Gutierrez**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13470 Jason Kim

Chapter 7

#23.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

JPMK INVESTMENT, LLC

VS.

DEBTOR

Docket 18

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal for  
Failure to Appear at 341(a) Meeting Entered 11/19/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal for Failure to Appear at 341(a)  
Meeting Entered 11/19/2018 - td (11/19/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jason Kim

Pro Se

**Movant(s):**

JRMK Investment, LLC

Represented By  
Barry L O'Connor

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13643 Gerrit Bruce Macey

Chapter 7

#24.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

TIDAL INVESTMENTS LP

VS.

DEBTOR

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Gerrit Bruce Macey

Pro Se

**Movant(s):**

Tidal Investments LP, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:00 AM

8:18-13667 Obdulia Cantoran

Chapter 13

#25.00 Hearing RE: AMENDED Motion for relief from the automatic stay  
[REAL PROPERTY]

WILMINGTON TRUST, NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 18

**Courtroom Deputy:**

**SPECIAL NOTE: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 10/22/2018. Notice of Intent to Proceed with Motion filed 11/13/2018; This Hearing to Remain on Calendar - td (11/14/2018)**

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver and all other relief requested in Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Obdulia Cantoran

Pro Se

**Movant(s):**

Wilmington Trust, National

Represented By  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Obdulia Cantoran**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13862 Fidel Nunez and Cita Nunez**

**Chapter 7**

**#26.00** Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
TD AUTO FINANCE LLC  
VS.  
DEBTORS

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Fidel Nunez

Represented By  
Michael D Franco

**Joint Debtor(s):**

Cita Nunez

Represented By  
Michael D Franco

**Movant(s):**

TD Auto Finance LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Fidel Nunez and Cita Nunez**

**Chapter 7**

Sheryl K Ith

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:00 AM

**8:18-13920 Dae Min Kang and Jaie Yoon Kang**

**Chapter 7**

**#27.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

HSBC BANK USA, N.A.

VS.

DEBTORS

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dae Min Kang

Pro Se

**Joint Debtor(s):**

Jaie Yoon Kang

Pro Se

**Movant(s):**

HSBC Bank USA, National

Represented By  
Darren J Devlin

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Dae Min Kang and Jaie Yoon Kang**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:12-17370 Alma Theresa Tejadilla Reyes**

**Chapter 11**

**#28.00** Hearing RE:Order to Show Cause Why Bankruptcy Case Should Not Be Dismissed or Converted (OSC Issued 10/16/18)

Docket 308

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Vacate Order to Show Cause

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alma Theresa Tejadilla Reyes

Represented By

Ivan M Lopez Ventura

Jeffrey V Hernandez



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:12-17370 Alma Theresa Tejadilla Reyes**

**Chapter 11**

**#29.00** CON'TD Post Confirmation Status Conference RE: Individual Fourth Debtor's Chapter 11 Plan of Reorganization

(Set at Conf. hrg. held 5/22/14)

FR: 11-20-14; 3-5-15; 9-10-15; 3-10-16; 9-8-16; 3-16-17; 9-21-17; 3-22-18;  
3-29-18; 10-11-18

Docket 209

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 20, 2014**

Continue status conference to March 5, 2015 at 10:30 a.m.; updated status report to be filed by Feb 19, 2015. (XX)

*Special note:* The court would ordinarily continue the hearing 180 days. However, because of Debtor's failure to timely commence plan payments as to certain classes, the continued hearing will be heard sooner this time.

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at today's hearing is not required. It is Debtors' responsibility to confirm such compliance with the US Trustee prior to the hearing.***

-----

**March 5, 2015**

Continue status conference to September 10, 2015 at 10:30 a.m.; updated status report to be filed by August 27, 2015. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

***UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 10, 2015**

Continue postconfirmation status conference to March 10, 2016 at 10:30 a.m.; updated status report to be filed by February 25, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**March 10, 2016**

Continue Postconfirmation Status Conference to September 8, 2016 at 10:30 a.m.; updated Status Report to be filed by August 28, 2016. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**September 8, 2016**

Continue postconfirmation status conference to March 16, 2017 at 10:30 a.m.; updated status report must be filed by March 2, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

**March 16, 2017 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to September 21, 2017 at 10:30 a.m.; updated Status Report to be filed by August 31, 2017. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading (Sixth Post-Confirmation Status Report)*

-----

**September 21, 2017**

Comments:

1. The report re Class 6 appears to be a cut and paste from the Sixth Postconfirmation Status Report -- has Debtor made quarterly distributions in 2017?
  2. Does Debtor intend to seek a final decree prior to 2024, notwithstanding that plan payments will continue until 2024?
- 

**March 29, 2018 [GOLD STAR PLEADING]\***

Continue Postconfirmation Status Conference to October 11, 2018 at 10:30 a.m.; updated Status Report to be filed by September 27, 2018 (XX)

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

*\*Special Note: "Gold Star" designation above signifies an exceptionally well-*

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes  
*prepared pleading (Sixth Post-Confirmation Status Report)*

Chapter 11

-----  
**October 11, 2018**

Updated postconfirmation status report not timely filed. Impose sanctions against Debtor's counsel in the amount of \$100.00 for failure to timely file an updated status report.

***Note: Appearance at this hearing is required.***

-----  
**December 6, 2018**

Continue status conference to March 21, 2019 at 10:30 a.m.; updated status report must be filed no later than March 7, 2019 and should specifically address 1) Debtor's employment status, and 2) the status of plan arrearages as to Class 2(c).

***Note: If Debtor is in substantial compliance with the requirements of the UST, appearance at this hearing is not required. It is Debtor's responsibility to confirm the status of its compliance with the US Trustee requirements.***

**Party Information**

**Debtor(s):**

Alma Theresa Tejadilla Reyes

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Alma Theresa Tejadilla Reyes**

Ivan M Lopez Ventura  
Jeffrey V Hernandez

**Chapter 11**

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:12-23757 Larry Duffy

Chapter 7

#30.00 Hearing RE: Debtor's Motion to Expunge the Records

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Larry Duffy

Represented By  
Marjorie M Johnson

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#31.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

**[ROBERT F. BICHER & ASSOCIATES, AGENT FOR CHAPTER 7 TRUSTEE]**

Docket 821

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#32.00 Hearing RE: Second Interim Application for Allowance of Fees and Reimbursement of Costs

**[BEST BEST & KRIEGER, LLP, SPECIAL LITIGATION COUNSEL FOR  
RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 825

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#33.00 Hearing RE: Second Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[SMILEY WANG-EKVALL, LLP, SPECIAL COUNSEL TO THE CHAPTER 7 TRUSTEE]**

Docket 827

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#34.00 Hearing RE: Fifth Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP AS GENERAL COUNSEL TO THE CHAPTER 7 TRUSTEE]**

Docket 829

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Approve fees and expenses as requested on an interim basis.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Joint Debtor(s):**

Linda Bae Lee

Represented By  
Robert B Rosenstein

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Donald Woo Lee and Linda Bae Lee**

**Chapter 7**

Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas**

**Chapter 13**

**#35.00** Hearing RE: United States Trustee's Motion for Escrow Account Reconciliation Statement Including Waiver or Unnoticed Escrow Charges or Refund of Escrow Surplus in Response to Nationstar Mortgage LLC's Notices of Mortgage Payment Change

Docket 50

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/20/18 AT 10:30 A.M.,  
PER ORDER ENTERED 11/21/18 (XX)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cornelio Fernandez Alvarez

Represented By  
Neda Mobassery

**Joint Debtor(s):**

Sulma Leyda Rivas

Represented By  
Neda Mobassery

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#36.00 Hearing RE: Trustee's Motion to Approve Stipulation Between Trustee and Lienholder Shirin Mehraban

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#37.00 Hearing RE: Trustee's Motion to Approve Stipulation Between Trustee and Lienholder, Mahbobeh Fayz

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#38.00 Hearing RE: Trustee's Motion for Order Approving Compromise with Non-Debtor Spouse

Docket 45

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#39.00 Hearing RE: Trustee's Renewed Motion for Order: (1) To Compel Turnover of Property of the Bankruptcy Estate; and (2) Establishing Procedure for Removal of Any Remaining Personal Property Not Removed by Debtor

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maryam Teimoori

Represented By  
James D. Hornbuckle

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays  
David Wood

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10200 TodoCast, Inc.**

**Chapter 7**

**#40.00** CON'TD Hearing RE: Chapter 7 Trustee's Objection to Proof of Claim No. 6 of Mario Sanchez

FR: 10-25-18

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**October 25, 2018**

Continue hearing to December 6, 2018 at 10:30 a.m. to allow Trustee to comply with LBR 3007-1(c)(4). (XX)

Though the objection is partly based on timeliness, the objection does not include the evidence required under LBR 3007-1(c)(4).

Tentative ruling for 12/6/18 hearing: Sustain if no opposition is filed.

***Note: If Trustee accepts the foregoing tentative ruling, appearance at this hearing is not required.***

-----

**December 6, 2018**

Sustain Objection

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Trustee is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and the Trustee will be so notified.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... TodoCast, Inc.**

**Chapter 7**

**Debtor(s):**

TodoCast, Inc.

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#41.00 CON'TD Hearing RE: Motion for Order Authorizing Trustee to Sell or Abandon  
Certain Litigation Claims**

FR: 10-11-18

Docket 279

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30  
A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order  
Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#42.00** Hearing RE: Trustee's Motion for (1) Approval of Settlement Agreement with Ford Motor Credit Company LLC, (2) Authority to Sell All of the Estate's Right, Title, and Interest in the Ford Litigation, (3) A Finding that Ford Motor Credit is a Good Faith Purchaser Under 11 U.S.C. Section 363(m), and (4) Waiver of the 14-Day Stay

Docket 337

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/18 AT 10:30 A.M.,  
PER ORDER ENTERED 11/2/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/18 at 10:30 a.m., Per Order  
Entered 11/2/18 (XX) - td (11/2/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#43.00** Hearing RE: Motion of Pennsylvania Higher Education Assistance Agency for Entry of an Order Allowing Withdrawal of Proof of Claim Number 9-1

Docket 322

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#44.00** CON'TD Hearing RE: Debtor's Objection to PHEAA's Proof of Claim Number 9  
FR: 7-31-18; 10-18-18

Docket 188

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30  
A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order  
Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

See comments re Calendar #24 re sufficiency of documentation.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Movant(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#45.00 CON'TD Hearing RE: Debtor's Objection to Bank of America's Proof of Claim Number 6

FR: 7-31-18; 10-18-18

Docket 190

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to October 18, 2018 at 10:30 a.m. in light of the pending motion for relief from stay to seek a determination of the appeal fees/costs in state court. (XX)

Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it is "unenforceable

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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).

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

2. Debtor's reference to 11 USC 101(b) [sic] has no application to this matter. Section 101(a) defines a creditor as "an entity that has a claim against the debtor that arose at the time of or before the order for relief [filing of voluntary petition] concerning the debtor. Debtor's reference is actually to Section 101(10A)(B) which defines *current monthly income* and excludes benefits received on account of payment to victims of international or domestic terrorism."

2. Sufficiency of the Documentation

There is a state court judgment which substantiates a portion of the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. That said, the amount of the claim representing attorneys fees relating to the appeal have not yet been determined by the state court. There is a pending motion for relief from stay to seek such a determination set for August 2, 2018.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room      5A**

---

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Movant(s):**

Lenore LuAnn Albert-Sheridan                      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#46.00** Hearing RE: Motion of Educational Credit Management Corporation to Vacate the Discovery Completion Deadline, the Deadline to Attend Mediation and the Pre-trial Conference

Docket 13

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 12/13/2018 AT 10:30 A.M., PER ORDER ENTERED 11/28/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 12/13/2018 at 10:30 a.m., Per Order Entered 11/28/2018 (XX) - td (11/28/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Education Credit Management	Represented By Scott A Schiff
-----------------------------	----------------------------------

The Education Resources Institute	Pro Se
-----------------------------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-12499 Katrina Barrientos and James Wee

Chapter 13

#47.00 Hearing RE: Debtors' Objection to Claim Number 2 of TD Auto Finance LLC and Motion for Order Disallowing Claim

Docket 42

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Voluntary Dismissal and Withdrawal of Objection to Claim of TD Auto Finance, LLC (Claim 2) and Motion for Order Disallowing Claim, filed 10/22/2018

Courtroom Deputy:

**OFF CALENDAR: Voluntary Dismissal and Withdrawal of Objection to Claim of TD Auto Finance, LLC (Claim 2) and Motion for Order Disallowing Claim, filed 10/22/2018 - td (10/22/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Katrina Barrientos

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Joint Debtor(s):**

James Wee

Represented By  
Amanda G Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 6, 2018

Hearing Room 5A

10:30 AM

8:18-12606 Michelle Renee Gillespie

Chapter 13

#48.00 Hearing RE: Debtor's Objection to Claim of AmeriCredit Financial Services, Inc. dba GM Financial (Claim No. 1) and Motion for Order Disallowing Claim

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion, except that if Creditor does not amend or withdraw the proof of claim within 30 days of entry of the the order granting the Motion, the arrearage amount only will be deemed disallowed (not the entire claim as requested in the Motion). Deny request for attorneys fees.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing will not be required and Debtor shall lodge an order consistent with the same within 7 days of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12606 Michelle Renee Gillespie**

**Chapter 13**

**#49.00** Hearing RE: Debtor's Objection to Claim of Santander Consumer USA, Inc  
(Claim No. 2) and for Order Disallowing Claim

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion, except that the request for attorneys fees is denied.

***Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing will not be required and Debtor shall lodge an order consistent with the same within 7 days of the hearing.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11727 VV Hospitality LLC**

**Chapter 7**

**#49.10** Hearing RE: Trustee's Motion to Compel Debtor's Appearance at Continued 11 U.S.C. Section 341(a) Meeting of Creditors

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Continue hearing to December 20, 2018 at 10:30 a.m. to allow Movant to file supplemental pleading by December 13, 2018 explaining why the trustee seeks to administer a seemingly insolvent estate with no unsecured creditors.

According to the schedules, Debtor owns two parcels of property worth about \$1.4M with secured debt against them of approximately \$1.8M. Both properties appear to be underwater. Further, other than the secured creditor, the only other creditor listed on the schedules is the County of San Bernardino for unpaid property taxes of an unknown amount. There are no unsecured creditors listed. The Motion is completely silent as to why the trustee has continued the 341a meeting six times in what appears to be an insolvent case with no creditors rather than seek dismissal of the case. An explanation is required.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

VV Hospitality LLC

Represented By  
Yoon O Ham

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... VV Hospitality LLC**

**Chapter 7**

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-14221 Taylor Tech Inc.**

**Chapter 7**

**#49.20** Hearing RE: Chapter 7 Trustee's Motion for Order Approving Management Agreement with BAW LLC Pursuant to 11 U.S.C. Section 363(b)  
**(OST Entered 11/30/18)**

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Grant motion if unopposed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Taylor Tech Inc.

Represented By  
Anthony A Friedman

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Beth Gaschen  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

2:00 PM

**8:18-11594 George Carl Natzic**

**Chapter 7**

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

**#50.00** Hearing RE: Defendants' Motion to Dismiss Complaint of Add2Net, Inc., for Failure to State a Claim Upon Which Relief Can Be Granted

Docket 5

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/24/2019 AT 2:00 P.M.,  
PER ORDER ENTERED 11/19/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing is Continued to 1/24/2019 at 2:00 p.m., Per Order  
Entered 11/19/2018 (XX) - td (11/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

**Defendant(s):**

George Carl Natzic

Represented By  
Moises S Bardavid

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Joint Debtor(s):**

Cheri Lynn Natzic

Represented By  
Moises S Bardavid

**Plaintiff(s):**

Add2Net, Inc.

Represented By  
Kevin Meek

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 6, 2018**

**Hearing Room 5A**

---

2:00 PM

**CONT... George Carl Natzic**

**Chapter 7**

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, December 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#1.00** Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan  
[Dissemination Version]

(Set at SC held 9-20-18)

Docket 544

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 11, 2018**

EVIDENTIARY OBJECTIONS TO DECLARATION ADAM MEISLIK

*Special Note:*

1. *The evidentiary objections were reviewed using the evidentiary standard required for expert testimony in light of Judge Clarkson's Order entered on May 14, 2018 [docket #434] permitting Mr. Meislik's employment as Debtor's expert witness.*

2. *Specifically, the court considered FRE Rules 702 and 703 as well as the Advisory Committee Notes to the same regarding the appropriate application of the USSC's decision in Daubert v. Merrill Dow Pharms, Inc., 509 US 579 (1993) in light of the amendments to Rules 702 and 703 in 2000.*

3. *As Rule 602 (lack of personal knowledge) does not apply to expert testimony under Rule 703, all objections to the Declaration under Rule 602 are overruled.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Tuesday, December 11, 2018

Hearing Room

5A

---

10:00 AM

CONT...

