

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

Thursday, January 10, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#1.00 STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/31/2019 AT 9:30 A.M.,
PER ORDER ENTERED 12/6/2018 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 1/31/2019 at 9:30 a.m., Per
Order Entered 12/6/2018 (XX) - td (12/6/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Nobie Moore

Pro Se

Andrew Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

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, January 10, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#2.00 STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons
Issued 11/7/2018; Status Conference Set for 1/31/2019 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 11/7/2018; Status
Conference Set for 1/31/2019 at 9:30 a.m. (xx) - td (11/7/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Jodi Denise Steelman

Pro Se

Shaunah Lynn Steelman

Pro Se

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

**United States Bankruptcy Court
Central District of California
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CONT... Denny Roy Steelman

Chapter 7

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
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

8:13-19229 Cornelio Fernandez Alvarez and Sulma Leyda Rivas

Chapter 13

#3.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTORS

FR: 12-6-18

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Movant to advise the court re the status of this matter.

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

**United States Bankruptcy Court
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Santa Ana
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Hearing Room 5A

10:00 AM

CONT... Cornelio Fernandez Alvarez and Sulma Leyda Rivas

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 10, 2019

Hearing Room 5A

10:00 AM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#4.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK NA

VS.

DEBTOR

FR: 12-6-18

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.

January 10, 2019

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
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Hearing Room 5A

10:00 AM

CONT... Rocio Lopez Namdar

Chapter 13

Debtor(s):

Rocio Lopez Namdar

Represented By
Anerio V Altman

Movant(s):

U.S. Bank National Association

Represented By
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, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-11234 David Ramos

Chapter 13

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

BOSCO CREDIT, LLC

VS.

DEBTOR

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion with co-debtor relief and without 4001(a)(3) waiver.

Basis for Tentative Ruling

1. Though Debtor now claims the property has a value of \$750,000, there is no credible evidence of such. On April 6, 2018, Debtor filed schedules indicating a value of only \$693,275. Less than two weeks later, on April 18, 2018, Debtor listed the property for \$750,000. Nearly nine months later, there is no evidence that Debtor has received any offers at the list price (or any other price). This undermines Debtor's assertion that the property has a value of \$750,000.

2. Debtor and Debtor's counsel are not being forthcoming regarding the list price of \$750,000. According to the website of Debtor's agent, Blaine Loudenback, on Zillow.com, the subject listing was *reduced* from \$750,000 to \$729,000 on *November 6, 2018*, more than six weeks prior to the filing of the Opposition. Apparently no offers have been received for the reduced list price.

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10:00 AM

CONT... David Ramos

Chapter 13

3. Debtor is not able to make current payments.

Party Information

Debtor(s):

David Ramos

Represented By
Julie J Villalobos

Movant(s):

Bosco Credit, LLC, its successors

Represented By
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, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-13517 Conrado P Del Rosario

Chapter 7

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

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

Conrado P Del Rosario

Represented By
Leroy Bishop Austin

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Conrado P Del Rosario

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, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-13549 Raymond Clay Allen

Chapter 7

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

CAB WEST, LLC

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

Raymond Clay Allen

Represented By
Mark A Pahor

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Raymond Clay Allen

Chapter 7

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

Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-13862 Fidel Nunez and Cita Nunez

Chapter 7

#8.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

TD AUTO FINANCE LLC

VS.

DEBTORS

FR: 12-6-18

Docket 16

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion for Relief from Automatic Stay, filed 1/8/2019.**

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.

January 10, 2019

Movant to advise the court re the status of this matter.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Fidel Nunez and Cita Nunez

Chapter 7

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
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, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-14112 Joseph John Munoz and Maria Munoz

Chapter 7

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

THE BANK OF NEW YORK MELLON

VS.

DEBTORS

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant with 4001(a)(3) waiver on condition that Movant files, within 7 days of the hearing, documentary evidence of its beneficial interest in the subject property.

Special Note: None of the documents attached as Exhibits 1 and 2 reference Movant and no assignment to Movant is attached 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

Debtor(s):

Joseph John Munoz

Represented By
Louis J Esbin

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Joseph John Munoz and Maria Munoz

Chapter 7

Joint Debtor(s):

Maria Munoz

Represented By
Louis J Esbin

Movant(s):

THE BANK OF NEW YORK

Represented By
Kelsey X Luu

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 10, 2019

Hearing Room 5A

10:00 AM

8:18-14335 Ashley Bui and Richard Bui

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
AMERICAN HONDA FINANCE CORPORATION
VS.
DEBTOR; AND THOMAS S. CASEY, CHAPTER 7 TRUSTEE

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

Ashley Bui

Represented By
Andrew Nguyen

Joint Debtor(s):

Richard Bui

Represented By
Andrew Nguyen

Movant(s):

AMERICAN HONDA FINANCE

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Ashley Bui and Richard Bui

Vincent V Frounjian

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, January 10, 2019

Hearing Room 5A

10:00 AM

8:18-14372 Narendra Mohan and Anshu Mohan

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
BILL PISETSKY, BARBARA PIESETSKY
VS.
DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant with 4001(a)(3) waiver; deny request for co-debtor relief (not applicable 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.

Party Information

Debtor(s):

Narendra Mohan

Represented By
Harlene Miller

Joint Debtor(s):

Anshu Mohan

Represented By
Harlene Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Narendra Mohan and Anshu Mohan

Chapter 7

Movant(s):

Bill, Barbara Pisetsky

Represented By
Barry L O'Connor

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 10, 2019

Hearing Room 5A

10:00 AM

8:18-14437 Angie Cachu

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

SIHAM ALBABA

VS.

DEBTOR

Docket 10

Courtroom Deputy:

OFF CALENDAR: Case dismissed by order entered 12/26/18 [docket # 16] --eas

Tentative Ruling:

January 10, 2019 [This tentative has been updated since original posting]

Deny motion as moot -- case dismissed on 12/26/18.

Note: If Movant accepts the foregoing tentative ruling, no court appearance by the Movant is required.

Party Information

Debtor(s):

Angie Cachu

Represented By
Bruce A Boice

Movant(s):

SIHAM ALBABA

Represented By
Stephen C Durringer

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

Thursday, January 10, 2019

Hearing Room 5A

10:00 AM

CONT... Angie Cachu

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 10, 2019

Hearing Room 5A

10:00 AM

8:18-14558 Cathy Marie Estrella

Chapter 13

#13.00 Hearing RE: Amended 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:

January 10, 2019

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):

Cathy Marie Estrella

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**

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:09-20845 Commercial Services Building Inc

Chapter 7

#14.00 Hearing RE: Motion of Chapter 7 Trustee to Approve Settlement Agreement with Douglas J. Patrick RE: Proof of Claim No. 13

Docket 379

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant the Motion.

Basis for Tentative Ruling:

Per FRBP 9019, a chapter 7 trustee may seek bankruptcy court approval of a settlement agreement. Approval of a settlement agreement should be granted if the settlement terms are reasonable under the particular circumstances of the case, and among the factors considered are: (1) the probability of success in the litigation; (2) any impediments to collection; (3) the complexity, expense, inconvenience and delay of litigation, and (4) the interest of creditors with deference to their reasonable opinions. *In re A & C Properties*, 784 F.2d 1377, 1381 (9th Cir. 1986). a court is not required "to decide the numerous questions of law and fact raised by a motion to compromise, but rather to determine whether the compromise falls below the threshold of reasonableness. *In re Planned Protective Services, Inc.*, 130 B.R. 94, 99, fn. 7 (Bankr. C.D.Cal. 1991), *citing to In re WT. Grant Co.*, 699 F.2d 599, 608 (2nd Cir. 1983). "The Court does not substitute. its judgment for that of the trustee, but reviews the issues to see if the settlement falls below the lowest point of reasonableness." *In re Martin*, 212 B.R. 316, 319 (BAP 8th Cir. 1997). When applying the above standards, and "[i]n passing upon the proposed settlement, the Court must consider the principle that 'law favors compromise.'" *In re Carson*, 82 B.R. 847, 853 (Bankr. S.D. Ohio

**United States Bankruptcy Court
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10:30 AM

CONT... Commercial Services Building Inc
1994)(citations omitted).

Chapter 7

In this case, the Agreement between Debtor and Patrick is fair and equitable under the circumstances of this case and should be approved based upon the following:

(1) Probability of Success In the Litigation

This factor weighs in favor of granting the Motion. The arguments raised by Bascom purport to be various grounds for disallowing the POC. The arguments are not persuasive, however, because:

(i) The Court previously rejected Patrick's argument that the shareholder loan owed to him should be deemed offset against the loan he owed to Debtor. The Court ultimately relied on the existence of the shareholder loan to find that Debtor was insolvent at the time of the avoided transfers. See, Reply, p. 2-4.

(ii) While the Court sustained Bascom's proof of claim based in part to the lacked a writing, Bascom misapplies the law of the case doctrine.