**John Jean Bral**

**Chapter 11**

4. *It is well-settled that an expert, in forming an opinion, may rely on evidence that might otherwise be inadmissible, such as hearsay. See, e.g., U.S. v. Vera, 1770 F.3d 1232, 1237 ("[A]n expert witness may offer opinions based on such inadmissible testimonial hearsay, as well as any other form of inadmissible evidence, if 'experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject.' Fed.R.Evid. 703").*

All evidentiary objections to the Declaration of Adam Meislik are overruled except as set forth below

Objection No.Ruling:

- |     |   |
|-----|---|
| 28  | Sustained: speculation -- insufficient basis for opinion  |
| 32  | Sustained: improper legal opinion/conclusion as to impairment and fair and equitable under Bankruptcy Code.   |
|     | Beyond scope of expert testimony so review under Rule 701 is appropriate.   |
| 33  | Sustained as to "This treatment is fair and equitable for purposes of Section 1129(b)(2)(A)". Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate. |
| 34  | Sustained as to "Accordingly . . . to the end of paragraph  |
| 37. | Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.   |
| 35  | Sustained. Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.  |
| 36  | Sustained as to "Accordingly . . . to the end of paragraph  |

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, December 11, 2018**

**Hearing Room**

**5A**

---

10:00 AM

**CONT...**

**John Jean Bral**

**Chapter 11**

39.

expert

Improper opinion/ legal conclusion.Beyond scope of testimony so review under Rule 701 is appropriate.

37

Sustained. Argument. Relevance

50

Sustained. Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.

51

Sustained as to first two sentences: "As demonstrated . . . chapter 7 trustee for liquidation. Improper opinion/legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.

Overruled as to the balance of the testimony in Obj #51..

55

Sustained. Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.

56

Sustained as to "The Plan also meets the feasibility requirements of the Bankruptcy Code. In this regard, and". Improper opinion/legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.

Overruled as to the balance of the testimony in Obj. #56.

60

Sustained. Improper opinion/ legal conclusion. Beyond scope of expert testimony so review under Rule 701 is appropriate.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, December 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Jean Bral**

**Chapter 11**

2  
3

Overrule all objections

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Babak Samini  
Dean A Ziehl

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, December 11, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#2.00** CONT'D STATUS CONFERENCE Hearing RE: Chapter 11 Case and Related Matters; and (2) Requiring Report on Status of Chapter 11 Case

FR: 9-20-18 (Per Order Entered 10/16/18)

Docket 558

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 20, 2018**

I. Motion to Strike/Objection to Claim:

The court has not yet completed its review of this motion and related pleadings. The court understands that this motion has been pending for several months and that several hearings have been held re the same. The parties are to confirm that the issue necessitating oral testimony was ruled on by Judge Clarkson.

The court expects that this Motion might not be ruled upon prior to the Confirmation Hearing. Affects Objections to Claim #s 9, 11, 14 and 16.

II. Claim Objections:

Hearings to be set in 2019 re outstanding claim objections

**Party Information**

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Tuesday, December 11, 2018**

**Hearing Room 5A**

10:00 AM

**CONT...**

**John Jean Bral**

William N Lobel  
Babak Samini  
Dean A Ziehl

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#1.00** CONT'D Hearing RE: Motion To Dismiss [First Amended] Verified Complaint For Failure To State A Claim For Relief Pursuant To FRCP 12(b)(6)

FR: 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17;  
4-12-18; 10-18-18

Docket 73

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/12/2019 AT 9:30 A.M.,  
PER ORDER ENTERED 11/29/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 2/12/2019 at 9:30 a.m., Per Order  
Entered 11/29/2018 (XX) - td (11/29/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

Turko United LLC

Pro Se

Nath Investments Inc.

Represented By  
Marc C Forsythe

My Imaging Center LLC

Pro Se

My Imaging Center Inc.

Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By  
Marc C Forsythe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee Chapter 7**

American Edge Medical Co. Represented By  
Marc C Forsythe

Lake Elsinore Diagnostics Inc. Pro Se

Temecula Diagnostic Center Inc. Pro Se

Anke Ciling Represented By  
Marc C Forsythe

Sammy Ciling Represented By  
Marc C Forsythe

Fallbrook Diagnostics Inc. Pro Se

**Joint Debtor(s):**

Linda Bae Lee Represented By  
Robert B Rosenstein

**Movant(s):**

Sammy Ciling Represented By  
Marc C Forsythe

Anke Ciling Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc. Represented By  
Marc C Forsythe

My Imaging Center Inc. Represented By  
Marc C Forsythe

Nath Investments Inc. Represented By  
Marc C Forsythe

American Edge Medical Co. Represented By  
Marc C Forsythe

**Plaintiff(s):**

Prime Partners Medical Group, Inc. Represented By  
Norma Ann Dawson

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee**

**Chapter 7**

Donald Woo Lee

Represented By  
Norma Ann Dawson

Linda Bae Lee

Represented By  
Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros  
Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**8:13-17920 Donald Woo Lee**

**Chapter 7**

Adv#: 8:14-01220 Lee et al v. Ciling et al

**#2.00** CON'TD STATUS CONFERENCE RE: First Amended Verified Adversary Complaint for: 1. Fraudulent Transfer Pursuant to California Civil Code Section 3439-3439, 12; 2. Fraud; 3. Breach of Contract; 4. Accounting; 5. Constructive Trust; 6. Preliminary and Permanent Injunction; 7. Conversion; 8. Breach of Fiduciary Duty; 9. Breach of Implied Covenant of Good Faith and Fair Dealing; and 10. Involuntary Dissolution of Defendant Fallbrook Diagnostics, Inc.

FR: 3-12-15; 4-7-15; 6-18-15; 8-18-15; 12-15-15; 4-14-16; 9-1-16; 6-22-17; 8-31-17; 4-12-18; 10-18-18

Docket 59

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/12/2019 AT 9:30 A.M.,  
PER ORDER ENTERED 11/29/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Status Conference Continued to 2/12/2019 at 9:30 a.m., Per  
Order Entered 11/29/2018 (XX) - td (11/29/2018)**

**Tentative Ruling:**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Donald Woo Lee

Represented By  
Robert B Rosenstein

**Defendant(s):**

American Edge Medical Co.

Represented By  
Marc C Forsythe

Turko United LLC

Pro Se

Nath Investments Inc.

Represented By  
Marc C Forsythe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Donald Woo Lee Chapter 7**

My Imaging Center Inc. Represented By  
Marc C Forsythe

Medical Imaging Rentals, Inc. Represented By  
Marc C Forsythe

My Imaging Center LLC Pro Se

Lake Elsinore Diagnostics Inc. Pro Se

Temecula Diagnostic Center Inc. Pro Se

Anke Ciling Represented By  
Marc C Forsythe

Sammy Ciling Represented By  
Marc C Forsythe

Fallbrook Diagnostics Inc. Pro Se

**Joint Debtor(s):**

Linda Bae Lee Represented By  
Robert B Rosenstein

**Plaintiff(s):**

Prime Partners Medical Group, Inc. Represented By  
Norma Ann Dawson

Donald Woo Lee Represented By  
Norma Ann Dawson

Linda Bae Lee Represented By  
Norma Ann Dawson

**Trustee(s):**

Richard A Marshack (TR) Represented By  
Kyra E Andrassy  
David Wood  
Matthew Grimshaw  
Nathan F Smith  
Arturo M Cisneros



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**

**Donald Woo Lee**

**Chapter 7**

Norma Ann Dawson  
Robert S Lawrence  
Caroline Djang  
Brett Ramsaur  
Cathy Ta

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:14-12624 Jimmy DeAnda**

**Chapter 13**

**#3.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

THE LEMOINE GROUP INC.

VS.

DEBTOR

FR: 11-15-18

Docket 139

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 15, 2018**

Continue hearing to December 20, 2018 at 10:00 a.m. in light of anticipated filing of stipulation re continuance of today's hearing.

Other available dates: December 6, 2018 or December 13, 2018.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required. If the parties would like an alternative date for the continued hearing, the parties may request the same at the time the calendar is announced by the clerk on the day of the hearing.***

-----

**December 13, 2018**

Movant to advise the court re the status of this matter.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... Jimmy DeAnda**

**Chapter 13**

**Party Information**

**Debtor(s):**

Jimmy DeAnda

Represented By  
Michael E Hickey

**Movant(s):**

The Lemoine Group Inc.

Represented By  
Henry D Paloci

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:00 AM

8:15-13345 David Bradford Redding

Chapter 13

#4.00 CONT'D Hearing RE: Motion for relief from the automatic stay  
[PERSONAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTOR

FR: 11-15-18

Docket 31

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving  
Stipulation Terminating the Automatic Stay Entered 11/28/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation Terminating the Automatic  
Stay Entered 11/28/2018 - td (11/28/2018)**

**Tentative Ruling:**

**November 15, 2018**

Continue hearing to December 13, 2018 at 10:00 a.m. to allow Movant to file additional information by or before November 29, 2018. (XX)

Movant states, without evidence, that Debtor was deceased as September, 2018. No evidence of the police impoundment is provided. Further, payments were apparently made under the plan as recently as October 2018. If payments are current and if there is equity in the vehicle (Movant provides no evidence to the contrary), then on what basis is Movant entitled to relief from stay? Debtor, or debtor's estate still owns the vehicle. Movant needs to address these issues.

***Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... David Bradford Redding**

**Chapter 13**

**Party Information**

**Debtor(s):**

David Bradford Redding

Represented By  
David S Henshaw

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Jennifer H Wang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10339 Vishundyal R. Mohabir**

**Chapter 13**

**#5.00** Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant with 4001(a)(3) waiver unless the parties agree to the terms of an adequate protection order.

If parties need more time Movant may request a continuance during the calendar roll call on the day of the hearing. Available continued hearing dates are January 10, 2019 at January 31, 2019 at 10:00 a.m.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Vishundyal R. Mohabir

Represented By  
Christopher J Langley

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
April Harriott  
Keith Labell  
Sean C Ferry

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Vishundyal R. Mohabir**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:10-26006 James E. Case and Laura M. Case**

**Chapter 7**

**#6.00** CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Authorizing Sale of Property Pursuant to 11 U.S.C. Section 363(b); (2) Approving Overbid Procedures; (2) Approving Buyer as Good-Faith Purchase Pursuant to 11 U.S.C. Section 363(m); and (4) Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019

FR: 10-11-18; 11-8-18

Docket 52

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 2/7/2019 AT 10:30 A.M.,  
PER ORDER ENTERED 12/11/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Order Approving Second Stipulation to Continue Hearing  
filed 12/10/2018 ENTERED 12/11/18 -- matter continued to February 7, 2019  
at 10:30 a.m. eas / (XX) - td**

**Tentative Ruling:**

**November 8, 2018**

Comments re the Motion/Opposition

1. According to the claims register, proofs of claim have been filed in the amount of approximately \$33,000. Presumably, the current bid of \$63,000 would be sufficient to pay such claims 100% with interest.
2. The court *presumes* claims could be paid 100% with interest but such is not clear as the trustee has not indicated what the amount of administrative expenses would be. Trustee needs to provide this information.
3. The court is open to granting the Motion (subject to overbid at the hearing) unless Debtors pay all claims with interest at the offered rate of 5% as well as all administrative expenses, in full within 15 days of the hearing date, at which time the claim against Bank of American will be deemed abandoned to Debtors.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... James E. Case and Laura M. Case**

**Chapter 7**

4. If Debtors are unable to pay all claims and administrative expenses in full in indicated above, then the sale to Bank of America may be immediately consummated in the amount of \$63,000.

5. The court notes that on Nov. 5, 2018, Debtors filed a skeletal motion to convert to chapter 11 without providing any evidence of an ability to fund a chapter 11 plan. Clearly, it's in the best interest of creditors of the estate to be paid in full immediately than to wait until a chapter 11 plan is confirmed and consummated.

<b>Party Information</b>
--------------------------

**Debtor(s):**

James E. Case

Represented By  
Bert Briones

**Joint Debtor(s):**

Laura M. Case

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:14-14520 Philip M. Arciero, Jr.**

**Chapter 11**

**#7.00** CON'TD Post-Confirmation Status Conference RE: Debtor's Chapter 11 Amended Plan of Reorganization (As of November 24, 2015)

(Set at Plan Conf. Hrg. Held 6/7/16)

FR: 12-15-16; 7-13-17; 12-21-17; 12-21-17; 6-21-18

Docket 207

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR; Order Granting Motion in Chapter 11 Case for the Entry of a Final Decree and Order Closing Case Entered 9/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion in Chapter 11 Case for the Entry of a Final Decree and Order Closing Case Entered 9/18/2018 - td (9/19/2018)**

**Tentative Ruling:**

**December 15, 2016**

Continue postconfirmation status conference to July 13, 2017 at 10:30 a.m.; updated status report must be filed by June 29, 2017 if a final decree has not been entered by such date. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.***

-----

**July 13, 2017**

No updated postconfirmation status report filed. Impose sanctions in the amount of \$100 against Debtor's counsel for failure to do so.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room

5A

10:30 AM

CONT... Philip M. Arciero, Jr.

Chapter 11

**Note: Appearance at this hearing is required.**

-----

**August 17, 2017**

Continue postconfirmation status conference to December 21, 2017 at 10:30 a.m. with updated status report due December 7, 2017 (unless a final decree has been entered by December 7, 2017). (XX)

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.**

-----

**December 21, 2017**

Continue postconfirmation status conference to June 21, 2018 at 10:30 a.m.; updated status report must be filed by June 7, 2018 if a final decree has not been entered by such date. (XX)

**Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required; it is Debtor's responsibility to confirm such compliance with the US Trustee in advance of the hearing.**

-----

**June 21, 2018**

It appears this case remains only solely for the purpose of paying attorneys fees and, consequently, Debtor continues to pay quarterly UST fees. The status report is incomplete as it does not disclose the amount of remaining attorneys fees or when such payments are projected to be completed.

**Note: Appearance at this hearing is required.**

<b>Party Information</b>
--------------------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Philip M. Arciero, Jr.**

**Chapter 11**

**Debtor(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**Movant(s):**

Philip M. Arciero Jr.

Represented By  
Thomas J Polis

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:15-15271 Jose Juan Lucio, Sr.**

**Chapter 7**

**#8.00** Hearing RE: Chapter 7 Trustee's Motion Objection to Claim Numbers:

Cl. # 8-1      The Blackman Law Firm                      \$354,952.80

Cl. #9-1      Maurice Mandel II                                      \$342.952.80

Docket      56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2019**

Overrule objection as to Blackman Law Firm (8-1); Sustain objection as to Maurice Mandell II (9-1)

1. As to The Blackman Law Firm ("Blackman"), Blackman has an allowed secured claim equal to 40% of any gross recovery on the judgment, plus prepetition costs, up to \$354,952.80. This is because, based on the retainer agreement between Debtor and Blackman, a charging lien was created and in effect at the time the bankruptcy was filed. Under California law, charging liens are valid and perfected upon execution of the contract creating the lien. See *Carroll v. Interstate Brands Corp.*, 99 Cal.App.4th 1168, 1175, 121 Cal.Rptr.2d 532 (2002) ("An attorney's charging lien is created and takes effect at the time the fee agreement is executed.") citing *Cetenko v. United Cal. Bank*, 30 Cal.3d 528, 534, 179 Cal.Rptr. 902, 638 P.2d 1299 (1982). Thus, if the estate recovers \$90,000, Blackman would be entitled to \$36,000 on account of its charging lien, i.e., 40% of the recovery.

2. April Blackman asserts in her declaration attached to Proof of Claim 8-1 ("POC 8") that there was a second retainer agreement that increased the percentage to 50% and that explicitly approved Maurice Mandel II. However,

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room

5A

10:30 AM

CONT...

**Jose Juan Lucio, Sr.**

**Chapter 7**

that second agreement was not attached to POC 8, Proof of Claim 9-1 ("POC 9") filed by Mandel, or to the response to the Objection. The creditor has the ultimate burden of proof and Blackman has not satisfied its burden of proof regarding the asserted 50% contingency.

3. Sustain objection as to Maurice Mandell II, POC 9 on the following grounds: a) Mandell has not presented a written retainer agreement between himself and Debtor establishing his right to a charging lien or even to a particular percentage of recovery on the judgment, and b) Mandell has filed a proof of claim in the exact amount of the Blackman claim -- allowing both claims could result in a double recovery as it is effectively the same claim. In sum, Mandell has not satisfied his burden of proof. That said, Blackman and Mandell are obviously free to split whatever recovery Blackman receives from the estate in accordance with the agreement between the two of them.