"The law of the case doctrine states that "when a court decides upon a rule of law, that decision should continue to govern the same issues in subsequent stages in the same case."... The doctrine grew out of the need to "maintain consistency and to avoid reconsideration of matters once decided during the course of a single continuing lawsuit."...The doctrine "promotes the finality and efficiency of the judicial process by 'protecting against the agitation of settled issues.' ". § 7:1.Introduction, Bankr. Evid. Manual § 7:1 (2018 ed.)(Supreme Court citations omitted). "The law of the case doctrine is applicable to several different situations... Depending on the context to which it is applied, the doctrine has different effects. *Id.* at § 7:2 (citations omitted). Under the doctrine, a court is generally precluded from reconsidering an issue previously decided by the same court, or a higher court in the identical case. *Richardson v. US*, 841 F.2d 993, 996 (9th Cir.), *amended*, 860 F.2d 357 (9th Cir.1988). For the doctrine to apply, the issue in question must have been "decided explicitly or by necessary implication in [the] previous disposition."

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CONT... **Commercial Services Building Inc**

Chapter 7

Liberty Mutual Ins. Co. v. E.E.O.C., 691 F.2d 438, 441 (9th Cir.1982).
Ordinarily, resolution of a legal issue is "law of the case." *In re Tsurukawa*,
287 B.R. 515, 518 (BAP 9th Cir. 2002).

In this case, the Court's decision on whether Bascom's proof of claim should be allowed is not law of the case on whether the POC should be allowed. Patrick has not demonstrated that the issues decided during the objection to Bascom's proof of claim are similar to the issues to be decided in an objection to the POC. Furthermore, as argued by Patrick, if applicable, the law of the case may actually weigh in favor of denying any objection to the POC since the Court relied on the shareholder loan underlying the POC (and by implication, finding the shareholder loan was a valid loan) to find the insolvency element of Trustee's avoidance actions.

Finally, the evidence in support of Bascom's proof of is stark contrast to the supporting documents attached to the POC, which includes copies of checks with annotations stating that the check is a loan. Furthermore, per Trustee's testimony, Trustee has reviewed additional documents that was supplied by Patrick in support of the POC. Mot, p. 8, ¶4.

(iii) Bascom's final argument that the POC should be relegated to equity consistent with the Ninth Circuit's holding in *In re Fitness Holdings Int'l, Inc.*, 714 F.3d 1141, 1147 (9th Cir. 2013)(holding that court may recharacterize debtor under state law in the context of avoidance actions and is not governed by the subordination statute of § 510) is unpersuasive because not only is the cited case not applicable to the instant matter (the Motion is not setting an avoidance action), but Patrick has failed to provide any equitable grounds for subordinating the POC.

Based upon evidence presented to it, a court is not required "to decide the numerous questions of law and fact raised by a motion to compromise, but rather to determine whether the compromise falls below the threshold of reasonableness. (*In re Planned Protective Services, Inc.*, 130 B.R. 94, 99, fn. 7 (Bankr.C.D.Cal. 1991). When applying the above standards, and "[i]n passing upon the proposed settlement, the Court must consider the principle that 'law favors compromise.'" *In re Carson*, 82 B.R. 847, 853 (Bankr. S.D. Ohio 1994)(citations omitted).

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CONT... Commercial Services Building Inc

Chapter 7

In sum, while the Court is not required to decide all the numerous questions of law and fact, the unpersuasive nature of Bascom's arguments lends support to Trustee's business judgment that the majority of the POC is valid and settlement of any objection to the portion that may be invalid is in the best interest of the estate. See, Mot., p. 9, ¶ 5.

(2) Impediments to Collection

The Motion did not address this factor. Nonetheless, since the underlying litigation being settled is a potential claim objection, there would be no collection efforts. Thus, this factor is neutral.

(3) The Complexity, Expense, Inconvenience and Delay of Litigation

This factor weights in favor of granting the Motion. Settlement is in the best interest of creditors because the costs incurred litigating any objection to the POC will likely outweigh the benefit to creditors. As noted by Trustee, the majority of the POC is supported by documentation and at issue is really only \$300,000 to \$400,000. See, Mot. p. 9, ¶¶ 6-7. The reduction of the POC in the amount of \$347,000 and the substantial savings of administrative expenses warrant approval of the Agreement. See, Mot. p. 10, ¶ 8. A prompt resolution of this potential objection to the POC will also allow Trustee to continue to administer the estate. Id. at p. 9, ¶7.

(4) The Interest of Creditors with Deference to Their Reasonable Opinions

Settlement is in the best interest of creditors because the costs incurred litigating any objection to the POC will likely outweigh the benefit to creditors. As noted by Trustee, the majority of the POC is supported by documentation and at issue is only \$300,000 to \$400,000. See, Mot. p. 9, ¶¶ 6-7. The reduction of the POC in the amount of \$347,000 and the substantial savings of administrative expenses warrant approval of the Agreement. See, Mot. p. 10, ¶ 8. Finally, no other creditor other than Bascom (whose claim objection was prosecuted by Patrick) has objected to the Motion.

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CONT... Commercial Services Building Inc

Chapter 7

In sum, 3 out of the 4 A/C factors weigh in favor of approval of the Agreement

Evidentiary objections to Declaration of Douglas Patrick [Docket 379]

Overrule all objections except Objection #29 which is sustained.

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
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#15.00 Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 2404-2406 5th St, Los Angeles, CA 90019 and to Avoid Second Lien of GMAC Mortgage, LLC, Ocwen Loan Servicing, Their Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

Docket 177

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2018

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to provide documentary evidence of the holder of the junior lienholder on the subject property by or before January 22, 2019 (with amended notice if necessary)

Basis for Tentative Ruling:

Although the court is inclined to grant the motion based on the merits, Debtor has not provided any documentary evidence identifying the holder or authorized agent of the holder of the second deed of trust and, therefore, this court cannot ascertain whether service of this contested matter is proper.

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

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

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

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#16.00 Hearing RE: Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 1641-1643 S. Orange Dr., Los Angeles, CA and to Avoid Second Lien of Impact Funding, Inc., its Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

Docket 179

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2018

[This tentative ruling has been modified since its original posting]

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to 1) provide proper service on the current holder of the second deed of trust on the subject property, and 2) file documentary evidence identifying the holder of the second deed of trust by or before January 22, 2019.

Basis for Tentative Ruling:

Preliminary statement: The statements and evidence in support of this Motion are all over the place, making a coherent review of the same nearly impossible.

Although the court is inclined to grant the motion based on the merits, there are issues that need to be addressed:

1. Debtor represents that the first deed of trust was transferred from Express Capital Lending to Wells Fargo Bank with BofA as servicer on April 19, 2019 and directs the court to Exhibit 1, which is the proof of claim filed by BofA, the presumed holder of the first deed of trust. However, documents attached to the proof of claim also seem to show that a) Express Capital Lending

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Thursday, January 10, 2019

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10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

assigned a note/deed of trust (not clear if it's the first or second) to Impac Funding Corp. [Exhibit 1, p.49] and b) **Impac Funding Corp** assigned its interest in the first deed of trust on April 19, 2012 (postpetition) to Wells Fargo Bank with BofA as apparent servicer. [Exhibit 1, p. 50].

2. There is no documentation or other credible evidence that identifies Impac Funding Corporation, or any other entity, as the holder of the second deed of trust. Accordingly, the court cannot determine whether service of the Motion was proper.

3. Debtor needs do his research and determine the identity of the holder of the second deed of trust and properly serve that entity. Parenthetically, Debtor also needs to remit plan payments to such entity if it is someone other than Impac.

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

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Motion for Order Approving Global
Compromise with Donald Woo Lee and Linda Bae Lee

Docket 823

*** VACATED *** REASON: CONTINUED TO 1/31/2019 AT 10:30 A.M.,
PER ORDER ENTERED 1/3/2019 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/31/2019 at 10:30 a.m., Per Order
Entered 1/3/2019 (XX) - td (1/3/2019)**

Tentative Ruling:

- NONE LISTED -

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
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, January 10, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee and Linda Bae Lee

Chapter 7

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:15-13261 Bruce R Fink

Chapter 13

#18.00 Hearing RE: Debtor's Amended Motion to Vacate Dismissal of Case Under Rule 60

Docket 144

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion on the terms requested by the chapter 13 trustee.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

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, January 10, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#19.00 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; 11-15-18

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

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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.

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CONT... Rosalva Ramirez

Chapter 11

January 10, 2019

Grant in part; deny in part. Grant summary adjudication as to the §§ 544(a) (3), § 550, and § 502(d) claims for relief only as to 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. Deny the balance of the relief requested.

Basis for Tentative Ruling:

The court is not persuaded by the supplemental brief filed December 23, 2018 [docket #147].

The court incorporates by reference herein, its November 15, 2018 tentative ruling. See above. In response to the November 15, 2018 tentative ruling, Debtor argues that the Motion should be granted because the face of the SE1 Deed and the SE2 Deed evidences that "the parties to that transactions intended that Debtor's Property stand as security for these debts" so Salon Envios could assert an equitable lien in Debtor's Property. Supp. Br. at p. 3:3-5.