3. Blackman's lien does not extend to all proceeds recovered by the Trustee on account of the judgment -- only 40%. Should the Trustee recover additional amounts in the future, the lien would extend to 40% of any such future recovery. This is consistent with the terms of the 2011 retainer agreement. See also, State Bar Standing Com. on Prof. Responsibility & Conduct, Formal Opn. No. 2006-170, p. 7 (Formal Opn. No. 2006-170): "[A] charging lien is an equitable corollary to, and thus inherent in, a contingency fee contract because, unlike the situation in hourly fee agreements: (a) the attorney and client have agreed that the attorney's fee will be limited to a percentage of, and derived only from, a successful *recovery* created by the attorney's work; (b) the attorney and client share the risk of a *recovery*; (c) any fee the attorney earns or receives is delayed until the client obtains a *recovery*, usually at the very end of the representation; and (d) the *recovery often represents the only source of funds from which the attorney can ever be paid.*" (emphasis added).

**Party Information**

**Debtor(s):**

Jose Juan Lucio Sr.

Pro Se

**Trustee(s):**

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Jose Juan Lucio, Sr.**

**Chapter 7**

Larry D Simons  
Frank X Ruggier

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

8:17-11716 Brett John Kacura and Denise Marie Kacura

Chapter 7

#9.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 116

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Brett John Kacura and Denise Marie Kacura**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

8:17-11716 Brett John Kacura and Denise Marie Kacura

Chapter 7

#10.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[BURD & NAYLOR, ATTORNEY FOR KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 110

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Trustee(s):**

Karen S Naylor (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Brett John Kacura and Denise Marie Kacura  
William M Burd**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-11716 Brett John Kacura and Denise Marie Kacura**

**Chapter 7**

**#11.00** Hearing RE: First and Final Fee Application for Compensation for Allowance of Fees and Expenses From September 29, 2017 Through August 3, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]**

Docket 108

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Brett John Kacura and Denise Marie Kacura**

**Chapter 7**

**Trustee(s):**

Karen S Naylor (TR)

Represented By  
William M Burd

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

8:17-11716 Brett John Kacura and Denise Marie Kacura

Chapter 7

#12.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[RINGSTADT & SANDERS LLP, SPECIAL COUNSEL FOR KAREN SUE  
NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 112

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Brett John Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Joint Debtor(s):**

Denise Marie Kacura

Represented By  
Jeffrey G Jacobs  
Douglas A Crowder

**Trustee(s):**

Karen S Naylor (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT...**

**Brett John Kacura and Denise Marie Kacura**

William M Burd

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12377 C.B.S.A. Family Partnership**

**Chapter 11**

**#13.00** CON'TD STATUS CONFERENCE RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 8-17-17; 11-16-17; 2-1-18; 5-24-18; 5-31-18; 7-19-18; 9-20-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 17, 2017**

Claims Bar Date:	Oct. 23, 2017 (notice by 8/21/17)
Deadline to file Plan/Discl. Stmt:	Nov. 1, 2017
Continued Status Conference: updated by 11/2/17 stmt has been case the no filed and the continued to stmt hearing. (XX)	Nov. 16, 2017 at 10:30 a.m.;  status report to be filed unless the plan/discl. timely filed, in which status report need be status conference will be the date of the discl.

***Note: If Debtor accepts the foregoing tentative ruling and is in substantial***



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 13, 2018

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

***compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of the Debtor to confirm compliance with the U.S. Trustee prior to the hearing.***

-----

**November 16, 2017**

Continue status conference to February 1, 2018 at 10:30 a.m. Updated status report must be filed by January 18, 2018 unless a timely filed disclosure statement has been filed by such date, in which case the requirement of a status report will be waived. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**February 1, 2018**

Continue status conference to May 24, 2018 at 10:30 a.m.; an updated status report must be filed no later than May 10, 2018, unless a plan and disclosure statement has been filed by such date, in which case the requirement of an updated report will not be required. Extend deadline to file a plan and disclosure statement to May 1, 2018. *No further continuances will be granted.* (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**May 31, 2018**

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the court shall issue an order to show cause why this case should not be dismissed or

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership Chapter 11**

converted due to Debtor's inability to timely propose a plan of reorganization or file a disclosure statement. The hearing on the OSC shall also be held on July 19, 2018 at 10:30 a.m.

Basis for Tentative Ruling:

This court previously indicated that no further extensions of the deadline to file a plan and disclosure statement beyond May 1, 2018 would be granted. Debtor and its counsel apparently view the court's deadlines as mere suggestions. Nothing in Debtor's current status report justifies any further extensions. Debtor has basically "parked" itself for approximately one year in this noncomplex chapter 11 case and cavalierly intends to remained parked for at least 17 months without filing a plan and disclosure statement. This will not happen.

***Note: Appearance at this hearing is required.***

-----

**July 19, 2018**

Continue status conference to September 20, 2018 at 10:30 a.m.; updated status report must be filed by September 6, 2018. (XX)

***Note: If Debtor is in substantial compliance with the requirements of the US Trustee, appearance at this hearing is not required. It is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing***

-----

**September 20, 2018**

This case has now been pending for more than a year. The status reports continue to sing the same tune about reaching a resolution with the IRS but virtually no progress has been made since the last status conference. Time is up. If a stipulation is not reached with the IRS or an adversary filed by October 15, 2018, the case will be dismissed. Given the number of continuances and time that has been granted to Debtor and the IRS with no results, the court no longer

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... C.B.S.A. Family Partnership**

**Chapter 11**

sees the need to set an Order To Show Cause re Dismissal. The case will simply be dismissed on October 16, 2018 absent a filed stipulation or adversary proceeding due to inability to timely propose a plan of reorganization.

-----  
**December 13, 2018**

Dismiss case due to inability of Debtor to propose a plan of reorganization. The case has been pending for 18 months without the filing of a plan and disclosure statement as previously ordered by the court. The incorporates its comments set forth in its September 20, 2018 tentative ruling (see above).

<b>Party Information</b>
--------------------------

**Debtor(s):**

C.B.S.A. Family Partnership

Represented By  
Jerome Bennett Friedman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12562 Kathy Elizabeth McDonald**

**Chapter 11**

**#14.00** Hearing RE: Debtor's Motion for Entry of Discharge and Final Decree in Chapter 11 Case Pursuant to 11 U.S.C. Section 1141(d)(5) Upon Completion of Payments to Unsecured Creditors

Docket 98

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kathy Elizabeth McDonald

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#15.00** CON'TD Hearing RE: Debtor's Motion for Objection to Court Claim Number Five (15) Filed by Wells Fargo Bank, N.A. (\$655,348.65)

FR: 11-8-18

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**November 8, 2018**

Continue hearing to December 13, 2018 at 10:30 a.m. to allow Movant to correct service issues (the motion [docket #49], which includes a copy of the proof of claim, was not served on claimant at all and references the Riverside Division, and the amended notice was not served until 10/16/18, less than 30 days prior to the hearing). The notice and motion must be re-served correctly no later than November 13, 2018. (XX)

Tentative ruling for 12/13/18 hearing (if unopposed): Grant motion.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**December 13, 2018**

Service issue corrected. Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Noe Trejo**

**Chapter 13**

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10862 Anthony James Hamilton**

**Chapter 7**

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

**#16.00** Hearing RE: Defendant's Motion to Vacate Default Pursuant to Rule 55(c)

Docket 26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Deny motion.

Basis for Tentative Ruling:

Deny motion for all of the reasons stated in the opposition filed by Plaintiff, the legal analysis and conclusions of which is incorporated by reference herein.

Defendant has not met his burden of demonstrating lack of culpability for failing to timely answer the complaint. His reason for not responding is not credible.

More importantly, Defendant has not demonstrated that he has a credible defense to the complaint. He knowingly signed a lease agree for two vehicles with no intent to possess them, he signed a lease which states in paragraph 23 that he would not assign or sublease the vehicles to anyone else, he knew he did not have income sufficient to make the lease payments, and he signed a financial statement stating that his monthly income was \$15,000 per month, which he knew to be false when he signed it. None of these circumstances can be attributed to anyone other than Defendant.

Vacating the default and allowing this adversary to continue under the circumstances described above would be prejudicial to Plaintiff who have to incur more fees in prosecuting an indefensible lawsuit.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Anthony James Hamilton**

**Chapter 7**

**Debtor(s):**

Anthony James Hamilton

Represented By  
Kevin Tang

**Defendant(s):**

Anthony James Hamilton

Represented By  
Krystina T Tran

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski  
Krystina T Tran

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10862 Anthony James Hamilton**

**Chapter 7**

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

**#17.00 CON'TD Hearing RE: Plaintiff's Motion for Default Judgment**

FR: 11-15-18

Docket 23

**Courtroom Deputy:**

**Tentative Ruling:**

**November 15, 2018**

Grant motion for default judgment as to 523(a)(2)(B) only IF Plaintiff can provide a proof of service showing service of the Motion (and not just the notice) on Defendant Anthony Hamilton.

Basis for Tentative Ruling:

1. Service: The court could not locate a proof of service regarding the Motion. Service of the notice only is insufficient.

2. Merits:

Section 523(a)(2)(A) excepts from discharge a debt for money, credit or property obtained by false pretenses, false representation or fraud, "*other than a state respecting the debtor's . . . financial condition.*" Here, the credit application concerns defendant's financial condition. Accordingly, 523(a)(2)(A) does not apply.

Section 523(a)(2)(B) excepts from discharge a debt for money, credit or property obtained by the use of a statement in writing that is materially false "*respecting the debtor's . . . financial condition.*" The credit application is the materially false writing respecting defendant's financial condition. Therefore, the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

CONT... Anthony James Hamilton  
except under 523(a)(2)(B) applies.

Chapter 7

***Note: If Plaintiff files a proof of service showing timely and proper service of the Motion on Defendant prior to November 15, 2018, the Motion will be granted as indicated in the above tentative ruling and a court appearance will not be necessary. Otherwise, Plaintiff's counsel must appear at the hearing.***

-----

**December 13, 2018**

Grant motion in its entirety as to both 523(a)(2)(A) and 523(a)(2)(B) with post judgment interest at the federal judgment rate (not California judgment rate).

Movant has presented a prima facie case under 523(a)(2)(A) which is supported not only by the evidence submitted with the Motion but also by the evidence submitted by Defendant in his motion to vacate the default, of which this court can take judicial notice. Defendant had no intention of taking possession of the vehicle or making payments at the time he entered into both leases, but rather intended to turn over possession to a third party. The scheme to transfer the vehicles to a third party was intentionally concealed from Plaintiff and resulted in damages to Plaintiff in the form of nonpayment of the lease obligations and the transfer of the vehicles to persons and whereabouts unknown to Plaintiff.

Movant has presented a prima facie case under 523(a)(2)(B) which is supported not only by the evidence submitted with the Motion but also by the evidence submitted by Defendant in his motion to vacate the default, of which this court can take judicial notice. Defendant signed a financial statement in connection with the subject leases indicating monthly income of \$15,000, which he knew to be false at the time he signed the statement.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony James Hamilton

Represented By  
Kevin Tang

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Anthony James Hamilton**

**Chapter 7**

**Defendant(s):**

Anthony James Hamilton

Pro Se

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10862 Anthony James Hamilton**

**Chapter 7**

Adv#: 8:18-01113 BMB Auto, LLC v. Hamilton

**#18.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A) and 523(a)(2)(B)

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue Status Conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

A motion for default judgment may be self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Anthony James Hamilton  
November 15, 2018**

**Chapter 7**

No tentative ruling; disposition will depend upon the outcome of Calendar #22.  
-----

**December 13, 2018**

Take matter off calendar in light of granting of motion for entry of default judgment.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Anthony James Hamilton

Represented By  
Kevin Tang

**Defendant(s):**

Anthony James Hamilton

Pro Se

**Joint Debtor(s):**

Ivana Hamilton

Represented By  
Kevin Tang

**Plaintiff(s):**

BMB Auto, LLC

Represented By  
Randall P Mroczynski

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13080 Nancy Mendoza**

**Chapter 7**

**#19.00** Hearing RE: ORDER to Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -installments (\$83.75 Filing Fee Installment Due on 11/13/2018) (OSC Issued 11/14/2018)

Docket 13

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Filing Fee Paid in Full  
12/11/2018, Receipt #80072511; \$167.50 Paid**

**Courtroom Deputy:**

**OFF CALENDAR: Filing Fee Paid in Full 12/11/2018, Receipt #80072511;  
\$167.50 Paid - td (12/11/2018)**

**Tentative Ruling:**

**December 13, 2018**

Dismiss bankruptcy case due to failure of Debtor to make fee installment payment(s).

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nancy Mendoza

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

8:18-13756 John Palliser

Chapter 11

#20.00 STATUS CONFERENCE RE: Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018 [GOLD STAR PLEADING]\*\***

Deadline to file plan/DS*:	Dec. 24, 2018
Continued Status Conf:	Feb. 7, 2019 at 10:30 a.m.
Updated Status Report Due:	Jan. 24, 2019 (no report required if discl. stmt filed by such date)

*\*The court is aware that this deadline is Christmas Eve and that the court will be closed, however this is the deadline required for the hearing date selected by Debtor, i.e., February 7, 2019.*

*\*\*Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading (Status Report)*

**Note: If Debtor is in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of Debtor confirm compliance status with the U.S. Trustee prior to the hearing.**

**Party Information**

**Debtor(s):**

John Palliser

Represented By  
Anerio V Altman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13920 Dae Min Kang and Jaie Yoon Kang**

**Chapter 7**

**#21.00** Hearing RE: Debtors' Motion Regarding Notice of Non-entitlement to Discharge

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Debtors were notified that they are not entitled to receive a discharge in this case because they received a discharge in their prior case #12-11204 on May 21, 2012. Under Bankruptcy Code Section 727(a)(8), a debtor may not receive a chapter 7 discharge more than once every eight years. As Debtors in this case received a discharge less than eight years ago in 2012, they are not eligible to receive another chapter 7 discharge until May 2020.

Debtors' response to the notice of non entitlement to discharge appears to be requesting a discharge due to illness and/or hardship. The court has no authority to issue a chapter 7 discharge more than once every eight years so such request is denied. As the chapter 7 trustee has issued a notice that there are no assets to administer this court is ready to be closed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Dae Min Kang	Pro Se
--------------	--------

**Joint Debtor(s):**

Jaie Yoon Kang	Pro Se
----------------	--------

**Trustee(s):**

Thomas H Casey (TR)	Pro Se
---------------------	--------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#22.00** CON'TD Hearing RE: Motion for Order Authorizing Trustee to Sell or Abandon  
Certain Litigation Claims

FR: 10-11-18; 12-6-18

Docket 279

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion to sell and/or abandon as to all litigation claims set forth in Exhibit 2 to the Motion except that 1) and sale of a claim to the defendant in the adversary will require an analysis under Fed.R.Bankr.P. 9019, and 2) the Motion is denied as to Adv. Nos. 18-01071 and 18-01114.

Basis for Tentative Ruling:

1. Adv. No 18-01071 (*Albert-Sheridan v. Education Credit Management Corporation et al*) seeks a determination that certain student loan debt is dischargeable. The court does not believe the Trustee has standing to "sell" dischargeability of a debt.
2. Adv. No.18-01114 (*Albert-Sheridan v. Tessler, Viewcrest Road Properties*) also appears to be seeking a determination of dischargeability. The court does not believe the Trustee has standing to "sell" dischargeability of a debt.
3. The Trustee is not attempting to sell Debtor's law license. The sale of litigation involving the State Bar does not constitute a sale of Debtor's law license.
4. Debtor's assertions claims that are personal to her or that are based on

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room

5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

**Chapter 7**

violation of constitutional rights or torts or emotional distress are not property of the estate subject to sale by the Trustee is incorrect. The Trustee has set forth the relevant and applicable legal authority on this point in his Reply at numbered paragraph 4, pp. 2-3, which the court incorporates by reference herein.

5. The scope of estate property under Section 541(a) is not limited by CCP 695.030. See, *Sierra Switchboard Co.*, 789 F.2d 705 (9th Cir. 1986). The Ninth Circuit has consistently followed its ruling in *Sierra*. See, e.g., *In re Mildens*, 111 F.3d 138 (9th Cir. 1999) [unpublished decision] ("The Mildens' assertion that state law places their pre-petition claims beyond the reach of the Trustee fails because this court has joined the majority of circuits that have concluded that all pre-petition causes of action become property of the estate without regard to state law. See *Sierra Switchboard Co.*, 789 F.2d at 709" ); *Haskins v. Farmers Home Admin.*, 87 F.3d 1319 (1996) [unpublished opinion] (citing *Sierra*, debtors' claims of various prepetition constitutional violations were property of the estate that could only be prosecuted by the trustee).

6. The sale of claims relating to the Ford litigation is not included in this Motion.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#23.00** CONT'D Hearing RE: Trustee's Motion for (1) Approval of Settlement Agreement with Ford Motor Credit Company LLC, (2) Authority to Sell All of the Estate's Right, Title, and Interest in the Ford Litigation, (3) A Finding that Ford Motor Credit is a Good Faith Purchaser Under 11 U.S.C. Section 363(m), and (4) Waiver of the 14-Day Stay

FR: 12-6-18

Docket 337

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion, subject to overbid

Basis for Tentative Ruling (Additional analysis may or may not be posted prior to the hearing. )

1. The court adopts and incorporates by reference herein, the legal analysis, authority and standards for approval of the settlement agreement under FRBP 9019 and the sale of estate assets pursuant to Section 363 as set forth in the Motion and Reply.
2. The court's May 18, 2018 Order denying Debtor's exemption in accounts receivable and the cross-complaint in the Ford Action stands as its final order on the matter.
3. The objection of Mary McCulley is untimely and will not be considered. However, even if it were timely filed, the factual allegations set forth therein would not be considered as they are not supported by a sworn declaration.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**EVIDENTIARY OBJECTIONS TO DECLARATION OF LENORE ALBERT  
[DOCKET # 371]**

*Note: As pointed out by the Trustee, the Declaration does not state that any of the statements therein are made from personal knowledge. In addition, many of the statements appear to be presented in support exemption rights that were previously ruled upon by this court as mentioned earlier and are, therefore, not relevant to the Motion.*

<u>Objection #</u>	<u>Ruling</u>
1	Sustained: Relevance, Hearsay
2	Sustained: No Exhibit 7 attached
3	Sustained: Relevance
4	Sustained: Relevance, Speculation
5	Sustained: Relevance
6	Sustained: Relevance
7	Sustained: Relevance
8	Sustained: Relevance
9	Sustained: Relevance
10	Sustained: Relevance as to first sentence Sustained: Lack of foundation as to second sentence
11	Sustained: Relevance; lack of foundation; Improper opinion

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**CONT...**

**Lenore LuAnn Albert-Sheridan**

**Chapter 7**

- |    |   |
|----|---|
| 12 | Sustained: Lack of foundation; improper opinion; legal conclusion                             |
| 13 | Sustained: Relevance  |
| 14 | Sustained: Relevance; Hearsay   |
| 15 | Sustained: lack of foundation; hearsay; authentication; Improper Expert Testimony per FRE 702 |
| 16 | Sustained: Relevance; lack of foundation  |
| 17 | Sustained: Non-compliance with LBR 7030-1(b); Improper Expert Testimony per FRE 702           |
| 18 | Overruled   |
| 19 | Overruled   |
| 20 | Sustained: Relevance  |
| 21 | Sustained: Hearsay  |
| 22 | Sustained: Relevance (not a court ruling)   |
| 23 | Sustained: Noncompliance with LBR 7030-1(b)   |
| 24 | Sustained: Relevance; lack of foundation; Hearsay   |
| 25 | Sustained: Relevance; lack of foundation  |
| 26 | Sustained: lack of foundation/personal knowledge  |
| 27 | Sustained: Relevance  |
| 28 | Sustained as to "I won everything," Lack of foundation  |

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#24.00** CON'TD Hearing RE: Motion of Pennsylvania Higher Education Assistance Agency for Entry of an Order Allowing Withdrawal of Proof of Claim Number 9-1

FR: 12-6-18

Docket 322

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion.

Re Debtor's response: Debtor's response is not in the nature of an opposition but rather seems to be requesting relief of some sort, i.e., delivery of the original note so that the court can "cancel" it. First, requesting relief in an opposition is not procedurally correct. Second, no authority for the relief requested is provided. Third, the order granting the motion can simply state that withdrawal of Claim No. 9-1 is approved on the ground that the claim has been paid in full and no debt is owed to Claimant by Debtor as to such claim.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

Aaron E de Leest

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#25.00 CON'TD Hearing RE: Debtor's Objection to PHEAA's Proof of Claim Number 9**  
FR: 7-31-18; 10-18-18; 12-6-18

Docket 188

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to September 20, 2018 at 10:30 a.m. to allow Claimant to provide a full explanation of the documents attached to the Proof of Claim No. 4 as well as documentary evidence of the assignment of the claim to it. Claimant shall file its supplemental pleading(s) by August 23, 2018 and Debtor may file a final reply by September 6, 2018.

See comments re Calendar #24 re sufficiency of documentation.  
-----

**December 13, 2018**

Overrule Debtor's objection as moot in light of the granting of PHEAA's motion to withdraw Claim No. 9-1 as paid in full. [See tentative ruling for #24 on today's calendar]

***Note: If both parties accept the foregoing tentative ruling appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room      5A**

---

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Movant(s):**

Lenore LuAnn Albert-Sheridan      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#26.00** CON'TD Hearing RE: Debtor's Objection to Bank of America's Proof of Claim Number 6

FR: 7-31-18; 10-18-18; 12-6-18

Docket 190

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 31, 2018**

Continue hearing to October 18, 2018 at 10:30 a.m. in light of the pending motion for relief from stay to seek a determination of the appeal fees/costs in state court. (XX)

Merits

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure 3001(f) constitutes *prima facie* evidence of the validity and amount of the claim. See Rule 3001(f); *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000). Thus, a party objecting to a claim must present affirmative evidence to overcome the presumption of its validity by showing "facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claims." *Id.* (citing *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991); *In re King Street Inv., Inc.*, 219 B.R. 848, 858 (BAP 9th Cir. 1998). Courts generally agree that the bases for claim disallowance are limited to those specified in section 502. *In re SNTL Corp.*, 571 F.3d 826, 838–39 (9th Cir. 2009). For example, section 502(b)(1) provides that a claim is allowable unless it 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 unmaturing." 11 U.S.C.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**  
§502(b)(1).

**Chapter 7**

1. Form of the Proof of Claim

The court has no problem with the form on which the claim was presented. It sufficiently asserts a claim.

2. Debtor's reference to 11 USC 101(b) [sic] has no application to this matter. Section 101(a) defines a creditor as "an entity that has a claim against the debtor that arose at the time of or before the order for relief [filing of voluntary petition] concerning the debtor. Debtor's reference is actually to Section 101(10A)(B) which defines *current monthly income* and excludes benefits received on account of payment to victims of international or domestic terrorism."

2. Sufficiency of the Documentation

There is a state court judgment which substantiates a portion of the claim -- the proof of claim is presumed valid. Debtor has not produced evidence sufficient to rebut the presumption. That said, the amount of the claim representing attorneys fees relating to the appeal have not yet been determined by the state court. There is a pending motion for relief from stay to seek such a determination set for August 2, 2018.

3. Timeliness

The proof of claim is not untimely. As the case has converted to chapter 7, a deadline for filing proofs of claim has not yet been set.

-----  
**December 13, 2018**

The parties are to advise the court re the status of the pending state court matter re appellate fees/costs. If the matter has not yet been determined this hearing

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan Chapter 7**  
will be continued to January 31, 2019 at 10:30 a.m. and Claimant Bank of America must file a status report re the status of the matter by or before January 17, 2019.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Movant(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#27.00** CON'TD Hearing RE: Motion of Educational Credit Management Corporation to Vacate the Discovery Completion Deadline, the Deadline to Attend Mediation and the Pre-trial Conference

FR: 12-6-18

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion. Status conference will be set for March 21, 2019 at 10:30 a.m.; updated status report must be filed by March 7, 2019.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Education Credit Management Represented By  
Scott A Schiff

The Education Resources Institute Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room      5A**

---

10:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room**

**5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#28.00** Hearing RE: First Interim Application for Award of Compensation and Reimbursement of Expenses From July 26, 2018 Through October 31, 2018

**[DANNING, GILL, DIAMOND & KOLLITZ, LLP, GENERAL COUNSEL TO  
CHAPTER 7 TRUSTEE]**

Docket 353

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees and costs on an interim basis less \$339.00

Basis for Tentative Ruling

Preliminary note: On November 28, 2018, Debtor filed a pleading entitled "Debtor's Objection to the First Interim Fee Application to [sic] Danning, Gill, Diamond & Krollitz, LLP" ("Objection") [docket # ]. However, the Objection references the chapter 7 trustee, Jeffrey Golden and another applicant, MLG. As Jeffrey Golden has not filed a fee application but his general counsel, Danning, Gill, Diamond & Krollitz ("DGDK") has. Accordingly, the comments in the Objection that are directed to Mr. Golden will be addressed in this tentative ruling as objections to charges incurred by his counsel, DGDK.

Debtor's Objections

A. Timeliness:

The fee application was timely served. Rule 9006(f) does not apply. In



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

Chapter 7

this regard, the Advisory Committee Notes to Fed.R.Bankr.P 9006(f) explains that that Rule 9006(f) time periods "*apply unless another Bankruptcy Rule or a court order, including a local rule, prescribes different time periods.*" (emphasis added). LBR 2016-1(a)(2)(B) provides for service on "not less than 21 days notice of the hearing."

B. Tax Liability:

Debtor disputes an apparent statement by the Trustee that there will tax liability. The court cannot discern the context or location of this statement as Debtor provides no information regarding the same. The court does note that tax liability for a bankruptcy *estate* may be different than that for the individual debtor. In any event, this objection does not constitute a basis for denying the fees of DGDK in any amount.

C. Fees Re Ford Mediation

Debtor objects to any fees charged in connection with the Ford mediation after August 8, 2018 as unreasonable because she disagrees with the amount of the settlement. This is not a basis for disallowance of such fees. Moreover, the court has reviewed all of the fees in the "L-1" category regarding the Ford litigation for reasonableness. In this regard, the court reviewed the actual motion to approve compromise/sale with Ford and has determined the the fees charged for preparation of the same are reasonable.

D. Objection to Fees re Motion to Abandon/Oppose Disqualification Motion

Debtor objects to \$6,940 in fees appearing in the category of Asset Disposition, asserting that the Trustee could have filed a notice to abandon certain litigation claims instead of filing a motion. This would be true if the Trustee sought only to abandon the claims. However, the subject motion includes an intent to *sell* or abandon the claims. The proposed sale of estate assets requires the filing of a noticed motion. The court has reviewed the charges as well as the motion itself -- approximately 70% of the fees related to the preparation of the motion, which contained very little boilerplate language. These fees are reasonable.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room

5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

E. Objection to Trustee filing Opposition to Motion to Disqualify

Debtor's motion to disqualify directly related to the administration of the bankruptcy case and, therefore, it was within the reasonable discretion of the Trustee to respond. Further, the fees charged for the opposition, \$1582, are modest considering that 1) Debtor did not cite applicable statutory or case law in support of the request to disqualify and 2) DGDK conducted research regarding the relevant statutory/case law authority and standards for disqualification and included the same in his opposition. The court has reviewed the opposition pleading and finds that it included substantive legal authority and analysis. The fees in this category are reasonable.

F. Objection to Fees Incurred in Preparing Fee Application

It is well-settled law that attorneys employed under Bankruptcy Code Section 327 are allowed to charge the estate for time spent preparing fee applications. See, e.g., *Baker Botts LLP v. ASARCO LLC*, 135 S.Ct. 2158 (2015). However, the US Supreme Court in *Baker Botts* has ruled that attorneys may not charge for defending their fee requests. Accordingly, DGDK may not charge the estate for time spent preparing the reply memorandum to Debtor's Opposition [docket # 377] in defense of its fees.

G. Fees Charged re 341a meeting

DGDK has satisfactorily explained the reason for its assistance in the 341a meeting . The fees are reasonable.

H. Fees Incurred re Galope Litigation

Debtor's objections are overruled. First, the Trustee is not required to notify Debtor of his intent to file a proof of claim. Any claim against Galope is an asset of the bankruptcy estate and the Trustee is the sole representative of the bankruptcy estate and has the sole authority to prosecute or assert claims on behalf of the bankruptcy estate. Second, as the Galope bankruptcy case was filed *after* this bankruptcy case was filed, Debtor had no standing or authority to

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

10:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** **Chapter 7**

file a proof of claim in the Galope case. The court has reviewed the proofs of claims filed by both DGDK and Debtor. Unlike Debtor's proof of claim, the one filed by DGDK includes both an interest analysis (adds an additional \$4,000 for interest) as well as a copy of the adversary complaint. In addition, DGDK prepared a joinder in an opposition to the proposed chapter 13 plan filed by Galope. These services were rendered in aid of preserving the estate's claim in the Galope bankruptcy. The fees charged are reasonable.

I. Objection to Costs

Service by U.S. mail is generally the required method of service in bankruptcy cases and allowance of copying charges of 20 cents per page is standard. As for the \$52.50 charged to retrieve documents from Superior Court, the court notes that attorney time is billed in minimum increments of .10. Thus, a single letter or email from Mr. DeLeest to Debtor to request the documents would cost the estate at least \$56.50.

J. Double Entry

DGDK has stipulated that a time entry of \$339 entered twice and should be deducted.

To the extent that any objection is not specifically addressed above, it is overruled.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**#29.00** Hearing RE: Application for Payment of Interim Fees and/or Expenses

**[MLG AUTOMOTIVE LAW, APLC, ATTORNEY FOR CHAPTER 7 TRUSTEE  
JEFFREY I. GOLDEN]**

Docket 356

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Approve fees in the amount of \$19,720 and costs as requested.

Basis for Tentative Ruling:

Fees in the amount of \$795 were deducted due to failure of Applicant to comply with Local Bankruptcy Rule 2016-1(a)(1)(H) -- no biographical information provided for billers Daniel Uribe, Yessenia Perez or Juan Guzman. Further, the services rendered by Ms. Perez and Mr. Guzman appear to be clerical/administrative in nature and not professional (e.g., "hard filing" documents, saving pleadings on hard drive, file administration, etc).

Debtor's Objections

The court has closely reviewed the fee application, Debtor's objections to the fee application, and the reply filed by MLG and determined that none of Debtor's objections warrant further reduction of MLG's fees.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

---

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-14221 Taylor Tech Inc.**

**Chapter 7**

**#29.10** Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing: (1) Rejection of Unexpired Leases of Nonresidential Real Property; and (2) Abandonment of Personal Property of the Estate Pursuant to 11 U.S.C. Section 554(a)  
**(OST Entered 12/3/18)**

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 13, 2018**

Grant motion if unopposed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Taylor Tech Inc.

Represented By  
Anthony A Friedman

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Beth Gaschen  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 13, 2018

Hearing Room 5A

2:00 PM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#30.00** Hearing RE: Motion of Defendant HFOP City Plaza, LLC to Dismiss Plaintiff's Complaint

Docket 31

**Courtroom Deputy:**

**SPECIAL NOTE: Order of Dismissal Arising from Motion to Dismiss Chapter 13 Entered in Main Case 8:15-13261-ES on 10/23/2018 - td (10/23/2018)**

**Tentative Ruling:**

**December 13, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink

Pro Se

**Defendant(s):**

HFOP City Plaza LLC

Represented By  
Philip A Zampello

**Plaintiff(s):**

Bruce R Fink

Represented By  
Fritz J Firman

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Bruce R Fink**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

2:00 PM

**8:15-13261 Bruce R Fink**

**Chapter 13**

Adv#: 8:17-01214 Fink v. HFOP City Plaza LLC

**#31.00** CON'TD STATUS CONFERENCE RE: Complaint to Recover Overpayment to Alleged Administrative Claimant Out of Escrow

FR: 4-5-18; 6-21-18; 8-2-18; 10-18-18

Docket 1

**Courtroom Deputy:**

**SPECIAL NOTE: Order of Dismissal Arising from Motion to Dismiss Chapter 13 Entered in Main Case 8:15-13261-ES on 10/23/2018 - td (10/23/2018)**

**Tentative Ruling:**

**April 5, 2018**

Joint status report not timely filed. Plaintiff to advise court why sanctions in the amount of \$100 should not be imposed.  
-----

**June 21, 2018**

Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to file an updated status report or file a motion for default judgment.  
-----

**August 2, 2018**

Continue status conference to October 18, 2018 at 9:30 a.m.; court to issue Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution which will be set for the same date/time. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 13, 2018**

**Hearing Room 5A**

2:00 PM

CONT... **Bruce R Fink**

**Chapter 13**

***Note: Appearance at this hearing is not required.***

-----

**October 18, 2018**

Continue status conference to December 13, 2018 at 2:00 p.m., same date/time as hearing on Defendant's Motion to Dismiss. (XX)

***Note: Appearances at this hearing are not required.***

-----

**December 13, 2018**

Off Calendar in light of granting of Defendant's motion to dismiss the adversary proceeding.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bruce R Fink Pro Se

**Defendant(s):**

HFOP City Plaza LLC Pro Se

**Plaintiff(s):**

Bruce R Fink Represented By  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room**

**5A**

9:30 AM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

Adv#: 8:18-01154 Dailey, Jr. v. Transcend Investment Group, Inc.