The counterargument that the face of the deeds evidences that "the parties to that transactions intended that Debtor's Property stand as security" fails to address the issue of who the "parties to the transaction" truly are- Luis in his individual capacity or Luis as co-trustee of the Ramirez Family Trust. In other words, even if Luis intended that the Property serve as collateral, Luis may not have the authority to grant an equitable lien if Luis was acting in his individual capacity because Luis did not hold title to the Property at the time. Further, and more importantly, the parties' "intent" is a factual issue and Luis intent to encumber the Property as co-trustee of the Ramirez Family Trust cannot be gleaned as a matter of law simply from the face of the deeds that make no mention of the Ramirez Family Trust. Debtor's cited legal authorities in the Supplemental Brief do not sufficiently support her position.

In *Lentz v. Lentz*, (1968) 267 CA2d 891, 894, the California Court of Appeal stated that, " To establish an equitable lien, appellant must

**United States Bankruptcy Court
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Thursday, January 10, 2019

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10:30 AM

CONT...

Rosalva Ramirez

Chapter 11

demonstrate that her deceased husband not only intended to make the real property primary security for the debt to the insurance company and the insurance policy merely collateral security, but that he had the right to do so." (reversing grant of summary judgment imposing an equitable lien on real property because triable issue of fact remained as to decedent's intent). In this case, Debtor has not established that Luis had the "right to" pledge the Property as security.

In *Grappo v. Coventry Fin. Corp.*, (1991) 235 CA3d 496, 509 (1991) 235 Cal.App.3d 496, 509-510, the California Court of Appeal affirmed the trial court's denial of appellant's claim for an equitable lien on real property on which ex-wife constructed a new home and appellant extended loans to ex-wife but never obtained a deed of trust. The court found that the parties did not intend to create a security interest in the property. *Id.* Unlike the instant case, however, the ex-wife's right to pledge the property as security was not at issue because wife held title to the real property on which the new home was built. *Id.* at 500.

Finally, *Huber v. Danning (In re Thomas)*, 147 B.R. 526, 529 (BAP 9th Cir.) does not support Debtor's position because it is undisputed that a trustee may avoid an equitable interest in property under § 544(a)(3). Here, however, Debtor has not established that an equitable interest was created since Debtor has not established that Luis had a "right" to create an equitable lien in the Property.

Viewing the evidence, i.e., the face of the SE1 Deed and SE2 Deed, in the light most favorable to the non-moving parties, a genuine issue of fact remains with regards to SE1 Deed and SE2 Deed and in which capacity Luis granted those security interests.

Party Information

Debtor(s):

Rosalva Ramirez

Represented By
Marc C Forsythe
Charity J Miller

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

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10:30 AM

CONT... Rosalva Ramirez

Chapter 11

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
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#20.00 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; 11-15-18

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

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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

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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.

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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.

January 10, 2019

Cross complainant to advise the court how she wishes to proceed with the adversary in light of the court's ruling re #19 on today's calendar.

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 Manee

Jose Luis Ramirez Sr

Represented By
Christopher P Walker

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

Thursday, January 10, 2019

Hearing Room

5A

10:30 AM

CONT...

Rosalva Ramirez

Chapter 11

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
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:16-13227 William Bilderback and Jonelle Sellers

Chapter 7

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

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

William Bilderback

Represented By
Arlene M Tokarz

Joint Debtor(s):

Jonelle Sellers

Represented By
Arlene M Tokarz

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

CONT... William Bilderback and Jonelle Sellers

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:16-13227 William Bilderback and Jonelle Sellers

Chapter 7

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

[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR THE CHAPTER 7 TRUSTEE]

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

William Bilderback

Represented By
Arlene M Tokarz

Joint Debtor(s):

Jonelle Sellers

Represented By
Arlene M Tokarz

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

CONT... William Bilderback and Jonelle Sellers

Chapter 7

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

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:16-13227 William Bilderback and Jonelle Sellers

Chapter 7

#23.00 Hearing RE: First and Final Fee Application for Allowance of fees and Expenses from April 7, 2017 through September 18, 2018

[HAHN FIFE & COMPANY, LLP, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

William Bilderback

Represented By
Arlene M Tokarz

Joint Debtor(s):

Jonelle Sellers

Represented By
Arlene M Tokarz

Trustee(s):

Jeffrey I Golden (TR)

Represented By

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

CONT...

William Bilderback and Jonelle Sellers

Reem J Bello

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

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

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 147

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

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
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:17-11072 Anavelia Prado

Chapter 7

#25.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from Jly 115, 2018 through October 18, 2018

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 145

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

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):

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, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13629 Michael Burke

Chapter 7

#26.00 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. Rule 2017

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion in part, deny in part: \$1284 to be cancelled as excessive compensation, deny request for filing of 2016 statement as moot.

Basis for Tentative Ruling:

Attorney was to be paid \$1895 multiple standard services, including preparation of schedules, SOFA and other required documents as well as attend 341(a) meeting(s), etc. Though Attorney filed the petition (which benefited Debtor), Attorney did not have to review or process other required documents or attend the 341(a) meeting. Accordingly, Attorney is not entitled to the full fee for services not rendered.

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

Party Information

Debtor(s):

Michael Burke

Represented By
Ashishkumar Patel

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

CONT... Michael Burke

Chapter 7

United States Bankruptcy Court
Central District of California
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Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13830 Joe Maurice Quintanilla

Chapter 13

#27.00 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 12

*** 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 12/27/2018

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 12/27/2018 - td (12/27/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Thursday, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#28.00 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 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019 [Tentative ruling has been modified since original post]

Grant motion to extend time only if service to the insurance companies was proper. The court cannot ascertain from the proof of service whether the insurance companies listed on pages 4 and 5 of the Motion were properly served as their names do not appear on the list of served parties.

Party Information

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, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#29.00 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 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion to extend time.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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 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, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#30.00 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 Agreements Pursuant to 11 U.S.C. Section 365(a),

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion to extend time.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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 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, January 10, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#31.00 Hearing RE: Chapter 7 Trustee's Motion to Approve Use, Sale, or Lease of Estate Property Under Section 363

Docket 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019

Grant motion under 11 U.S.C. 363(c).

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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, January 10, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#32.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan [Dissemination Version]

(Set at SC held 9-20-18)
FR: 12-11-18

Docket 544

***** VACATED *** REASON: CONTINUED TO 1/29/2019 AT 10:00 A.M.,
PER ORDER ENTERED 1/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/29/2019 at 10:00 a.m., Per Order
Entered 1/8/2019 (XX) - td (1/9/2019)**

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*

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

Thursday, January 10, 2019

Hearing Room

5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

testimony under Rule 703, all objections to the Declaration under Rule 602 are overruled.

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

<u>Objection No.</u>	<u>Ruling:</u>
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 legal conclusion. Beyond scope of expert review under Rule 701 is appropriate.
opinion/ testimony so	
34	Sustained as to "Accordingly . . . to the end of paragraph
37.	
expert	Improper opinion/ legal conclusion. Beyond scope of 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.

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

Thursday, January 10, 2019

Hearing Room

5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

- 36 Sustained as to "Accordingly . . . to the end of paragraph
39. Improper opinion/ legal conclusion.Beyond scope of
expert 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**

Thursday, January 10, 2019

Hearing Room 5A

2:00 PM

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**

Thursday, January 10, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#33.00 CON'TD 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)

FR: 12-11-18

Docket 558

***** VACATED *** REASON: CONTINUED TO 1/29/2019 AT 10:00 A.M.,
PER ORDER ENTERED 1/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 1/29/2019 at 10:00 a.m.,
Per Order Entered 1/8/2019 (XX) - td (1/9/2019)**

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

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

Thursday, January 10, 2019

Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

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, January 10, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#34.00 FINAL ORAL ARGUMENT RE: Motion Seeking: (1) Disallowance of Claims 14 and 16; and (2) Striking Claims Alleged in Adversary Nos. 8:17-ap-01094 and 8:17-ap-01092 on the Grounds the Same Were Filed Base Upon Falsified Evidence, filed by Debtor John Jean Bral

(Set at SC held 9-20-18 ; See Statement/Doc. #603)

Docket 219

***** VACATED *** REASON: CONTINUED TO 3/19/2019 AT 2:00 P.M.,
PER HEARING HELD 12/11/2018 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/19/2019 at 2:00 p.m., Per Hearing
Held 12/11/2018 (XX) - td (12/12/2018)**

Tentative Ruling:

- 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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14264 Michelle Mejia

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Mejia

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14252 Kayleen R Hittesdorf

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kayleen R Hittesdorf

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14205 Russel A Wood

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 5

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 12/17/2018**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 12/17/2018 - td (12/17/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Russel A Wood

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14199 Abel Yepes

Chapter 13

#4.00 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 11/26/18

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising From Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 11/26/2018 - liz (11/26/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Yepes