**#1.00** CON'TD STATUS CONFERENCE RE: Complaint for Order Clearing Title to Debtor's Residence (or to Set Aside Defendant's Trustee's Deed)

FR: 10-18-18; 10-25-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Another Summons  
Issued 10/29/18 on Amended Complaint; Status Conference Set for 1/17/19 at  
9:30 a.m. (xx)**

**Courtroom Deputy:**

**OFF CALENDAR: Another Summons Issued 10/29/18 on Amended  
Complaint; Status Conference Set for 1/17/19 at 9:30 a.m. (xx) - td  
(10/29/2018)**

**Tentative Ruling:**

**October 18, 2018**

Continue status conference to October 25, 2018 at 9:30 a.m., same date/time as hearing on motion for default judgment. Updated status report not required. (XX)

***Note: Appearance at this hearing is not required.***

-----

**October 25, 2018**

Continue status conference to December 20, 2018 at 9:30 a.m.; updated status report must be filed by December 6, 2018; Plaintiff needs to re-serve the amended complaint in accordance with FRBP 7004(b)(3). (XX)

The court intends to vacate the default entered by the Clerk in light of the defective service.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Thomas Charles Dailey, Jr

Chapter 13

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.***

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Defendant(s):**

Transcend Investment Group, Inc.

Pro Se

**Plaintiff(s):**

Thomas Charles Dailey Jr.

Represented By  
Ronald Appel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01188 Jones v. Haythorne

**#2.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt and Objection to Discharge [Demand for Jury]

FR: 11-3-16; 4-13-17; 5-11-17; 6-15-17; 10-19-17; 12-14-17; 3-22-18; 3-29-18; 5-31-18; 7-19-18; 10-18-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: THIS PRETRIAL CONFERENCE IS CONTINUED TO MARCH 21, 2019 AT 9:30 A.M. (JOINT PRETRIAL STIPULATION DUE MARCH 7, 2019) -- CONTINUANCE REQUESTED BY THE PARTIES AT THE DEC. 6, 2018 HEARING ON ANOTHER MATTER) (XX)**

**Courtroom Deputy:**

**CONTINUED: THIS PRETRIAL CONFERENCE IS CONTINUED TO MARCH 21, 2019 AT 9:30 A.M. (JOINT PRETRIAL STIPULATION DUE MARCH 7, 2019) -- CONTINUANCE REQUESTED BY THE PARTIES AT THE DEC. 6, 2018 HEARING ON ANOTHER MATTER) (XX) -- EAS/td**

**Tentative Ruling:**

**November 3, 2016**

Discovery Cut-off Date: 2/15/17  
Pretrial Conference Date: 4/13/17 at 9:30 a.m. (XX)  
Deadline to File Joint Pretrial Stipulation: 3/30/17

Deadline for Plaintiff to file Brief With  
Legal Authority/Analysis re Asserted Right  
to a Jury Trial 3/30/17

*Special Note: Paragraph 14 of the Complaint refers to an alleged violation of "Section 828(a)(2) . . . of Title 11 of the United States Code." There is no Section 828 in the Bankruptcy Code.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**April 13, 2017**

Impose sanctions in the amount of \$100 as to Plaintiff's and Defendant's counsel for failure to timely file a joint pretrial stipulation. The court further notes that Plaintiff did not file a brief in support of his alleged right to a jury trial and the court assumes Plaintiff is no longer demanding a jury trial.

Plaintiff's counsel filed a late unilateral pretrial statement on April 11, 2017 but does not include a declaration stating why a joint pretrial stipulation was not filed -- Defendant's counsel did not sign off on the statement filed on April 11, 2017. Instead the declaration appears to be an improper "motion" to re-open discovery. Such a request can only be made by a properly noticed motion pursuant to LBR 9013-1.

***Note: Appearances at this hearing are required.***

-----

**May 11, 2017**

Continue pretrial conference to June 15, 2017 at 10:30 a.m., same date/time as hearing on pending motion to re-open discovery. (XX)

Comments re the Joint Pretrial Stipulation:

1. Though Section III (Issues of Law) refers to 523(a)(2)(A), Section II (Disputed Facts) of the JPS does not reference 523(a)(2)(A) or any disputed facts relevant to the elements of fraud.
2. Though Section refers to disputed facts relevant to 523(a)(6), Section III does not refer to issues of law re 523(a)(6).

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room

5A

9:30 AM

CONT...

Stephen J Haythorne

Chapter 7

3. The court does not understand the issue of law implicated by Section III(2) of the JPS.

4. Paragraph 9 of the Complaint refers to 523(a)(2)(B) but there is no reference to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability been abandoned by Plaintiff?

5. Disputed facts relevant to the elements of slander *per se* are not set forth in the JPS.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required. Though an amended JPS is not required for the 6/15/17 hearing, the parties are advised to heed the court's comments re the JPS for purposes of any amended JPS filed in the future.***

-----

**June 15, 2017**

Continue pretrial conference to October 19, 2017 at 9:30 a.m.; amended joint pretrial stipulation must be filed by October 5, 2017. (XX)

In preparing the joint pretrial stipulation, the parties should take in to consideration the court's comments above re the May 11, 2017 hearing.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**October 19, 2017**

No tentative ruling as disposition will depend upon the outcome of the Motion to Compel set on today's 10:30 a.m. calendar. This matter will be trailed to the 10:30 a.m. calendar.

-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

CONT... **Stephen J Haythorne**  
**December 14, 2017**

**Chapter 7**

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of pretrial stipulation must be filed by March 8, 2018. Deadline for filing pre-trial motions is January 18, 2018. February 22, 2018 at 2:00 p.m. shall be reserved for such motions. Pretrial motions not filed by January 18, 2018 will be deemed waived. (XX)

Comments re the Amended JPS filed 12/1/17:

1. Section II(2) should be modified to add "in a writing" after the phrase "misrepresented his financial condition."
2. All references to "Section 523(a)(b) shall be revised to correctly identify the statutes as 523(a)(2)(A) and 523(a)(2)(B).
3. Typos in Section II(16), line 11 ("filing") and Section III(2) ("Plaintiff") should be corrected.
4. The 12/1/17 version of the JPS does not include the list of witnesses and exhibits as represented therein.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

-----

**March 29, 2018**

The separately filed pretrial stipulations are both deficient and do not address issues previously identified by the court. The parties will be allowed one final opportunity to file a proper joint pretrial statement and severe monetary sanctions of not less than \$1000 will be imposed on the party who has not participated in the preparation of the final pretrial statement in good faith and in a timely manner.

If the parties cannot agree that a particular fact is undisputed, then it automatically goes into the disputed section of the statement -- one side cannot unilaterally decide that a disputed matter is undisputed.



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

The parties will be required to meet in person to work on the joint pretrial statement and should be thinking about a time/place to do so prior to today's hearing.

Comments re the Unilateral Pretrial Statements:

1. The sender and receiver of the wired funds of \$232,557.66 should not be a disputed matter. For example, if wire documents indicate that Defendant was the sender, then Defendant should not be disputing that fact. If on the other hand, the sender of the wire was Gadzinski V in N Out Fund ("Gadzinski Fund"), then Plaintiff should include that fact as undisputed. Same the the identity of the recipient -- Plaintiff or Stellar Capital, Inc. ("Stellar")
2. The relationship between Defendant and Gadzinski Fund, if any, should be set forth as either a undisputed or disputed fact. Same re the relationship, if any, between Stellar and/or Plaintiff or Defendant.
3. The fact that a check in the amount of \$5,000 was paid on November 17, 2014 appears to be undisputed. Is there a dispute that the check was drawn on the account of Salt Creek Realty, Inc? What is the relationship, if any, between Salt Creek and Defendant?
4. Re Plaintiff's Sections I(I) and (J), what is the relevance of the rental to the 523 and 727 claims? If it has no bearing on such claims, it should be deleted.
5. Re Plaintiff's Sections I(L) - (V) -- why are these facts relevant to the 523 and 727 claims? If they have no bearing on such claims, they should be deleted.
6. The parties to the alleged agreement and the terms thereof appear to be in dispute and should be listed in the joint pretrial statement as a facts in dispute.
7. Re whether Defendant misrepresented his financial condition, both parties have failed to include the necessary requirement under 523(a)(2)(B) that such misrepresentation be **in writing**. The court has previously pointed out this

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne**

**Chapter 7**

deficiency. If there is no writing, then the 523(a)(2)(B) claim must be dismissed as a matter of law.

8. The reference in both pretrial statements to "523(a)(2)(A)(B)" is facially defective as no such statute exists. It is either 523(a)(2)(A) or 523(a)(2)(B).

9. No facts relating to 523(a)(2)(A) are set forth in either pretrial statement. If there are no such facts, this claim should be dismissed as a matter of law.

10. Certain elements of fraud are missing from the issues of fact/law, e.g., intent to deceive, damages as a result of reliance on misrepresentations.

11. What is the relevance of Plaintiff contacting Defendant's parents for repayment to either the 523 or 727 claims? If not relevant, it should be deleted.

12. Re Plaintiff's Section II(15) -- a time frame needs to be added that is consistent with the applicable 727 subsection. Same re Section II(16). Plaintiff appears have lumped several allegations together without any time frames that fall within the applicable 727 subsection.

13. Plaintiff's Exhibits: re "Wells Fargo Documents:" need to better identify the documents. Are they bank statements or something else? Re "letters" and "emails" -- need to identify sender/recipient re each, such as Defendant has done in his exhibit list.

14. Re Plaintiff's Witness List: Re witness #s 9, 10, 11, 12, 13 -- there is no indication of the time period. for example, David Williams will be testifying about a commission paid to Defendant when? "When" makes a difference of purposes of whether the transaction should have been listed on Defendant's schedules or statement of financial affairs.

*Special Note: Over the course of this adversary, this court has spend hours correcting issues on what should have been a straightforward joint pretrial statement. The court is concerned that the parties are not being thoughtful in the preparation of the pretrial statement. For example the court cannot even determine whether there are any facts to be litigated under 523(a)(2)(A) or 523(a)(2)(B) based on what currently appears in Plaintiff's pretrial statement.*

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

***Note: Appearances at this pretrial conference are MANDATORY.***  
-----

**July 19, 2018**

No tentative ruling; disposition will depend upon outcome of other motions on for hearing this date.

**Party Information**

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Richard A Jones

Represented By  
Richard A Jones

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

**8:16-11882 Stephen J Haythorne**

**Chapter 7**

Adv#: 8:16-01247 Damon v. Haythorne

**#3.00** CON'TD PRE-TRIAL CONFERENCE RE: Complaint: 1) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(2)(A); and 2) To Determine Dischargeability of Debt Pursuant to 11 USC Section 523(a)(4)

FR: 2-2-17; 8-3-17; 11-9-17, 3-8-18; 6-14-18; 10-18-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: THIS PRETRIAL CONFERENCE IS CONTINUED TO MARCH 21, 2019 AT 9:30 A.M. (JOINT PRETRIAL STIPULATION DUE MARCH 7, 2019) -- CONTINUANCE REQUESTED BY THE PARTIES AT THE DEC. 6, 2018 HEARING ON ANOTHER MATTER) (XX)**

**Courtroom Deputy:**

**CONTINUED: THIS PRETRIAL CONFERENCE IS CONTINUED TO MARCH 21, 2019 AT 9:30 A.M. (JOINT PRETRIAL STIPULATION DUE MARCH 7, 2019) -- CONTINUANCE REQUESTED BY THE PARTIES AT THE DEC. 6, 2018 HEARING ON ANOTHER MATTER) (XX) -- EAS/td**

**Tentative Ruling:**

**February 2, 2017**

Discovery Cut-off Date:	Jun. 30, 2017
Pretrial Conference Date:	Aug. 3, 2017 at 9:30
a.m.	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Jul. 20, 2017

*Special Note: Although the court is not requiring the parties to attend mediation, the court encourages the parties to consider mediation as an opportunity to reach resolution of this matter.*

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Stephen J Haythorne  
*order consistent with the same.***

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen J Haythorne

Represented By  
David S Henshaw

**Defendant(s):**

Stephen J Haythorne

Pro Se

**Plaintiff(s):**

Hugh C Damon

Represented By  
Robert P Goe

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

**8:16-12895 29 Prime, Inc.**

**Chapter 7**

Adv#: 8:17-01226 Marshack v. Wallace et al

**#4.00** PRE-TRIAL CONFERENCE RE: First Amended Complaint for: (1) Breach of Fiduciary Duty - Derivative; (2) Constructive Trust

(Advanced from 6-14-18)  
FR: 6-7-18; 7-19-18

Docket 47

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/2/19 AT 9:30 A.M., PER ORDER ENTERED 10/22/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 5/2/19 at 9:30 a.m., Per Order Entered 10/22/18 (XX) - td (10/22/2018)**

**Tentative Ruling:**

**July 19, 2018**

The following discovery schedule applies to Plaintiff and Defendant Haleh Fardi:

Discovery Cut-off Date:	Oct. 19, 2018
Deadline to Attend Mediation:	Nov. 16, 2018
Pretrial Conference Date:	Dec. 20, 2018 at 9:30 a.m.
	(XX)
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 6, 2018

Deadline for Plaintiff to move for entry of default judgments as to non-answering defendants:	Sept. 21, 2018
---	----------------

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

CONT... 29 Prime, Inc.

**Chapter 7**

<b>Party Information</b>
--------------------------

**Debtor(s):**

29 Prime, Inc.

Represented By  
Richard L Barnett

**Defendant(s):**

Russell B. Wallace

Pro Se

Tony Redman

Pro Se

Jason Martin

Pro Se

Local Zoom, Inc.

Pro Se

OC Listing, Inc.

Pro Se

Sky Motorsports, Inc.

Pro Se

Haleh Fardi

Pro Se

1Network.Com

Pro Se

**Plaintiff(s):**

Richard A. Marshack

Represented By  
Rosemary Amezcua-Moll

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Caroline Djang  
Rosemary Amezcua-Moll

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13488 Rubin J Skipper**

**Chapter 7**

Adv#: 8:18-01111 Skipper v. United States Department of Education

**#5.00** Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 11/16/18)

Docket 5

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Vacate Order To Show Case.

***Note: Appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rubin J Skipper Pro Se

**Defendant(s):**

United States Department of Pro Se

**Plaintiff(s):**

Reuben J Skipper Pro Se

**Trustee(s):**

Weneta M Kosmala (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13488 Rubin J Skipper**

**Chapter 7**

Adv#: 8:18-01111 Skipper v. United States Department of Education

**#6.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m. to allow Plaintiff to properly serve the complaint and to timely file the proof of service re the same with the court. (XX)

Plaintiff has not filed the proof of service showing proper service of the complaint on the defendant, a United States agency. The proof of service attached to unilateral status report shows service at a P.O. box which is improper. Plaintiff will need to obtain another summons and properly serve the defendant. Plaintiff also needs to review the Federal Rules of Bankruptcy Procedure, the Local Rules, and the Court Manual of the Bankruptcy Court of the Central Dist of California re the proper method of service.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**November 15, 2018**

Continue status conference to December 20, 2018 at 9:30 a.m. As no progress has been made re the filing of a proof of service showing proper

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Rubin J Skipper Chapter 7**

service to Defendant, the court will issue an Order to Show Cause Why This Adversary Should Not Be Dismissed Due to Lack of Prosecution ("OSC"), which OSC shall be set for December 20, 2018 at 9:30 a.m. (XX)

- OSC issued 11/16/18, dkt #5 - td (11/16/18)  
-----

**December 20, 2018**

Continue status conference to March 19, 2019 at 9:30 a.m.; joint status report must be filed by March 5, 2019.

***Note: Appearance at today's hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rubin J Skipper Pro Se

**Defendant(s):**

United States Department of Pro Se

**Plaintiff(s):**

Reuben J Skipper Pro Se

**Trustee(s):**

Weneta M Kosmala (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:16-13916 Thomas J Smith, III**

**Chapter 7**

Adv#: 8:16-01263 Golden v. Mount et al

**#7.00** STATUS CONFERENCE RE: Complaint for: 1) Avoidance of Actual Intent Fraudulent Transfer; 2) Avoidance of Constructive Fraudulent Transfer; 3) Recovery of Transfer; 4) Judgment Quieting Title; 5) Declaratory Relief; and, 6) Injunction Preventing Further Transfers

FR: 6-21-18; 10-11-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation for Dismissal of Adversary Proceeding and Taking the Status Conference Off Calendar Entered 12/20/2017**

**Courtroom Deputy:**

**OFF CALENDAR: Order Approving Stipulation for Dismissal of Adversary Proceeding and Taking the Status Conference Off Calendar Entered 12/17/2018 - td (12/17/2018)**

**Tentative Ruling:**

**March 9, 2017**

Discovery Cut-off Date:	July 16, 2017
Pretrial Conference Date: (XX)	August 17, 2017 at 9:30am
Deadline to file Joint Pretrial Stipulation:	August 3, 2017

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

-----

**January 17, 2018**

Discovery Cut-off Date:	May 4, 2018
-------------------------	-------------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Thomas J Smith, III Chapter 7**

Pretrial Conference Date: June 21, 2018 at 9:30 a.m.

(XX)

Deadline to file Joint Pretrial Stipulation: June 7, 2018  
-----

**October 11, 2018**

Joint pre-trial stipulation not filed. Impose sanctions of \$100.00 against Plaintiff's and Defendant's counsel for failure to file the same.