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14196 Michael Burke

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 12/3/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File
Schedules,Statements, and/or Plan Entered 12/3/2018 - td (12/3/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Burke

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14181 Florence Ann Woolbright

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 12/3/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 12/3/2018 - td (12/3/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Florence Ann Woolbright	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14172 Eduardo Flores Barraza

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Flores Barraza

Represented By
Edward A 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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14136 David Maurice Denman

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Maurice Denman

Represented By
Nicholas W Gebelt

Trustee(s):

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14130 Rebecca M Mendez

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca M Mendez

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14074 Susan Hyun Kyung Ham

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 11/26/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 11/26/2018 - td (11/27/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Hyun Kyung Ham 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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14070 Scott T. Vu and Thu M. Nguyen

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott T. Vu

Represented By
Christopher J Langley

Joint Debtor(s):

Thu M. 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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#12.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-14015 Raymond Hal Hurst

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

*** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 1/18/2019; Case Converted to Chapter 7

Courtroom Deputy:

OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 1/18/2019; Case Converted to Chapter 7 - td (1/22/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Hal Hurst

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13963 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13929 Carlos J Calvillo

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos J Calvillo

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 22, 2019

Hearing Room 5A

1:30 PM

8:18-13885 Mary Ann Tan Sanders

Chapter 13

#16.00 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 10/26/2018. Case Closed 12/21/2018

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising From Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 10/26/2018. Case Closed
12/21/2018 - td (1/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Ann Tan Sanders

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13854 Jezabel Jurado

Chapter 13

#17.00 CONT'D Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13809 Bella Orion

Chapter 13

#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13769 Genevieve Romero

Chapter 13

#19.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR: 12-21-18

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13746 Michael P Monroe and Deborah J. Monroe

Chapter 13

#20.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13687 Marc David Finnie

Chapter 13

#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 14

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 12/31/2018**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 12/31/2018 - td (1/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13583 Eric Michael Webber and Celena Renee Webber

Chapter 13

#22.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13494 Nicole H. Hazlett

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13487 Shahid Jamil

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13396 Eric R. Kretzschmar

Chapter 13

#25.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-13013 Majid Nick Nikki

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-27-18

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-12950 Michael Patrick Rupp and Rogedola Geraldina Ajike Rupp Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 11-27-18; 12-21-18

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

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-11599 Rojan Shahba and Gholamreza Shahba

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

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**

Tuesday, January 22, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#29.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:18-12402 Yolanda Vasquez

Chapter 13

#30.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding For Failure to Make Plan Payments

Docket 34

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:18-11018 Gerardo Caravez and Rafaela Caravez

Chapter 13

#31.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 67

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:18-11006 Kimberly Nadina Fisher

Chapter 13

#32.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-14785 Valerie E. LaHaye

Chapter 13

#33.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding (11 USC 1307(c)(6))

Docket 46

*** 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 -

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-13250 Noe Trejo

Chapter 13

#34.00 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; 12-21-18

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-13250 Noe Trejo

Chapter 13

#35.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 10-23-18; 11-27-18; 12-21-18

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-12732 Deborah Ann Brown

Chapter 13

#36.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 12-21-18

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**

Tuesday, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-12177 Christopher Quentin Chappell

Chapter 13

#37.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding (11 USC 1307(c)(6))

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, January 22, 2019

Hearing Room 5A

2:30 PM

8:17-11995 Jesus M Razo

Chapter 13

#38.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 92

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 22, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#39.00 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):

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:16-11543 Thomas Charles Dailey, Jr

Chapter 13

#40.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 9-25-18; 10-23-18; 11-27-18; 12-21-18

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

#41.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 102

Courtroom Deputy:

- NONE LISTED -

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:15-14408 Thomas Winslor Eddy and Colleen Marie Eddy

Chapter 13

#42.00 Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 99

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:15-12139 Peter Downs and Kelli Jean Downs

Chapter 13

#43.00 Hearing RE: Trustee's Verified Motion for Order Modifying the Chapter 13 Plan Plan

Docket 135

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal Arising from Debtors' Request for Voluntary Dismissal of Chapter 13 Entered 12/12/2018

Courtroom Deputy:

OFF CALENDAR: Order of Dismissal Arising from Debtors' Request for Voluntary Dismissal of Chapter 13 Entered 12/12/2018 - td (12/12/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Downs

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Kelli Jean Downs

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:15-10272 Ranulfo Figueroa

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ranulfo Figueroa

Represented By
Sunita N Sood
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 22, 2019

Hearing Room 5A

2:30 PM

8:14-13393 Perry Zachary and Erin Maureen Zachary

Chapter 13

#45.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Perry Zachary

Represented By
Joseph A Weber

Joint Debtor(s):

Erin Maureen Zachary

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 22, 2019

Hearing Room 5A

2:30 PM

8:14-11410 Jill Marie Lungren and Carlos Alfonso Lungren

Chapter 13

#46.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 12-21-18

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**

Tuesday, January 22, 2019

Hearing Room 5A

2:30 PM

8:14-10735 Brian D. Thaler

Chapter 13

#47.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding (11 USC 1307(c)(6))

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian D. Thaler

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 22, 2019

Hearing Room 5A

2:30 PM

8:14-10354 Brian Lee Head

Chapter 13

#48.00 CONT'D Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 10-23-18

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, January 22, 2019

Hearing Room 5A

2:30 PM

8:16-12808 John Anthony Telesio

Chapter 13

#49.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 82

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**

Thursday, January 24, 2019

Hearing Room 5A

9:00 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01042 Kosmala v. Liebeck et al

#1.00 TRIAL 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
(Per hearing on P.I. held 9-6-18)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: 1/24/2019 and 1/25/2019
Trial Dates Vacated and Shall Be Re-Scheduled at the 3/21/2019 Pre-trial
Conference, Per Order Entered 12/11/2018**

Courtroom Deputy:

**OFF CALENDAR: 1/24/2019 and 1/25/2019 Trial Dates Vacated and Shall
Be Re-Scheduled at the 3/21/2019 Pre-trial Conference, Per Order Entered
12/11/2018 - td (12/11/2018)**

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

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

Thursday, January 24, 2019

Hearing Room 5A

9:00 AM

CONT... Denny Roy Steelman Chapter 7

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, January 24, 2019

Hearing Room 5A

9:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01200 Marshack v. Lee, Dr.

#2.00 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; 11-15-18

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

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

Thursday, January 24, 2019

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)

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.

January 24, 2019

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

Thursday, January 24, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee Chapter 7

Continue Status Conference to January 31, 2019 at 10:30 a.m., same date/time as hearing on 9019 motion; updated status report not required.

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
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, January 24, 2019

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

#3.00 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; 11-15-18

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.

July 13, 2017

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

Thursday, January 24, 2019

Hearing Room

5A

9:30 AM

CONT... Donald Woo Lee

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.

January 24, 2019

Continue Status Conference to January 31, 2019 at 10:30 a.m., same date/time as hearing on 9019 motion; updated status report not required.

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, January 24, 2019

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):

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, January 24, 2019

Hearing Room 5A

9:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

Adv#: 8:18-01143 Marshack v. Nguyen

#4.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18; 12-6-18

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, (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 24, 2019

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status report must be filed by March 7, 2019 if the settlement has not been approved by

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

Thursday, January 24, 2019

Hearing Room 5A

9:30 AM

CONT... AA-TEK Machining, Inc.
such date.

Chapter 7

Note: Appearances at this hearing are not required.

Party Information

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
Wesley H Avery
Kelly Zinser

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

Thursday, January 24, 2019

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; 9-6-18; 12-6-18

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 9:30 A.M.,
PER ORDER ENTERED 1/23/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference to 4/11/2019 at 9:30 a.m., Per Order
Entered 1/23/2019 (XX) - td (1/23/2019)**

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, January 24, 2019

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.

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.

Party Information

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, January 24, 2019

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, January 24, 2019

Hearing Room 5A

10:00 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#6.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
ICON OWNER POOL 1, LA BUSINESS PARKS LLC
VS.
DEBTOR

Docket 430

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion under 362(d)(1).

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Lenore LuAnn Albert-Sheridan

Pro Se

Movant(s):

Icon Owner Pool 1, LA Business

Represented By
Robert S Gebhard

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, January 24, 2019

Hearing Room 5A

10:00 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, January 24, 2019

Hearing Room 5A

10:00 AM

8:18-12689 Vincent Lopez

Chapter 7

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
M&T BANK AS ATTORNEY IN FACT FOR LAKEVIEW LOAN SERVICING, LLC
VS.
DEBTOR

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

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):

Vincent Lopez

Represented By
Julie J Villalobos

Movant(s):

M&T Bank as Attorney in Fact for

Represented By
Nancy L Lee

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

Thursday, January 24, 2019

Hearing Room 5A

10:00 AM

CONT... Vincent Lopez

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, January 24, 2019

Hearing Room 5A

10:00 AM

8:18-14049 Shar E Kanamouie and Rachel Kanamouie

Chapter 7

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

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion without waiver of 4001(a)(3) 14-day stay.

Debtors' opposition is overruled for the following reasons:

1. By Debtors' own admission, they have failed to make payments since January 2017, or 24 months.
2. According to the Motion, Wells Fargo has not recorded a notice of default, meaning no foreclosure sale will take place for at least four months (not including any other applicable state law that might delay the foreclosure). Therefore, there is no reason not to grant the motion.
3. After taking into account costs of sale (8% or \$108,000), there is no equity in the property.
4. Debtor has monthly negative income of \$2700.

Party Information

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

Thursday, January 24, 2019

Hearing Room 5A

10:00 AM

CONT... Shar E Kanamouie and Rachel Kanamouie

Chapter 7

Debtor(s):

Shar E Kanamouie

Represented By
Majid Safaie

Joint Debtor(s):

Rachel Kanamouie

Represented By
Majid Safaie

Movant(s):

Wells Fargo Bank, N.A.

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, January 24, 2019

Hearing Room 5A

10:00 AM

8:18-14344 Eugene Robledo

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BANK OF THE WEST
VS.
DEBTOR

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

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):

Eugene Robledo

Represented By
Kevin J Kunde

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

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, January 24, 2019

Hearing Room 5A

10:00 AM

CONT... Eugene Robledo

Chapter 7

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

Thursday, January 24, 2019

Hearing Room 5A

10:00 AM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#9.10 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK NA

VS.

DEBTOR

FR: 12-6-18; 1-10-19

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.

January 10, 2019

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, January 24, 2019

Hearing Room 5A

10:00 AM

CONT... Rocio Lopez Namdar

Chapter 13

January 24, 2019

Off Calendar.

This matter appears to have been resolved by a stipulation filed on or about 1/9/19 [Docket #76]. If the matter is not resolved, Movant will need to appear at this hearing.

Party Information

Debtor(s):

Rocio Lopez Namdar

Represented By
Anerio V Altman

Movant(s):

U.S. Bank National Association

Represented By
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, January 24, 2019

Hearing Room 5A

10:00 AM

8:18-14723 Bertha Zapata

Chapter 13

#9.20 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property
(OST Entered 1/16/2019)

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion on condition that that Debtor file, within 24 hours of today's hearing, a declaration setting forth the following information: 1) name of employer and amount of monthly income derived from the second job mentioned in the motion but not listed in Debtor's Schedule I, and 2) specific circumstances re the rental income listed in Schedule I (e.g., whether there is a lease agreement, the rental term and whether the location of the rental).

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

Party Information

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**

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#10.00 Hearing RE: Third Interim Application for Compensation and Reimbursement of Costs

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

Docket 564

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

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 Schennum
Jessica G McKinlay

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

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

8:15-12139 Peter Downs and Kelli Jean Downs

Chapter 13

#11.00 Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 136

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtors' Request for Voluntary Dismissal of Chapter 13
Entered 12/12/2018**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtors' Request for
Voluntary Dismissal of Chapter 13 Entered 12/12/2018 - td (12/12/2018)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Downs

Represented By
Michael Jones
Sara Tidd

Joint Debtor(s):

Kelli Jean Downs

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 24, 2019

Hearing Room 5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#12.00 Hearing RE: Plaintiff's Motion for Order Awarding Debtor Attorney's Fees and Costs as Prevailing Party

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion, less \$2,614 in attorneys fees and costs as requested and less any amount of fees previously paid by defendant, if any.

The reduction in attorneys fees reflects reductions previously ordered by this court re the September 21, 2017 hearing (see tentative ruling).

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, January 24, 2019

Hearing Room 5A

10:30 AM

8:17-14119 Barry Eugene Young, Sr. and Yicel Maldonado Young

Chapter 7

#13.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

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):

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, January 24, 2019

Hearing Room 5A

10:30 AM

8:17-14119 Barry Eugene Young, Sr. and Yicel Maldonado Young

Chapter 7

#14.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From June 13, 2018 through August 14, 2018

[HAHN FIFE & COMPANY, LLC, ACCOUNTANT FOR TRUSTEE]

Docket 56

Courtroom Deputy:

Tentative Ruling:

January 24, 2019

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):

Barry Eugene Young Sr.

Represented By
David A Tilem

Joint Debtor(s):

Yicel Maldonado Young

Represented By
David A Tilem

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

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

CONT... Barry Eugene Young, Sr. and Yicel Maldonado Young

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, January 24, 2019

Hearing Room 5A

10:30 AM

8:18-10379 Dale Bundy

Chapter 7

#15.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

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

Party Information

Debtor(s):

Dale Bundy

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**

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#16.00 Hearing RE: Motion to Confirm Rejection of Nonresidential Lease and Compel Surrender of Premises

Docket 431

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion to permit Movant to proceed with its state law remedies to obtain possession of the subject premises.

Basis for Tentative Ruling:

1. Based upon the evidence presented by Movant, there is no evidence that Debtor had a valid leasehold interest in the premises as of the date of the bankruptcy filing. First, the subject lease was executed by Movant as landlord and Aleksandar Mackovski ("A.M.") as tenant. Debtor is not mentioned in the lease and did not sign the lease. Second, Section 9.1 of the lease specifically provides that the tenant does not have the right to assign or sublet the premises or to "permit the use or occupancy of the Premises by anyone other than Tenant . . . without the prior written consent of [Movant]" Motion, Exh. 1 at 22-23. Third, there is no evidence that the lease was formally assigned to Debtor and, indeed, rent payments were always remitted by A.M. to Movant. Declaration of Norma Lara at para 11.

2. Given the lack of evidence of valid assignment of the lease from A.M. to Debtor, it would appear that the leasehold was never part of the bankruptcy estate and, as a consequence, Section 365 would not be implicated in any way. See, e.g., *In re Elm Inn, Inc.*, 942 F.2d 630, 634 (9th Cir. 1991):

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

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

CONT...

Lenore LuAnn Albert-Sheridan

Chapter 7

"The problem with the Andersons' [landlord's] argument is its factual premise, not its legal reasoning. By its own terms, section 365(d)(4) only applies to leases 'under which the debtor is the lessee,' and both the bankruptcy court and the BAP have explained that the precise nature of the debtor's interest in the Anderson lease remains unclear: '[t]here is conflicting evidence regarding whether the debtor or Paratore held the leasehold interest.' *In re Elm Inn, Inc.*, 105 B.R. at 547. *If Paratore never assigned the lease to the debtor, then the leasehold is not part of the bankrupt estate at all, and section 365(d)(4) is wholly inapplicable. No legal argument in the world can help the Andersons in this action if the leasehold in question was never an asset subject to the bankruptcy.* Similarly, if the debtor's interest in the lease is only partial, no surrender order can issue without a prior factual determination of the extent of that partial interest." (emphasis added).

Here, as indicated above, there is no evidence showing that Debtor even held a partial leasehold interest in the premises. At best, she may have had a possessory interest. However, such mere possessory interest does not elevate Debtor's interest to a leasehold interest. Note that Section 365(d)(4) refers only to leases in which "the debtor is the lessee." Under the circumstances presented here, the court cannot find that Debtor is the lessee of the subject lease. For this reason, the court does not believe the estate assets in this case include the subject leasehold.

4. To the extent that Debtor held a mere possessory interest in the premises, the Motion should be deemed a request for relief from the bankruptcy stay to proceed with eviction proceedings under applicable state law.

5. To the extent that Debtor could be deemed to hold a leasehold interest in the premises, Section 365(d)(4) requires that the *trustee* surrender the premises, not the debtor. Applying the plain language of the statute, in a chapter 7 case, the landlord would need to pursue its state law remedies for recovery of the property.

Note: If Movant accepts the foregoing tentative ruling, appearance at the hearing is not required and Movant shall, within 7 days of the hearing, lodge an order consistent with the same. At its option, Movant may attach a copy of this tentative ruling as an exhibit to the order.

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

Thursday, January 24, 2019

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Movant(s):

Icon Owner Pool 1, LA Business

Represented By
Robert S Gebhard

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, January 24, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#17.00 Hearing RE: Interim Application for Allowance of Compensation and Reimbursement of Expenses for the Period of August 23, 2018 through November 20, 2018

[FINANCIAL RELIEF LAW CENTER, COUNSEL FOR DEBTOR IN POSSESSION]

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Approve fees and expenses as requested on 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):

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, January 24, 2019

Hearing Room 5A

10:30 AM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#18.00 Hearing RE: Debtors' Objection to Proof of Claim No. 2-1 Filed by Marjan Chegouchi

Docket 28

***** VACATED *** REASON: OFF CALENDAR: Debtors' Notice of
Withdrawal of Objection to Proof of Claim No. 2-1, filed 1/23/2019**

Courtroom Deputy:

**OFF CALENDAR: Debtors' Notice of Withdrawal of Objection to Proof of
Claim No. 2-1, filed 1/23/2019 - td (1/23/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 24, 2019

Hearing Room 5A

2:00 PM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#19.00 CON'TD Hearing RE: Defendants' Motion to Dismiss Complaint of Add2Net, Inc.,
for Failure to State a Claim Upon Which Relief Can Be Granted

FR: 12-6-18

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant in part; deny in part: Grant to dismiss as to the 2nd Claim for Relief (Fraud In a Fiduciary Capacity) with leave to amend; Deny as to all other Claims for Relief. Amended Complaint must be filed no later than February 21, 2019 and responsive pleading no later than March 21, 2019. Continue status conference to April 18, 2019 at 9:30 a.m.