***Note: Appearances are required.***

**Party Information**

**Debtor(s):**

Thomas J Smith III

Represented By  
Michael Worthington

**Defendant(s):**

Kyle Patric Mount

Pro Se

Kyle Patric Mount Trustee of the

Pro Se

**Plaintiff(s):**

Jeffrey I. Golden

Represented By  
Thomas H Casey

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Thomas H Casey

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

8:17-13073 Aileen Merrill Schlissel

Chapter 7

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

#8.00 PRE-TRIAL CONFERENCE RE: Amended Adversary Complaint to Discharge Student Loan

FR: 5-31-18

Docket 16

\*\*\* VACATED \*\*\* REASON: CONTINUED TO 3/7/19 AT 9:30 A.M., PER ORDER ENTERED 9/7/18 (XX)

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 3/7/19 at 9:30 a.m., Per Order Entered 9-7-18 (XX) (liz) - 9/7/2018)**

**Tentative Ruling:**

**May 31, 2018**

Discovery Cut-off Date:	Oct. 1, 2018
Deadline to Attend Mandatory Mediation:	Nov. 16, 2018
Pretrial Conference Date: (XX)	Dec. 20, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Dec. 6, 2018

**Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.**

**Party Information**

**Debtor(s):**

Aileen Merrill Schlissel

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Aileen Merrill Schlissel**

**Chapter 7**

**Defendant(s):**

Educational Credit Management

Represented By  
Scott A Schiff

**Plaintiff(s):**

Aileen Schlissel

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:17-14316 John Paul Marc Z. Escolar-Chua**

**Chapter 7**

Adv#: 8:18-01031 Escolar-Chua v. United States Department of Education et al

**#9.00** CONT'D PRE-TRIAL CONFERENCE RE: Second Complaint For: Determination that Student Loan Debt is Dischargeable Pursuant to 11 U.S.C. Section 523(a) (8)

FR: 5-17-18; 11-15-18

Docket 6

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 5/2/19 AT 9:30 A.M., PER ORDER ENTERED 9/12/18 (XX)**

**Courtroom Deputy:**

**CONTINUED: Continued to 5/2/19 at 9:30 a.m., Per Order Entered 9/12/18 (XX) - td (9/12/2018)**

**Tentative Ruling:**

**May 17, 2018**

Discovery Cut-off Date:	Sept. 1, 2018
Deadline to Attend Mediation:	Oct. 5, 2018
Pretrial Conference Date: (XX)	Nov. 15, 2018 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

John Paul Marc Z. Escolar-Chua

Represented By  
Christine A Kingston

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... John Paul Marc Z. Escolar-Chua**

**Chapter 7**

**Defendant(s):**

United States Department of	Represented By
	Elan S Levey
University of Southern California	Pro Se
Wells Fargo Education Financial	Pro Se
Educational Credit Management	Represented By
	Scott A Schiff
WELLS FARGO BANK, N.A.	Represented By
	John H Kim
Navient Solutions, LLC	Represented By
	Robert S Lampl

**Joint Debtor(s):**

Jacqueline R. Escolar-Chua	Represented By
	Christine A Kingston

**Plaintiff(s):**

Jacqueline Escolar-Chua	Represented By
	Christine A Kingston

**Trustee(s):**

Richard A Marshack (TR)	Pro Se
-------------------------	--------



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#10.00** PRE-TRIAL CONFERENCE RE: Complaint seeking declaration that private student loan is dischargeable because not a qualified education loan and/or the loan is dischargeable due to undue hardship

FR: 7-10-18

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/31/19 AT 9:30 A.M.,  
PER ORDER ENTERED 9/7/18 (XX); Subsequently Pre-trial Conference  
Set for 1/31/2019 at 9:30 a.m. is Vacated; Status Conference Set for 3/21/2019  
at 9:30a.m., Per Order Entered 12/17/2018 (xx)**

**Courtroom Deputy:**

**CONTINUED: Pre-trial Conference Continued to 1/31/19 at 9:30 a.m., Per  
Order Entered 9/7/18 (XX); Subsequently Pre-trial Conference Set for  
1/31/2019 at 9:30 a.m. is Vacated; Status Conference Set for 3/21/2019 at  
9:30 a.m., Per Order Entered 12/17/2018 (xx) - td (12/18/2018)**

**Tentative Ruling:**

**July 10, 2018**

Discovery Cut-off Date:	10/15/18
Deadline to Attend Mandatory Mediation:	11/16/18
Pretrial Conference Date:	12/20/18 at 9:30 a.m. (XX)
Deadline to Lodge Joint Pretrial Stipulation:	11/13/18

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Education Credit Management Represented By  
Scott A Schiff

The Education Resources Institute Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01072 Albert-Sheridan v. Majd

**#11.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs

FR: 7-10-18; 9-20-18; 12-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 20, 2018 at 9:30 a.m. to allow chapter 7 trustee to review the adversary; updated status report must be filed by September 6, 2018. (XX)

Basis for tentative ruling:

Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.

***Note: Appearances at this hearing are not required.***  
-----

**September 20, 2018**

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018 unless abandonment order has been filed by such date. (XX)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room

5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

**Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.**

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Defendant(s):**

Kazem Majd

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan      Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)      Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#12.00** CON'TD STATUS CONFERENCE RE: Complaint seeking attorney fees and costs or set-off from creditor's claim in the alternative

FR: 7-10-18; 9-13-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to September 13, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required. (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required.**

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Art Womack Represented By  
Hallie D Hannah

Mitchell B Hannah Represented By  
Hallie D Hannah

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#13.00** CONT'D Hearing RE: Defendant Mitchell B. Hannah's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First Claim for Relief

FR: 9-13-18; 11-15-18

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Deny Motion as moot in light of the court's decision to dismiss this adversary proceeding *sua sponte* in light of the court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. The court makes no factual findings or legal conclusions concerning the merits of the Motion and dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7  
case and this court no longer has subject matter jurisdiction to adjudicate  
the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at  
this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Art Womack	Represented By Hallie D Hannah
Mitchell B Hannah	Represented By Hallie D Hannah

**Movant(s):**

Mitchell B Hannah	Represented By Hallie D Hannah
-------------------	-----------------------------------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01073 Albert-Sheridan v. Womack et al

**#14.00** CONT'D Hearing RE: Defendant Art Womack's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R. CIV.P. 12(b)(6) and FRBP 7012 and Motion to Strike Purported First and Second Claim for Relief

FR: 9-13-18; 11-15-18

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Deny Motion as moot in light of the court's decision to dismiss this adversary proceeding *sua sponte* in light of the court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. The court makes no factual findings or legal conclusions concerning the merits of the Motion and dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan Chapter 7  
case and this court no longer has subject matter jurisdiction to adjudicate  
the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at  
this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Art Womack	Represented By Hallie D Hannah
Mitchell B Hannah	Represented By Hallie D Hannah

**Movant(s):**

Art Womack	Represented By Hallie D Hannah
------------	-----------------------------------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#15.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

FR: 7-10-18; 8-2-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**July 10, 2018**

Continue status conference to August 2, 2018 at 2:00 p.m., same date/time as hearing on Defendants' motion to dismiss; updated status report not required; discovery in the interim not required (XX)

*Special Note: Due to the conversion of the underlying bankruptcy case to chapter 7, the chapter 7 trustee now has exclusive authority over the prosecution of this adversary proceeding involving a prepetition claim which is property of the bankruptcy estate.*

**Note: Appearances at this hearing are not required**  
-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Helen Galope	Pro Se
--------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01074 Albert-Sheridan v. Galope

**#16.00** CON'TD Hearing RE: Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(1) and 12(b)(6)

FR: 8-2-18; 11-15-18

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**August 2, 2018**

Due to the conversion of the case to chapter 7, only the chapter 7 trustee has authority to prosecute this action as plaintiff. The trustee shall appear and advise the court if he has an opportunity to analyze the adversary proceeding and whether he wishes to continue prosecuting it. If so, this hearing will be continued to permit the trustee an opportunity to file an opposition.

-----

**December 20, 2018**

Deny Motion as moot in light of the court's decision to dismiss this adversary proceeding *sua sponte* in light of the court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. The court makes no factual findings or legal conclusions concerning the merits of the Motion and dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** **Chapter 7**

chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Helen Galope	Pro Se
--------------	--------

**Movant(s):**

Helen Galope	Pro Se
--------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 13**

Adv#: 8:18-01087 Albert-Sheridan v. Norman

**#17.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs**

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** **Chapter 13**

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Jason Norman	Pro Se
--------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01088 Albert-Sheridan v. Pasillas et al

**#18.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Amelia Pasillas	Pro Se
Lorenzo Pasillas	Pro Se

**Plaintiff(s):**

Lenore Luann Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01089 Albert-Sheridan v. Lester

**#19.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Mark Lester	Pro Se
-------------	--------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01090 Albert-Sheridan v. Ballard et al

**#20.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Steven Ballard	Pro Se
Catherine Olsen	Pro Se

**Plaintiff(s):**

Lenore Luann Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01092 Albert-Sheridan v. Hannah et al

**#21.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Liens

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room

5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

*Special note: The complaint appears to allege that certain liens are not valid and, as a consequence, any underlying debt is unsecured and dischargeable. First, though debts are discharged, liens ride through the bankruptcy. In other words, the entry of a discharge order does not remove any valid liens. The validity of liens are a matter of state law and the state court can adjudicate the validity of the liens at issue here. Second, this court need not separately determine the dischargeability of the underlying debt should the state court determine the debt to be unsecured because, absent a timely filed complaint filed in this court by Defendants re dischargeability, upon entry of a discharge order Debtor will receive whatever discharge she is entitled to under 11 U.S.C. 727.*

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Mitchell B Hannah	Pro Se
-------------------	--------

The Education Resources Institute	Pro Se
-----------------------------------	--------

Friendly Ford	Pro Se
---------------	--------

10675 S Orange Park Blvd LLC	Pro Se
------------------------------	--------

Gary A Schneider	Pro Se
------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Francis B Lantieri

Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**#22.00** CONT'D STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Liens

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. Pending motion to dismiss filed by defendant is continued from October 11, 2018 at 2:00 p.m. to November 15, 2018 at 9:30 a.m. as a holding date. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

*Special note: The complaint appears to allege that certain liens are not valid and, as a consequence, any underlying debt is unsecured and dischargeable. First, though debts are discharged, liens ride through the bankruptcy. In other words, the entry of a discharge order does not remove any valid liens. The validity of liens are a matter of state law and the state court can adjudicate the validity of the liens at issue here. Second, this court need not separately determine the dischargeability of the underlying debt should the state court determine the debt to be unsecured because, absent a timely filed complaint filed in this court by Defendants re dischargeability, upon entry of a discharge order Debtor will receive whatever discharge she is entitled to under 11 U.S.C. 727.*

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Defendant(s):**

Neal Kelley

Represented By  
Donald K Dunn

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...      Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01093 Albert-Sheridan v. Kelley

**#23.00** CONT'D Hearing RE: Defendant Neal Kelley, Orange County Registrar of Voters' Motion to Dismiss or, in the Alternative, Motion for More Definite Statement

FR: 10-11-18; 11-15-18

Docket 4

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Deny Motion as moot in light of the court's decision to dismiss this adversary proceeding *sua sponte* in light of the court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. The court makes no factual findings or legal conclusions concerning the merits of the Motion and dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT...**      **Lenore LuAnn Albert-Sheridan**      **Chapter 7**  
case and this court no longer has subject matter jurisdiction to adjudicate  
the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at  
this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

Neal Kelley	Represented By Donald K Dunn
-------------	---------------------------------

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Pro Se
-----------------------	--------

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01094 Albert-Sheridan v. Bitzer et al

**#24.00** CONT'D STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs; Indemnification

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

**Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.**

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Defendant(s):**

David Bitzer	Pro Se
Zhejiang Crafab Electronic Co Ltd	Pro Se
Jason Hartman	Pro Se
Bonnie Kent	Pro Se
Helen Koshak	Pro Se
Norman Koshak	Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01095 Albert-Sheridan v. Coast Huntington Business Centers et al

**#25.00** CONT'D STATUS CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Continue status conference to January 31, 2019 to allow Plaintiff to file a timely and fully completed joint status report that addresses all relevant issues, including without limitation, status of service of summons and complaint on defendants Icon Owner Pool 1 and LA Business Parks LLC\*, satisfaction of meet and confer requirements, discovery needs, etc (see joint status report form for additional details and disclosures). A joint status report must be filed no later than January 17, 2019.

As Plaintiff asserts actions against her or her property in violation of her automatic stay, the trustee has no standing. Even if he did, he has

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

abandoned it to Plaintiff. Further, as bankruptcy law (11 U.S.C. 362(a)) is implicated the matter must be adjudicated in this court.

\*Defendant Coast Huntington Business Centers has filed a motion to dismiss which is set for hearing on today's 10:30 a.m. calendar and is unopposed. The tentative ruling is to grant the motion to dismiss as to such defendant. [See Calendar #45]

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Coast Huntington Business Centers Pro Se

Icon Owner Pool 1, LA Business Represented By  
Robert S Gebhard

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01096 Albert-Sheridan v. INTERNAL REVENUE SERVICE et al

**#26.00** CON'TD STATUS CONFERENCE RE: Complaint to Determine the Validity,  
Priority or Extent of Lien; and Refund of Money Paid

FR: 9-6-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; Updated status report must be filed by November 1, 2018. (XX)

***Note: Appearances at today's status conference are not required; Trustee/plaintiff to serve notice of the continued hearing date/time.***

-----

**December 20, 2018**

Dismiss adversary proceeding *sua sponte* in light of this court's ruling on December 13, 2018 granting the chapter 7 trustee's motion to abandon this lawsuit to Plaintiff/Debtor. Dismissal is without prejudice to Plaintiff re-filing a lawsuit and/or seeking other relief in state court or other non-bankruptcy court of competent jurisdiction.

Basis for Tentative Ruling:

Upon conversion of the underlying case from a chapter 13 to a chapter 7, the chapter 7 trustee had exclusive standing and control re the prosecution of this adversary proceeding. On December 13, 2018, the court granted the

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

trustee's motion to abandon this lawsuit back to Debtor pursuant to 11 U.S.C. 554. As a consequence of abandonment, the lawsuit is no longer property of the bankruptcy estate within the meaning of 11 U.S.C. 541 and now belongs to Debtor. As the lawsuit is no longer property of the estate and involves no claims for relief implicating bankruptcy law, the prosecution of the same will have no impact on the trustee's administration of the underlying bankruptcy case and this court no longer has subject matter jurisdiction to adjudicate the alleged claims.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

INTERNAL REVENUE SERVICE Pro Se

UNITED STATES OF AMERICA Represented By  
Najah J Shariff

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01114 Albert-Sheridan v. Tessler et al

**#27.00** CON'TD STATUS CONFERENCE RE: Complaint Seeking Declaration that ViewCrest Debt is Dischargeable; Extortion

FR: 9-13-18; 11-15-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 13, 2018**

Continue status conference to November 15, 2018 at 9:30 a.m.; updated status report must be filed by November 1, 2018 (XX)

*Special Note: The chapter 7 trustee has requested a 60-day continuance based upon his intent to abandon this claim. However, the court notes that 1) this adversary appears to be seeking a determination of dischargeability, and 2) though the trustee's unilateral report indicates that all defendants were served with the summons and complaint, there is no filed proof of service indicating that defendants were served.*

**Note: Appearances at this hearing are not required**  
-----

**December 20, 2018**

Continue status conference to January 31, 2019 to allow Plaintiff to file a timely and fully completed joint status report that addresses all relevant issues, including without limitation, status of service of summons and complaint on all defendants, satisfaction of meet and confer requirements, discovery needs, etc (see joint status report form for additional details and

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room

5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

disclosures). No proof of service has been filed showing proper service of the summons and complaint to Defendants. Plaintiff must file a joint status report no later than January 17, 2019 and such status report must state the purpose for this adversary. See comments below.

As Plaintiff seeks a determination of dischargeability of a debt, the trustee has no standing as to dischargeability of a particular debt and, therefore, his abandonment motion does not affect this adversary.. That said, the purpose of this adversary proceeding is puzzling for the following reasons:

1. The First Claim for Relief is described as "Declaration That the Loan is Not a Student Loan". However, the debt in question does not involve a student loan.
2. Plaintiff does not allege the specific statutory exception that could apply to exclude the attorney fee award as a dischargeable debt. Notably, the deadline for creditors to file objections to discharge/determination of dischargeability expired on October 9, 2018. See Docket #197. The court is not aware that any creditor timely filed an adversary proceeding against Debtor for a determination of dischargeability.
3. The Second Claim for Relief is described as "Declaration that any Obligation to Key Bank or TERI Should be Discharged Due to Unclean Hands." Neither Key Bank or TERI are named defendants in this adversary proceeding.
4. Debtor seeks alternative relief re undue hardship. However, undue hardship only applies under 523(a)(8) [student loan debt]. The subject debt in this adversary is not a student loan.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Lenore LuAnn Albert-Sheridan

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Defendant(s):**

Irwin Tessler	Pro Se
Michael Tessler	Pro Se
ViewCrest Road Properties, LLC	Pro Se
Art Carvalho	Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan	Pro Se
------------------------------	--------

**Trustee(s):**

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
-----------------------	--



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

9:30 AM

8:18-11657 Anthony C. Duffy

Chapter 7

Adv#: 8:18-01182 Marshack v. Mouldtec, Inc.