Basis for Tentative Ruling

Debtors filed the instant motion to dismiss the Complaint for failure to state a claim upon which relief can be granted (the "Motion") on October 10, 2018 [AP dkt. #5]. The Complaint alleges causes of action under §§ 523(a)(2), (a)(4), (a)(6), and 524(a)(3)(each individually, a "Claim," and collectively, the "Claims"). Pursuant to FRCP 12(b)(6), incorporated herein by FRBP 7012, Debtors seek dismissal of the Complaint because Plaintiff has failed to plead specific facts to sustain the Claims. Debtors also request that leave to amend be denied because Plaintiff cannot plead any other facts that can cure the pleading deficiency in the Complaint.

A. Applicable Standard re Motion to Dismiss - Rule 12(b)(6)

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

Thursday, January 24, 2019

Hearing Room 5A

2:00 PM

CONT... George Carl Natzic

Chapter 7

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. In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. *Id.* at 1950. While legal conclusions can provide 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.*

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." *Twombly* overruled the more liberal *Conley v. Gibson* standard, which held that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. With the new standard in *Twombly*, the Supreme Court has said that the facts asserted in support of the claim need to cross the line "from conceivable to plausible."

B. Analysis

1. The 1st Claim Under § 523(a)(2)(A) Pleads Fraud With the Requisite Specificity

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The 1st Claim alleged is under § 523(a)(2)(A) for fraud. Where fraud is alleged, "under FRCP 9(b), applicable via Rule 7009, fraud must be pleaded with particularity." *In re Jacks*, 266 B.R. 728, 734 (BAP 9th Cir. 2001). Allegations of fraud must comply with FRCP (9)(b). "To comply with Rule 9(b), allegations of fraud must be specific enough to give defendants notice of the particular misconduct which is alleged to constitute the fraud charged so that they can defend against the charge and not just deny that they have done anything wrong." *Bly-Magee v. Cal.*, 236 F.3d 1014, 1019 (9th Cir. 2001). Moreover, "[t]erms such as 'conversion,' ... 'willful,' 'oppressive,' 'fraudulent,' and 'malicious' are generic terms of a conclusory nature. Stating them serially in a complaint does not transmute them into fact." *In re Aboukhater*, 165 B.R. 904, 909 (BAP 9th Cir. 1994).

For a debt to be non-dischargeable pursuant to § 532(a)(2)(A), the following five elements must be proven by a preponderance of the evidence: (1) the debtor made the representations; (2) that at the time he knew they were false; (3) that he made them with the intention and purpose of deceiving the creditor; (4) that the creditor justifiably relied on such representations; and (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made. *In re Kirsh*, 973 F.2d. 1454, 1457 (9th Cir. 1992). The § 523(a)(2)(A) elements mirror the elements of common law fraud. *In re Younie*, 211 B.R. 367, 373 (9th Cir. BAP 1997).

With regard to elements (1), (2) and (3) – which, when taken together, establish the element of intent to deceive – a creditor must establish, by a preponderance of the evidence, that a debtor knowingly made a false representation, either express or implied, with the intent of deceiving the creditor. *In re Brown*, 217 B.R. 857, 860-61 (Bankr. S.D. Cal. 1998). Since direct proof of intent to deceive is nearly impossible to obtain, the element of intent may be inferred from proof of surrounding circumstances "if the facts and circumstances of a particular case present a picture of deceptive conduct by the debtor." *Id.* at 861. In determining that issue, the court must look to all of the circumstances surrounding the particular transaction and must particularly consider the subjective effect of those circumstances upon the creditor. *Kirsh*, 973 F.2d. at 1460.

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With regard to element (4), the creditor must be justified in relying on a representation of fact, even though he might have ascertained the falsity of the representation had he made an investigation. *Field v. Mans*, 516 U.S. 59, 70 (1995). "Justification is a matter of the qualities and characteristics of the particular plaintiff, and the circumstances of the particular case, rather than the application of a community standard of conduct to all cases." *Id.* at 71. However, "it is only where under the circumstance, the facts should be apparent to one of his knowledge and intelligence from a cursory glance, or he has discovered something which should serve as a warning that he is being deceived, that he is required to make an investigation of his own." *Id.* The nondisclosure of a material fact in the face of a duty to disclose also establishes the requisite reliance for actual fraud. *Apte v. Japra*, 96 F.3d 1319, 1323 (9th Cir. 1996). "A party to a business transaction has a duty to disclose when the other party is ignorant of material facts which he does not have an opportunity to discover." *Id.* at 1324.

With regard to element (5), the creditor must establish that defendant's conduct was "so significant and important a cause that the defendant should be legally responsible." *Britton v. Price*, 950 F.2d 602, 604 (9th Cir. 1991). In determining the presence of proximate cause, courts must refrain from relying on speculation to determine whether and to what extent a creditor would have suffered a loss absent fraud. *In re Russell*, 203 B.R. at 312, 313 (Bankr. S.D. Cal. 1996).

The Motion appears to take issue with only two of the five elements of § 523(a)(2)(A). First, Debtors argue the first element was not met because no false representation was alleged. See, Mot., p. 6:27-7:22. Second, Debtors argue the last element was not met Plaintiff has failed to plead adequate facts regarding damages (an argument that Debtors contend is applicable to all of the Claims).

a. Debtor George Was Not Required to Make A False Representation

Debtors argue the first element was not met because Plaintiff failed to

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identify any representation made by Debtor George to Plaintiff. However, fraud may be established by the concealment of a material fact. The bankruptcy court in *In re Davis* 486 B.R. 182, 191 (Bankr.N.D.Cal.2013) aptly noted this long-established statement of the law:

Fraud under § 523(a)(2)(A) means actual fraud. The term “actual fraud” was added as a ground for exception from discharge with enactment of the Bankruptcy Code and “[w]hatever doubt there may have been prior to the enactment of the Code that fraud may consist of concealment or intentional nondisclosure as well as affirmative misrepresentations of material facts, is clearly dispelled by the addition of the term ‘actual fraud’ in § 523(a)(2)(A).” *In re Evans*, 181 B.R. 508, 515 n. 6 (Bankr.S.D.Cal.1995). It is, thus, “well recognized that silence, or the concealment of a material fact, can be the basis of a false impression which creates a misrepresentation actionable under § 523(a)(2)(A).” *Id.* at 514–15. See *In re Daquila*, 2011 WL 3300197 (9th Cir. BAP Feb. 28, 2011) (“A debtor's failure to disclose material facts constitutes a fraudulent omission under § 523(a)(2)(A) if the debtor was under a duty to disclose and possessed an intent to deceive.”); *In re Miller*, 310 B.R. 185, 196 (Bankr.C.D.Cal.2004) (“The concealment or omission of material facts that a party has a duty to disclose can support the nondischargeability of a debt on the grounds of actual fraud.”).

In this case, the Complaint asserts fraud through Debtor's George's alleged knowing and willful appropriation and concealment of the iHost Opportunity. See, Compl., p. 1 and p. 8-10, ¶¶38-51.

Debtor's George's reliance on *In re Aboukhater*, 165 B.R. 904 (BAP 9th Cir. 1994) is unpersuasive because the case is distinguishable. Unlike the § 523(a)(2)(A) claim that entirely based on legal conclusions in that case, here the Complaint alleges the specific facts of Defendant's willful concealment of material facts concerning a business opportunity belonging to Plaintiff. See Complaint, ¶¶ 14, 15, 16, 17, 18, 20, 21, 22.

These are specific factual allegations are more than mere "conclusory" statements. The court finds they are sufficient to meet both the pleading standards of *Iqbal* and *Twombly* and the particularity requirements of Rule 9(b) of

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the Fed.R.Civ.P. (FRCP). In addition, Debtors' argument that incorporation of the complaint filed in the State Court Action does not cure the pleading deficiencies is unpersuasive because the incorporation of the State Court Action complaint can be construed as merely adding support to the factual allegations contained in the body of the Complaint. Thus, the factual allegations here, unlike *Aboukhater*, provide sufficient detail to put Debtors on notice of the allegations against them. As such, the first prong of § 523(a)(2)(A) is satisfied.

b. Plaintiff Sustained Damages

Debtors' second argument is that Plaintiff has failed to plead adequate facts regarding damages (an argument that Debtors contend is applicable to all of the Claims). More specifically, Debtors appear to be arguing that Plaintiff's damages are speculative because Plaintiff's successful acquisition, and integration, of iHost was not a foregone conclusion. See, Mot., p. 5:18-27. This argument is unpersuasive because the Complaint has alleged the following facts that make Plaintiff's damages at least plausible: (1) Cheval was Plaintiff's long-standing business broker in the web hosting industry, Compl., p. 3, ¶14; (2) Cheval contacted Debtor George in his capacity as CEO of Plaintiff with the iHost Opportunity, *id.* at p. 3-4, ¶¶15 and 17; (3) iHost was established over 15 years ago, lending greater credence to iHost's annual revenue of approximately \$1,000,000- revenue that Plaintiff did not acquire due to Debtor George's actions; and (4) Plaintiff had recently closed at least 3 acquisition with Cheval during this time, *id.* at 4, ¶18. These factual combine to create the plausible inference that Cheval presented the iHost Opportunity to Debtor George, on behalf of Plaintiff, believing that Plaintiff likely would be able to acquire and integrate iHost as Plaintiff had done with the other 3 recent acquisitions. Whether Plaintiff actually suffered damages as the result of Defendant's alleged fraudulent conduct will ultimately be determined at trial. They need not be determined at the pleading stage. See, *In re Torres-Montoya* 584 B.R. 56, 62 (Bankr.D.NM 2018) (Nondischargeability complaint alleging damages in an amount to be determined at trial held sufficient to defeat 12(b)(6) motion).

In sum, the Motion should be denied as to the 1st Claim because the allegations in the Complaint describe Debtor George's actions which are plausibly fraudulent under § 523(a)(2)(A) and meet the specificity requirements

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of FRCP 9(b).

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2. The 2nd Claim Under § 523(a)(4) Should Be Dismissed
Because Debtor George Is Not Fiduciary of Plaintiff For § 523(a)
(4) Purposes

Per § 523(a)(4), debts for "fraud and defalcation while acting in a fiduciary capacity," embezzlement, or larceny are nondischargeable. The Complaint alleges that Debtor George committed fraud (described above) while acting in his fiduciary capacity as CEO and director of Plaintiff. Compl., p. 10-11, ¶¶52-60. In its Opposition, Plaintiff adds an additional claim under § 523(a)(4)-embezzlement. Opp'n, p. 14:24-15:14. Since embezzlement was not alleged in the Complaint, see, Compl., pp. 1 and. 10-11, ¶¶52-60, the additional embezzlement claim is ignored in this analysis.

"The question as to whether the debtor is or was a 'fiduciary' for purposes of a claim under § 523(a)(4) is governed by federal law." *In re Mele*, 501 B.R. 357, 363 (BAP. 9th Cir. 2013). The Ninth Circuit has "adopted a narrow definition of 'fiduciary' for purposes of § 523(a)(4)" which does not include corporate officers. *In re Cantrell*, 329 F.3d 1119, 1125 (9th Cir. 2003) (holding that individual "in his role as a corporate officer [is] not a fiduciary within the meaning of § 523(a)(4)," and thus even "corporate officer who is personally liable for corporate fraud may discharge such debt in bankruptcy").

"To except a debt from discharge under § 523(a)(4), a creditor must prove by a preponderance of the evidence, 1) an express trust existed, 2) the debt was caused by fraud or defalcation, and 3) the debtor acted as a fiduciary to the creditor at the time the debt was created." *Otto v. Niles (In re Niles)*, 106 F.3d 1456, 1459 (9th Cir. 1997).

- a. The Complaint Fails To Allege Facts That An Express Trust Existed, i.e., There Was Not Fiduciary Relationship Between Plaintiff and Debtor George

Under California law, officers and directors "are imbued with the fiduciary

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duties of an agent and certain duties of a trustee, [but] they are not trustees with respect to corporate assets." *Cantrell*, 329 F.3d at 1126-27 (relying on *Bainbridge v. Stoner*, 106 P.2d 423 (Cal.1940), which explicitly held that director of corporation act as fiduciaries but this relationship is one of agency, not trust).

In response to the *Cantrell* holding by the Ninth Circuit, Plaintiff argues that Debtor George was fiduciary of Plaintiff because Debtor George was entrusted with Plaintiff's corporate assets and had unfettered control over the corporate assets. Compl., p. 10, ¶¶53-54; Opp'n, p. 13:5-26. Plaintiff also argues that the Shareholder Agreement and Section 300 of Plaintiff's bylaws were an express trust thereby creating the requisite fiduciary relationship. Compl., p. 5, ¶¶24-26; Opp'n, p. 12:16-13:4 and Ex. A.

Plaintiff's first argument regarding Debtor's control over the corporate assets is unpersuasive because control alone over assets does not create a trust relationship. See, *In re Saccheri*, 2012 WL 5359512 *1, 11 (BAP 9th Cir. Nov. 1, 2012)(rejecting the argument that unlimited control over company bank accounts made debtor a fiduciary under § 523(a)(4)). Under California law: 1) present intent to create a trust, 2) trustee, 3) trust property, 4) a proper legal purpose, and 5) a beneficiary. *In re Honkanen* 446 B.R. 373, 379 (BAP 9th Cir. 2011). This argument is also unpersuasive because control alone does not satisfy the 5 elements of an express trust.

Plaintiff's second argument that the Shareholder Agreement and Section 300 of Plaintiff's bylaws are an express trust also fail to satisfy the 5 elements of an express trust. First, the excerpted section of the Shareholder Agreement included in the Complaint does not mention of a trust relationship nor identify any beneficiary in the section. See, Compl., p. 5, ¶¶24-26. Second, as this is a 12(b)(6) Motion, the court does not consider any documents outside the four corners of the Complaint. Thus, the excerpt of the By-laws attached to the Declaration of Chad Riddle have not been considered by the Court. See Opp'n, Ex. A.

Finally, Plaintiff's reliance on *In re Abrams*, 229 B.R. 784, 792 (BAP 9th Cir. 1999) is unpersuasive because *Abrams* is distinguishable from the instant case. The *Abrams* debtor was found to be a fiduciary for § 523(a)(4) purposes

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under partnership law and here, Plaintiff is a corporation. Plaintiff's reliance on *In re Huong*, 636 Fed. Appx 396, 398 (9th Cir. 2016) is similarly unpersuasive because although California's "trust fund doctrine" could create a fiduciary relationship for § 523(a)(4) purposes, the Complaint fails to allege any facts that Plaintiff was insolvent before Debtor George's alleged fraud. *Id.* ("California courts adhere to the "trust fund doctrine," pursuant to which "all of the assets of a corporation, immediately upon becoming insolvent, become a trust fund for the benefit of all [of the corporation's] creditors [].")

In sum, the Complaint fails to state a claim for fraud or defalcation while acting in a fiduciary capacity as fiduciary is defined under *federal* law. The court cannot find, however, that stating such a claim in an amended complaint would be an impossibility. Accordingly, the claim will be dismissed with leave to amend.

b. The 3rd Claim Under § 523(a)(6) Sufficiently Pleads Malice and Willful Injury

Section 523(a)(6) excepts from discharge debts arising from a debtor's "willful and malicious" injury to another person or to the property of another. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir. 2008). The "willful" and "malicious" requirements are conjunctive and subject to separate analysis. *Id.*

Debtors argue that the 3rd Claim should be dismissed because the Complaint fails to include any specific allegation that Debtors "intended to or were substantially certain that injury to Plaintiff would result from either of their conduct." Mot., p. 10:6-8. Debtors further argue that Debtors could not have the subjective intent to injure Plaintiff when Plaintiff has not suffered any injury due to the speculative nature of its damages. Mot., p. 10:8-16. As discussed above in the section above regarding the 1st Claim, however, the Complaint alleges facts sufficient to make it plausible that Plaintiff's damages are not speculative. Thus, Debtors' second argument here is unpersuasive. Turning to the first argument:

a. Maliciously Injury Is Plausible Under The Facts In
The Complaint

A "malicious" injury requires: "(1) a wrongful act, (2) done intentionally, (3)

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which necessarily causes injury, and (4) is done without just cause or excuse." *Petralia v. Jercich (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir. 2001).