#28.00 STATUS CONFERENCE RE: Complaint for: 1. Breach of Contract; and 2.  
Account Stated

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Continue Status Conference to January 31, 2019 at 9:30 a.m.

A motion for default judgment may self-calendared for the same date/time as the continued Status Conference date. Alternatively, the motion may be filed without a hearing pursuant to the procedure set forth in Local Bankruptcy Rule 9013-1(o).

The motion for default judgment, supported by evidence, must be served on defendant and defendant's counsel in accordance with Local Rule 9013-1(d).

If the motion for default judgment is not heard by the continued date of the Status Conference, **THE ADVERSARY MAY BE DISMISSED** at the Status Conference for failure to prosecute.

***Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.***

**Party Information**

**Debtor(s):**

Anthony C. Duffy

Represented By  
Catherine Christiansen

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

9:30 AM

**CONT...      Anthony C. Duffy**

**Chapter 7**

**Defendant(s):**

Mouldtec, Inc.

Pro Se

**Plaintiff(s):**

Richard A Marshack

Represented By  
Michael G Spector

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Michael G Spector

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12003 Jack G. Gaglio**

**Chapter 7**

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

**#29.00** CON'TD STATUS CONFERENCE RE: Complaint (1) Objecting to Discharge Pursuant to 11 U.S.C. §727(A)(2) and (2) to Determine Debt Non-dischargeable Pursuant to 11 U.S.C. §523(A)(6)

FR: 12-6-18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Discovery Cut-off Date:	May 3, 2019
Pretrial Conference Date:	June 20, 2019 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	June 6, 2019

***Note: If all parties agree with the foregoing schedule, appearances at today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.***

**Party Information**

**Debtor(s):**

Jack G. Gaglio

Represented By  
Timothy S Huyck

**Defendant(s):**

Jack G. Gaglio

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room      5A**

---

9:30 AM

**CONT...**      **Jack G. Gaglio**  
Laura A. Gaglio

Pro Se

**Chapter 7**

**Joint Debtor(s):**

Laura A. Gaglio

Represented By  
Timothy S Huyck

**Plaintiff(s):**

Pacific Western Bank

Represented By  
Kenneth Hennesay

**Trustee(s):**

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

10:00 AM

8:16-12854 Paul Edward Rubio

Chapter 13

#30.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

Docket 144

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
12/18/2018

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 12/18/2018 - td (12/18/2018)**

Tentative Ruling:

**December 20, 2018**

Grant motion without 4001(a)(3) waiver unless the parties have agreed to an adequate protection order. If additional time is needed, the hearing may be continued to January 31, 2019 at 10:00 a.m. by Movant requesting the same during the clerk's calendar roll call prior on the day of the hearing.

**Party Information**

**Debtor(s):**

Paul Edward Rubio

Represented By  
Lauren Rode

**Movant(s):**

U.S. Bank National Association

Represented By  
Darlene C Vigil

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

---

10:00 AM

**CONT... Paul Edward Rubio**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:00 AM

**8:17-10702 John Joseph Stoffel and April Dawn Stoffel**

**Chapter 13**

**#31.00** CONT'D Hearing RE: Motion for relief from the automatic stay  
[REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

FR: 9-6-18; 10-11-18; 11-15-18

Docket 61

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay (Settled by Stipulation) Entered  
12/17/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay (Settled by Stipulation) Entered 12/17/2018 - td (12/17/2018)**

**Tentative Ruling:**

**September 6, 2018**

Grant motion without 4001(b)(3) waiver unless the parties are able to reach a resolution prior to the hearing. If all parties agree that more time is needed, the hearing may be continued to October 11, 2018 at 10:00 a.m. by requesting the same during the court's calendar roll call prior to the hearing.  
-----

**October 11, 2018**

Movant to advise the court re the status of this matter.  
-----

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... John Joseph Stoffel and April Dawn Stoffel  
November 15, 2018**

**Chapter 13**

Nothing filed since the last hearing. Movant to appear and advise the court re the status of this matter.

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Joseph Stoffel

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

April Dawn Stoffel

Represented By  
Thomas E Brownfield

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil  
Rosemary Allen  
Katie M Parker

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:00 AM

8:18-13887 Mai T. Nguyen

Chapter 7

#32.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]  
FINANCIAL SERVICES VEHICLE TRUST  
VS.  
DEBTOR

Docket 10

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Granting Motion  
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Settled by  
Stipulation) Entered 12/17/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic  
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 12/17/2018 -  
td (12/17/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mai T. Nguyen

Represented By  
Tina H Trinh

**Trustee(s):**

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

10:00 AM

8:18-14311 David Winslow Knaak

Chapter 13

#33.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]  
KELVIN AND JAMBOREE PROPERTIES, LLC  
VS.  
DEBTOR

Docket 5

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant with 4001(a)(3) waiver.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

David Winslow Knaak

Pro Se

**Movant(s):**

Todd Brisco

Represented By  
Todd A Brisco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:00 AM

**CONT... David Winslow Knaak**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:00 AM

8:18-14291 Christopher J. Ozuna and Leisa S. Ozuna

Chapter 13

#34.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Christopher J. Ozuna

Represented By  
Christian T Spaulding

**Joint Debtor(s):**

Leisa S. Ozuna

Represented By  
Christian T Spaulding

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:00 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

#34.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paula Gilbert-Bonnaire

Represented By  
Andrew Edward Smyth

**Movant(s):**

Paula Gilbert-Bonnaire

Represented By  
Andrew Edward Smyth  
Andrew Edward Smyth  
Andrew Edward Smyth

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room

5A

10:30 AM

8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas

Chapter 13

#35.00 CON'TD Hearing RE: United States Trustee's Motion for Escrow Account Reconciliation Statement Including Waiver or Unnoticed Escrow Charges or Refund of Escrow Surplus in Response to Nationstar Mortgage LLC's Notices of Mortgage Payment Change

FR: 12-6-18

Docket 50

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Approving Stipulation to Resolve Motion Entered 12/18/2018

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation to Resolve Motion Entered 12/18/2018 - td (12/18/2018)

Tentative Ruling:

**December 20, 2019**

Grant Motion. Escrow account reconciliation statement must be filed within 30 days of entry of order granting the Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

Cornelio Fernandez Alvarez

Represented By  
Neda Mobassery

**Joint Debtor(s):**

Sulma Leyda Rivas

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Cornelio Fernandez Alvarez and Sulma Leyda Rivas  
Neda Mobassery**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11264 Maria Aguayo**

**Chapter 7**

**#36.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Aguayo

Represented By  
Kevin J Kunde

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Stephen M Magro



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11264 Maria Aguayo**

**Chapter 7**

**#37.00** Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR THE TURSTEE]**

Docket 36

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Maria Aguayo

Represented By  
Kevin J Kunde

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Stephen M Magro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:15-11264 Maria Aguayo

Chapter 7

#38.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from July 12, 2018 through September 18, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]**

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Aguayo

Represented By  
Kevin J Kunde

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Stephen M Magro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11264 Maria Aguayo**

**Chapter 7**

**#39.00** Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

**[STEPHEN M. MAGRO, SPECIAL COUNSEL FOR THE BANKRUPTCY TRUSTEE]**

Docket 37

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Maria Aguayo

Represented By  
Kevin J Kunde

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Reem J Bello  
Stephen M Magro

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12104 Paramount Chrome Plating Inc**

**Chapter 7**

**#40.00** Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

**[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant Motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paramount Chrome Plating Inc

Represented By  
George C Hutchinson

**Trustee(s):**

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12703 Saeed D Heydariypour**

**Chapter 13**

**#41.00** Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence  
[Creditor Holding Junior Lien: The Bank of New York Mellon fka The Bank of  
New York as Successor to JPMorgan Chase NA, as trustee for Certificate  
Holders]

Docket 71

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Saeed D Heydariypour

Represented By  
Catherine Christiansen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:17-13894 Gregory A Moore and Edith A Moore

Chapter 11

#42.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[FINANCIAL RELIEF LAW CENTER, APC, ATTORNEY FOR REORGANIZED DEBTORS]

Docket 108

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve fees and expenses as requested.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by Applicant is required. Should an opposition party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Applicant will be so notified.***

**Party Information**

**Debtor(s):**

Gregory A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

**Joint Debtor(s):**

Edith A Moore

Represented By

Andy C Warshaw

Richard L. Sturdevant

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14077 Team Business Solutions, Inc.**

**Chapter 7**

Adv#: 8:18-01141 Richard A Marshack v. SNCR California, Inc.,

**#43.00** Hearing RE: Defendant and Counterclaimant SNCR California, Inc.'s Motion for Sanctions Against Thomas J. Eastmond, Pursuant to Bankruptcy Rule 9011

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Deny motion. Deny Plaintiff's request for attorneys fees as the prevailing party.

Basis for Tentative Ruling:

Except as to Plaintiff's argument that the Motion is frivolous and was filed to increase fees, the court fully adopts by reference herein the legal analysis and authority set forth in the Opposition as the basis for its tentative ruling denying the Motion. In sum, the Motion does not satisfy the legal standard set forth in the Opposition re Rule 9011.

**Party Information**

**Debtor(s):**

Team Business Solutions, Inc.

Represented By  
J Scott Williams

**Defendant(s):**

SNCR California, Inc.,

Represented By  
Michael G Spector

**Plaintiff(s):**

Richard A Marshack

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Team Business Solutions, Inc.**

**Chapter 7**

Thomas J Eastmond  
Robert P Goe

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Thomas J Eastmond  
Robert P Goe



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01071 Albert-Sheridan v. Education Credit Management Corporation et al

**#44.00** Hearing RE: Motion of Educational Credit Management Corporation: (1) to Compel Plaintiff Lenore Luann Albert-Sheridan to Provide Property Responses to Certain Interrogatories; (2) To Compel Plaintiff Lenore Luann Albert-Sheridan to Provide Responses to Certain Requests for Production of Documents in Compliance with F.R.C.P. 34(b)(2)(B) and (C); (3) To Compel Plaintiff Lenore Luann Albert-Sheridan to Either Permit Inspection of, or Produce, Responsive Documents; and (4) For an Order Directing Plaintiff Lenore Luann Albert-Sheridan to Pay ECMC's Expenses in the Amount of \$6,720.00

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion to compel. Set status conference re status of compliance for March 19, 2018 at 10:30 a.m. Plaintiff shall file a statement re status of compliance by March 5, 2019 and Defendant may file a response by March 12, 2019. The imposition of the requested sanctions will only be granted if Plaintiff fails to timely respond to all interrogatories/request for production of documents by or before February 15, 2019. Any bank and/or credit statements, tax returns and other financial data may only be used by Defendant for the purpose of defending itself in this adversary proceeding and such information may only be shared with employees providing assistance in such defense.

Basis for Tentative Ruling:

The court has read the discovery requests and finds that they are all relevant to Defendant's defense to the complaint and are not vague, ambiguous or unduly burdensome.

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

As this matter involves Plaintiff's discharge of student loan debt, neither the Trustee or the bankruptcy estate has any interest in the same. In fact, the court specifically excluded this adversary proceeding from the trustee's abandonment motion at the December 13, 2018 hearing.

It is because the trustee did erroneously include this adversary in its list of adversaries to be abandoned that the court is allowing Plaintiff a period of time to respond to the discovery requests without sanction. However, if she refuses to respond to the requests fully and in good faith, monetary sanctions will be imposed.

***Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Education Credit Management Represented By  
Scott A Schiff

The Education Resources Institute Pro Se

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Trustee(s):**

Jeffrey I Golden (TR) Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

**8:18-10548 Lenore LuAnn Albert-Sheridan**

**Chapter 7**

Adv#: 8:18-01095 Albert-Sheridan v. Coast Huntington Business Centers et al

**#45.00** Hearing RE: Defendant's Motion to Dismiss Adversary Complaint Pursuant to FRCP Rule 4(m) FRBP Rule 7004(a)(1) for Failure to Make Timely Service, and Alternatively, for Failure to Prosecute

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion to dismiss as to Defendant Coast Huntington Business Centers.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**Defendant(s):**

Coast Huntington Business Centers Represented By  
Richard G Heston

Icon Owner Pool 1, LA Business Represented By  
Robert S Gebhard

**Plaintiff(s):**

Lenore LuAnn Albert-Sheridan Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Lenore LuAnn Albert-Sheridan**

**Chapter 7**

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Jonathan A Michaels  
Eric P Israel  
Aaron E de Leest

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11613 Claudia A Broere**

**Chapter 7**

**#46.00** Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate, Requiring Vacating of Premises, and Allowing Trustee to Exercise all Legal Remedies to Obtain Possession

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion -- Debtor and any other occupants to vacate premises by or before January 21, 2019.

The tentative ruling is based upon the legal analysis and authority set forth in the Motion and Reply pleadings filed by Movant Trustee.

Overrule Debtor's objections. The court notes that Debtor's argument that the granting of relief from stay to the lender has the legal effect of moving the property out of the estate is incorrect. The property remains property of the estate within the meaning of Section 541 until the property is either foreclosed or upon the abandonment of the property in accordance with Section 554. The granting of relief from stay only allows the lender to enforce its lien if it chooses. The court further notes and agrees with Movant that the loan modification terms are not feasible given Debtor's monthly income. Movant continues to have exclusive control over the administration of the property so long as it has value to the estate.

**Party Information**

**Debtor(s):**

Claudia A Broere

Represented By  
Anthony P Cara

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Claudia A Broere**

**Chapter 7**

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Erin P Moriarty

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat**

**Chapter 11**

**#47.00 CON'TD STATUS CONFERENCE HEARING RE: (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case**

FR: 9-6-18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**September 6, 2018**

Debtor's counsel to address the following issues which are not addressed in the status report:

1. Cash Collateral: Debtor has rental income but there is no mention of seeking authorization to use cash collateral or a cash collateral stipulation.
2. State Court Litigation: More information regarding the nature and procedural posture of the state court action is required. What was going on in the litigation that caused this case to be filed? How will this litigation be dealt with in the bankruptcy case?
3. Plan/Disclosure Statement: This case appears to be relatively straightforward but the timing of filing a plan and disclosure statement is not discussed in the status report.

Tentative Schedule:

Claims Bar Date:	Nov. 19, 2018 (notice by Sept. 17, 2018)
Deadline to file Plan/DS:	Nov. 29, 2018
Con't Status Conf:	Dec. 20, 2018 at 10:30 a.m.
Updated Status Report Due: (filed)	Dec. 6, 2018 (waived if plan/DS timely filed)

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

***Note: Appearance at this hearing is required.***  
-----

**December 20, 2018**

Impose sanctions in the amount against Debtor's for 1) failure to file a plan and disclosure statement and failure to timely file a status report in accordance with the court's September 6, 2018 order. No explanation is offered as why the plan and disclosure statement were not filed by November 29, 2018. No attempt was made to seek an extension of the deadline to file a plan and disclosure statement. Apparently, counsel views the dates set forth in such order as a mere suggestion which can otherwise be ignored.

The court will issue an order to show cause why this case should not be dismissed or converted due to Debtor's inability to timely file a plan and disclosure statement and to comply with orders of the court.

***Note: Appearance at this hearing is required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Amir Keivan Hedayat

Represented By  
J Scott Williams

**Joint Debtor(s):**

Minou M. Hedayat

Represented By  
J Scott Williams



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:18-13002 Russell Lane

Chapter 13

#48.00 Hearing RE: Chapter 13 Trustee's Motion for Determination of Extent of Exemption in Personal Injury Cause Action Proceeds

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

The court is inclined to continue this hearing as a status conference for 180 days, i.e., until June 20, 2019 at 10:30 a.m. to allow the litigation to conclude. Debtor shall file an updated report regarding the status of the litigation by or before June 6, 2019.

Comments:

The court has reviewed Debtor's pleading regarding the reasonableness of the exemption. However, the doctor's report providing information regarding surgical costs does not indicate if any of such costs will be covered by insurance.

The trustee asserts that he has no objection to the exemption in the cause of action -- only in the ultimate judgment proceeds, if any. It, therefore, seems premature for the court to make any determination regarding the extent of the exemption until there is an actual recovery.

***Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.***

**Party Information**

**Debtor(s):**

Russell Lane

Represented By

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**CONT... Russell Lane**

Andy C Warshaw

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-13002 Russell Lane**

**Chapter 13**

**#49.00** Hearing RE: Application to Employ Jeff M. Yoss as Personal Injury Attorney for Debtor

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Approve employment agreement. In the event of recovery on any judgment in favor of Debtor, all proceeds shall be held in the Firm's client account pending further order of the court allowing an award of payment to the Firm in accordance with the retainer agreement and following the filing of a properly noticed fee application.

***Note: If all parties accept the foregoing tentative ruling, appearance at this hearing is not required.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Russell Lane

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#50.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Extending the Time to Assume or Reject Executory Contracts or, Alternatively, for Order Authorizing the Trustee to Assume Escrow and Buyback Agreement Pursuant to 11 U.S.C. Section 365(a)

Docket 75

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion. Deadline extended to May 31, 2019.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

**Party Information**

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#51.00 Hearing RE: Chapter 7 Trustee's Motion for Order Extending Time to Assume or Reject Executory Contracts or, in the Alternative, Authorizing the Trustee to Assume Certain Unexpired Leases Pursuant to 11 U.S.C. Section 365(a)

Docket 77

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion. Deadline extended to May 31, 2019.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#52.00 Hearing RE: Chapter 7 Trustee's Motion for Order Extending the Time to Assume or Reject General Liability and Environmental Liability Insurance Policies as Executory Contracts or, in the Alternative, Authorizing the Trustee to Assume Insurance Contracts and Executory Contracts Pursuant to 11 U.S.C. Section 365(a)

Docket 79

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion. Deadline extended to May 31, 2019.

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

<b>Party Information</b>
--------------------------

**Debtor(s):**

Friendly Village MHP Associates LP

Represented By  
Howard Camhi

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
D Edward Hays

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-14221 Taylor Tech Inc.**

**Chapter 7**

**#53.00** Hearing RE: Chapter 7 Trustee's Motion for Order: 1) Approving Asset Purchase Agreement and Authorizing the Sale of Property of the Estate Free and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§363 and (f); 2) Approving Overbid Procedures; 3) Approving Buyer, Successful Bidder, and Back-Up Bidder as Good-Faith Purchasers Pursuant to 11 U.S.C. §363(m); 4) Approving Break-Up Fee; and 5) Authorizing the Assumption and Assignment of Leases Pursuant to 11 U.S.C. §365

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 20, 2018**

Grant motion subject to overbid. This matter will be given priority on the calendar. The auction shall take place outside the courtroom.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Taylor Tech Inc.

Represented By  
Anthony A Friedman

**Trustee(s):**

Weneta M Kosmala (TR)

Represented By  
Beth Gaschen  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

10:30 AM

**8:18-11727 VV Hospitality LLC**

**Chapter 7**

**#53.10** CON'TD Hearing RE: Trustee's Motion to Compel Debtor's Appearance at Continued 11 U.S.C. Section 341(a) Meeting of Creditors

FR: 12-6-18

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**December 6, 2018**

Continue hearing to December 20, 2018 at 10:30 a.m. to allow Movant to file supplemental pleading by December 13, 2018 explaining why the trustee seeks to administer a seemingly insolvent estate with no unsecured creditors. (XX)

According to the schedules, Debtor owns two parcels of property worth about \$1.4M with secured debt against them of approximately \$1.8M. Both properties appear to be underwater. Further, other than the secured creditor, the only other creditor listed on the schedules is the County of San Bernardino for unpaid property taxes of an unknown amount. There are no unsecured creditors listed. The Motion is completely silent as to why the trustee has continued the 341a meeting six times in what appears to be an insolvent case with no creditors rather than seek dismissal of the case. An explanation is required.

***Note: If Movant accepts the foregoing tentative ruling, appearance at today's hearing is not required.***

-----

**December 20, 2018**



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

10:30 AM

CONT... VV Hospitality LLC  
Grant motion.

Chapter 7

***Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party file a late opposition or appear at the hearing, the court will determine whether further hearing is required and Movant will be so notified.***

Party Information

**Debtor(s):**

VV Hospitality LLC

Represented By  
Yoon O Ham

**Trustee(s):**

Richard A Marshack (TR)

Represented By  
Robert P Goe

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

2:00 PM

**8:17-10706 John Jean Bral**

**Chapter 11**

**#54.00** Hearing RE: Debtor's Motion for an Order (1) Finding Barry Beitler in Violation of the Automatic Stay and in Contempt of Court; (2) Assessing Actual and Punitive Damages Against Barry Beitler; (3) Dismiss or Compelling Dismissal of the Cross-Complaint; and (4) Granting Related Relief

Docket 623

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 1/29/2019 AT 10:00 A.M.,  
Per Hearing Held 12/11/2018 (XX)**

**Courtroom Deputy:**

**CONTINUED: Hearing Continued to 1/29/2019 at 10:00 a.m., Per Hearing  
Held 12/11/2018 (XX) - td (12/12/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Jean Bral

Represented By  
Beth Gaschen  
Alan J Friedman  
William N Lobel  
Bobby Samini  
Dean A Ziehl

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Thursday, December 20, 2018

Hearing Room 5A

2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#55.00 Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion to Dismiss Adversary Complaint Filed by Jin Ree

Docket 5

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Moot; First Amended Complaint filed 10/25/2018. Notice of Withdrawal of Motion to Dismiss, filed 11/1/2018

Courtroom Deputy:

OFF CALENDAR: Moot; First Amended Complaint filed 10/25/2018.  
Notice of Withdrawal of Motion to Dismiss, filed 11/1/2018 - td  
(11/1/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

**Debtor(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Defendant(s):**

Seunghwan Jeong

Represented By  
Hyong C Kim

**Joint Debtor(s):**

Amy Park Jeong

Represented By  
Hyong C Kim

**Plaintiff(s):**

Jin Ree

Pro Se

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Thursday, December 20, 2018**

**Hearing Room 5A**

2:00 PM

**CONT... Seunghwan Jeong**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13854 Jezabel Jurado**

**Chapter 13**

**#1.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jezabel Jurado

Represented By  
Todd L Turoci

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13830 Joe Maurice Quintanilla

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal of  
Case for Failure to File Initial Petition Documents Within 72 Hours Entered  
10/23/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal of Case for Failure to File Initial  
Petition Documents Within 72 Hours Entered 10/23/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Joe Maurice Quintanilla

Represented By  
Gary S Saunders

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13809 Bella Orion**

**Chapter 13**

**#3.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Bella Orion

Represented By  
Timothy McFarlin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13777 Luis Modesto Reyna**

**Chapter 13**

**#4.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luis Modesto Reyna

Represented By  
Ethan Kiwhan Chin

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13770 Kevin Barry Kane

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 11/2/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 11/2/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kevin Barry Kane

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13769 Genevieve Romero**

**Chapter 13**

**#6.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan**

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Genevieve Romero

Represented By  
Raymond Perez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13746 Michael P Monroe and Deborah J. Monroe**

**Chapter 13**

**#7.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Michael P Monroe

Represented By  
Anthony P Cara

**Joint Debtor(s):**

Deborah J. Monroe

Represented By  
Anthony P Cara

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13735 Brian E. Bruce and Erica D Bruce**

**Chapter 13**

**#8.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Brian E. Bruce

Represented By  
Christopher J Langley

**Joint Debtor(s):**

Erica D Bruce

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13700 Myrnalee Brainard Mclane

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/29/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/29/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Myrnalee Brainard Mclane

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13687 Marc David Finnie**

**Chapter 13**

**#10.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Marc David Finnie

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13684 Olga Torres**

**Chapter 13**

**#11.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Olga Torres

Represented By  
Bryn C Deb

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13667 Obdulia Cantoran

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/22/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/22/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Obdulia Cantoran

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13650 J. Guadalupe Zepeda Dimas**

**Chapter 13**

**#13.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

J. Guadalupe Zepeda Dimas

Represented By  
James F Drake

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13618 Landon Murray Hall

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed  
12/11/2018; Case Converted to Chapter 7

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case  
from Chapter 13 to Chapter 7 filed 12/11/2018; Case Converted to  
Chapter 7 - td (12/12/2018)**

Tentative Ruling:

- NONE LISTED -

**Party Information**

**Debtor(s):**

Landon Murray Hall

Represented By  
Bert Briones

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13583 Eric Michael Webber and Celena Renee Webber**

**Chapter 13**

**#15.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eric Michael Webber

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Celena Renee Webber

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13556 Nam Howell**

**Chapter 13**

**#16.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nam Howell

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13521 Jose F. Lopez**

**Chapter 13**

**#17.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose F. Lopez

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13517 Conrado P Del Rosario**

**Chapter 7**

**#18.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Debtor's Notice of  
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed  
10/23/2018; Case Converted to Chapter 7**

**Courtroom Deputy:**

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case  
from Chapter 13 to Chapter 7 filed 10/23/2018; Case Converted to  
Chapter 7 - td (10/24/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Conrado P Del Rosario

Represented By  
Leroy Bishop Austin

**Trustee(s):**

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13514 Jose Cervantes**

**Chapter 13**

**#19.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/9/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/9/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jose Cervantes

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13494 Nicole H. Hazlett**

**Chapter 13**

**#20.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nicole H. Hazlett

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13487 Shahid Jamil**

**Chapter 13**

**#21.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Shahid Jamil

Represented By  
Brian J Soo-Hoo

**Movant(s):**

Shahid Jamil

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13475 Sonia Maria Barajas**

**Chapter 13**

**#22.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Sonia Maria Barajas

Represented By  
Bert Briones

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13468 Miriam Karn

Chapter 13

#23.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/12/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/12/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Miriam Karn

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13447 Soo Jin Kang**

**Chapter 13**

**#24.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Soo Jin Kang

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13417 Darel Jamar Dorsey**

**Chapter 13**

**#25.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Darel Jamar Dorsey

Represented By  
D Justin Harelik

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13396 Eric R. Kretzschmar**

**Chapter 13**

**#26.00** Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Eric R. Kretzschmar

Represented By  
Stephen Parry

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13395 Edgar Macias

Chapter 13

#27.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/24/2018

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/24/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Edgar Macias

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13389 Alfredo Sanchez

Chapter 13

#28.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order Dismissing Case  
for Failure to File Schedules, Statements, and/or Plan Entered 10/1/2018  
Case Closed 11/20/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,  
Statements, and/or Plan Entered 10/1/2018. Case Closed 11/20/2018 - td  
(12/3/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Alfredo Sanchez

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13376 Pamela Diane Lawson**

**Chapter 13**

**#29.00** Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Pamela Diane Lawson

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

9:30 AM

8:18-13368 Quynh Thuy Lu

Chapter 13

#30.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Order of Dismissal  
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13  
Entered 10/10/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for  
Voluntary Dismissal of Chapter 13 Entered 10/10/2018 - td (10/10/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Quynh Thuy Lu

Represented By  
Kevin Tang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13367 Nels Paul Billsten and Leigh Ann Billsten**

**Chapter 13**

**#31.00** Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Nels Paul Billsten

Represented By  
Rex Tran

**Joint Debtor(s):**

Leigh Ann Billsten

Represented By  
Rex Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13334 Elena Alba**

**Chapter 13**

**#32.00 Hearing RE: Confirmation of Chapter 13 Plan**

Docket 6

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Elena Alba

Represented By  
R Grace Rodriguez

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13315 Laurel Lee Linton**

**Chapter 13**

**#33.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Laurel Lee Linton

Represented By  
Caroline S Kim

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13228 Francisco Taga Aquino, Jr.**

**Chapter 13**

**#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Francisco Taga Aquino Jr.

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13057 Severo Tlantenchi Blanco**

**Chapter 13**

**#35.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-27-18

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Severo Tlantenchi Blanco

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-13002 Russell Lane**

**Chapter 13**

**#36.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 11-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Russell Lane

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12950 Michael Patrick Rupp and Rogedola Geraldina Ajike Rupp Chapter 13**

**#37.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan**

FR: 11-27-18

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michael Patrick Rupp

Represented By  
Kaveh Ardalan

**Joint Debtor(s):**

Rogedola Geraldina Ajike Rupp

Represented By  
Kaveh Ardalan

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12818 Annie M. Johnson**

**Chapter 13**

**#38.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Annie M. Johnson

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12797 Johnny Phan**

**Chapter 13**

**#39.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Johnny Phan

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12769 Yolanda Y. Serrano**

**Chapter 13**

**#40.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18; 11-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yolanda Y. Serrano

Represented By  
Michael D Franco

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12714 Edna Bamba Novales**

**Chapter 13**

**#41.00** CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-23-18; 11-27-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Edna Bamba Novales

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12606 Michelle Renee Gillespie**

**Chapter 13**

**#42.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Michelle Renee Gillespie

Represented By  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12567 Jay R. Bauer**

**Chapter 13**

**#43.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan**

FR: 10-23-18

Docket 2

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jay R. Bauer

Represented By  
James D. Hornbuckle

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-12346 John W. Fox and Lisa D. Fox**

**Chapter 13**

**#44.00 CON'TD Hearing RE: Confirmation of 3rd Amended Chapter 13 Plan**

FR: 9-25-18; 11-27-18

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John W. Fox

Represented By  
Ali R Nader

**Joint Debtor(s):**

Lisa D. Fox

Represented By  
Ali R Nader

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

9:30 AM

**8:18-11599    Rojan Shahba and Gholamreza Shahba**

**Chapter 13**

**#45.00    Hearing RE: Confirmation of Chapter 13 Plan**

Docket    26

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rojan Shahba

Represented By  
David S Hagen

**Joint Debtor(s):**

Gholamreza Shahba

Represented By  
David S Hagen

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-14990 Victoria Ann Perris**

**Chapter 13**

**#46.00** CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 11-27-18

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Victoria Ann Perris

Represented By  
Andrew Moher

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#47.00** CON'TD Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

FR: 11-27-18

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-13250 Noe Trejo**

**Chapter 13**

**#48.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 10-23-18; 11-27-18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Noe Trejo

Represented By  
Natalie A Alvarado

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12732 Deborah Ann Brown**

**Chapter 13**

**#49.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 57

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Deborah Ann Brown

Represented By  
Ramiro Flores Munoz

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:17-12253 Darlene Futrel**

**Chapter 13**

**#50.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darlene Futrel

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-13383 Jerome W. Harney and Jamie L. Harney**

**Chapter 13**

**#51.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jerome W. Harney

Represented By  
Joseph A Weber

**Joint Debtor(s):**

Jamie L. Harney

Represented By  
Joseph A Weber

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:16-11543 Thomas Charles Dailey, Jr**

**Chapter 13**

**#52.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding**

FR: 9-25-18; 10-23-18; 11-27-18

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas Charles Dailey Jr

Represented By  
Halli B Heston  
Ronald Appel  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar

Friday, December 21, 2018

Hearing Room 5A

10:30 AM

8:15-13211 Maggy Margaret Hutchison

Chapter 13

#53.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Plan Payments

Docket 93

\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of  
Trustee's Motion for Order Dismissing Chapter 13, filed 11/20/2018

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order  
Dismissing Chapter 13, filed 11/20/2018 - td (11/20/2018)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Maggy Margaret Hutchison

Represented By  
Steven A Alpert

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:15-11165 Matthew Cordner**

**Chapter 13**

**#54.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13  
Proceeding for Failure to Make Payments

Docket 81

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Matthew Cordner

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

10:30 AM

**8:14-16259 Justin William Mize and Heather Ann Mize**

**Chapter 13**

**#55.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 103

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 12/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 12/18/2018 - td (12/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Justin William Mize

Represented By  
Misty A Perry Isaacson

**Joint Debtor(s):**

Heather Ann Mize

Represented By  
Misty A Perry Isaacson

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

10:30 AM

8:14-15974 Miguel Garcia Perez

Chapter 13

#56.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

Docket 110

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 12/4/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 12/4/2018 - td (12/4/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Miguel Garcia Perez

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:14-11410 Jill Marie Lungren and Carlos Alfonso Lungren**

**Chapter 13**

**#57.00** Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 96

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jill Marie Lungren

Represented By  
William P White  
Bruce D White

**Joint Debtor(s):**

Carlos Alfonso Lungren

Represented By  
William P White

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

Friday, December 21, 2018

Hearing Room 5A

10:30 AM

**8:13-16378 Martha Alicia Zapien**

**Chapter 13**

**#58.00** CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-27-18; 5-22-18; 6-19-18; 7-17-18; 9-25-18; 10-23-18; 11-27-18

Docket 59

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 12/18/2018**

**Courtroom Deputy:**

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13, filed 12/18/2018 - td (12/19/2018)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Martha Alicia Zapien

Represented By  
Steven P Chang

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Erithe Smith, Presiding  
Courtroom 5A Calendar**

**Friday, December 21, 2018**

**Hearing Room 5A**

10:30 AM

**8:13-13764 William S. Quay and Mary P. Quay**

**Chapter 13**

**#59.00** Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to complete the plan within its terms

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

William S. Quay

Represented By  
Tate C Casey

**Joint Debtor(s):**

Mary P. Quay

Represented By  
Tate C Casey

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se