Here, the Complaint alleges sufficient facts to find it plausible that Debtor George maliciously injured Plaintiff: (i) Debtor George wrongfully acted by concealing and acquiring the iHost Opportunity, for his own benefit, while Debtor George was CEO of Plaintiff, (ii) the wrongful act was intentionally done because Debtor George, as CEO, was sophisticated and intentionally acted to conceal and acquire iHost which occurred over a period of time before the iHost acquisition closed, (iii) the wrongful act necessarily caused injury to Plaintiff because acquiring iHost via Fast Data injured Plaintiff by creating a competitor and causing Plaintiff to lose approximately \$1,000,000 of additional, annual revenue; and (iv) the wrongful act was done without just cause or excuse because Debtor George was CEO of Plaintiff, with fiduciary duties as an officer of Plaintiff, and Debtor George was aware that Plaintiff's continued strategy to grow the business by acquiring other web hosting companies. See, Compl., p. 2, ¶10, p. 3, ¶14-16, p. 4, ¶18-22.

b. Willful Injury Is Plausible Under The Facts in the Complaint

The willful injury requirement speaks to the state of mind necessary for nondischargeability. An exacting requirement, it is satisfied when a debtor harbors either a subjective intent to harm, or a subjective belief that harm is substantially certain. *In re Su*, 290 F.3d 1140, 1144 (9th Cir. 2002); see also *In re Jercich*, 238 F.3d at 1208. The injury must be deliberate or intentional, "not merely a deliberate or intentional act that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). Thus, "debts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6)." *Id.* at 64.

In this case, the Complaint alleges sufficient facts to find that Debtor George willfully injured Plaintiff. The Complaint alleges: (i) Debtor George was a sophisticated actor since he served as Plaintiff's CEO, COO, and CRO at all times relevant, Compl., p. 2, ¶10; (ii) Debtor George was aware that Plaintiff had recently acquired 3 web hosting companies similar to iHost, *id.* at p.4, ¶18; (iii) Debtor Georg knew that acquiring iHost via Fast Data would injure Plaintiff by

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competing against Plaintiff, a reasonable inference given the last 3 acquisitions, *id.* at p. 4, ¶¶22; (iv) Debtor George knew that Plaintiff would be losing out on approximately \$1,000,000 of additional, annual revenue based on emails received from Cheval regarding iHost, *id.* at p. 3, ¶¶15-16; (v) Debtor George's actions to acquire iHost to the injury of Plaintiff were intentional because Debtor intentionally engaged in negotiations to purchase iHost without informing Plaintiff, *id.* at p. 4, ¶¶19-21. The combined effect of these factual allegations is that Debtor George's actions can be plausibly construed as intentional and not merely reckless or negligent.

The court finds that Plaintiff has plausibly alleged a claim for relief under § 523 (a)(6).

3. The 4th Claim Under § 524(a)(3) Need Not Be Dismissed

Debtors argue that the 4th Claim should be dismissed because § 524 does not set forth a private right of action. *Pertuso v. Ford Motor Credit Co.*, 233 F.3d 417, 422-23 (6th Cir. 2000)(joining majority of courts finding § 524 does not create private right of action). Per § 524(a)(3), in relevant party, any community property acquired after the petition remains liable for any community debt excepted from discharge under § 523. However, the Ninth Circuit Appellate Panel has held that including the non-culpable, or even non-filing spouse, in a dischargeability complaint is appropriate. See, *In re Kimmel*, 378 B.R. 630, 637 (9th Cir. BAP 2007):

" If a debt on a community claim would be excepted from discharge in a bankruptcy of the nondebtor spouse, then § 523(a)(3) [sic 524(a)(3)] provides that a nondischargeability action directed at the nondebtor spouse can be initiated in order to establish an exception to the allowable community claims that are discharged. The operative statutory language provides that the 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...." 11 U.S.C. § 524(a)(3)." order to establish an exception

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property from liability for a
provisions of sections 523(c) and

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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). 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). While recognizing the principles that leave to amend should be freely granted and the preference for decisions on the merits, if the court finds that a complaint has failed to state a claim, dismissal may be without leave to amend. *Lopez v. Smith*, 203 F.3d 1122, 1126-30 (9th Cir. 2000). A court may also dismiss a complaint without leave to amend when amendment would be futile. *McQuillion v. Schwarzenegger*, 369 F.3d 1091, 1099 (9th Cir. 2004).

Party Information

Debtor(s):

George Carl Natzic

Represented By
Moises S Bardavid

Defendant(s):

George Carl Natzic

Represented By
Moises S Bardavid

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CONT... **George Carl Natzic**
Cheri Lynn Natzic

Represented By
Moises S Bardavid

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Joint Debtor(s):

Cheri Lynn Natzic

Represented By
Moises S Bardavid

Plaintiff(s):

Add2Net, Inc.

Represented By
Kevin Meek

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:18-11594 George Carl Natzic

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Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#20.00 CONT'D 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)

FR: 12-6-18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

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

Trustee(s):

Thomas H Casey (TR)

Pro Se

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8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01042 Kosmala v. Liebeck et al

#1.00 CON'TD TRIAL 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
(Per hearing on P.I. held 9-6-18)

FR: 1-24-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: 1/24/2019 and 1/25/2019
Trial Dates Vacated and Shall Be Re-Scheduled at the 3/21/2019 Pre-trial
Conference, Per Order Entered 12/11/2018**

Courtroom Deputy:

**OFF CALENDAR: 1/24/2019 and 1/25/2019 Trial Dates Vacated and Shall
Be Re-Scheduled at the 3/21/2019 Pre-trial Conference, Per Order
Entered 12/11/2018 - td (12/11/2018)**

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

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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
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Trustee(s):

Weneta M Kosmala (TR)	Represented By Reem J Bello
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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: Amended 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; FR. 12-20-18; 1-17-19

Docket 4

***** VACATED *** REASON: OFF CALENDAR: Request for Dismissal of Adversary Complaint filed 1/16/2019; No Answer Filed**

Courtroom Deputy:

OFF CALENDAR: Request for Dismissal of Adversary Complaint filed 1/16/2019; No Answer Filed - td (1/16/2019)

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.

Note: If Plaintiff 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, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas Charles Dailey, Jr

Chapter 13

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, January 31, 2019

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 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18

Docket 3

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required.

Note: If all parties accept the foregoing tentative ruling, 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
Jeffrey S Shinbrot

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, January 31, 2019

Hearing Room

5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 9:30 A.M.,
PER ORDER ENTERED 1/10/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 9:30 a.m., Per
Order Entered 1/10/2019 (XX) - td (1/10/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

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

Thursday, January 31, 2019

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 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18

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.

January 31, 2019

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019.

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

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, January 31, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#5.00 STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

(Another Summons Issued 11/7/18)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Impose sanctions in the amount of \$100 against attorney for Plaintiff for failing to timely file a status report. In addition, no proof of service has been filed showing proper service to defendants. Continue hearing to March 21, 2019 at 9:30 a.m. Court to issue OSC re Dismissal for Failure to Prosecute which will be heard on the same date/time as the continued hearing.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

Defendant(s):

Kevin Liebeck	Pro Se
Kevin Liebeck	Pro Se
Shaunah Lynn Steelman	Pro Se
Jodi Denise Steelman	Pro Se

Plaintiff(s):

Weneta M.A. Kosmala	Represented By Faye C Rasch
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Trustee(s):

Weneta M Kosmala (TR)	Represented By Reem J Bello Faye C Rasch
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 31, 2019

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 CONT'D 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)

FR: 5-17-18; 6-26-18; 11-8-18; 1-17-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Judgment Pursuant to Stipulation for Entry of Judgment Pursuant to 11 U.S.C. §§523(a)(4) with Covenant not to Execute; Dismissal of Remaining Causes of Action; Order Vacating Pre-trial Conference Entered 1/30/2019**

Courtroom Deputy:

OFF CALENDAR: Judgment Pursuant to Stipulation for Entry of Judgment Pursuant to 11 U.S.C. §§523(a)(4) with Covenant not to Execute; Dismissal of Remaining Causes of Action; Order Vacating Pre-trial Conference Entered 1/30/2019 - td (1/30/2019)

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

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Kristina Thi Lin Chapter 7

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. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

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, January 31, 2019

Hearing Room 5A

9:30 AM

8:17-12188 Farhad Naderi

Chapter 7

Adv#: 8:17-01100 Hao v. Naderi

#7.00 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; 10-25-18

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, January 31, 2019

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.

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 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, January 31, 2019

Hearing Room 5A

9:30 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, January 31, 2019

Hearing Room

5A

9:30 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, January 31, 2019

Hearing Room 5A

9:30 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.

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.

January 31, 2019

Comment re Plaintiff's Exhibit List: 1) Declarations are not "exhibits" -- they are written testimony and are *hearsay* if being admitted for the truth of the facts referenced therein; 2) The Second Amended Complaint is not evidence of anything, including fraud -- it's just a set of allegations; and 3) The court could not locate a declaration re the submission of a unilateral stipulation

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Farhad Naderi

Chapter 7

If Defendant refused to participate in the preparation of the pretrial stipulation, he will not be allowed to present any witnesses (other than himself) and no exhibits.

Note: Appearance at this hearing is required.

Party Information

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, January 31, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#8.00 PRE-TRIAL 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)

FR: 6-21-18

Docket 1

*** 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:

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.
	(XX)
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

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

Chapter 7

Defendant(s):

Maria H. Helton-Rehburg Pro Se

Plaintiff(s):

Lisa M. Rehburg Represented By
Bradley D Blakeley

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, January 31, 2019

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

#9.00 CON'TD 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; 12-20-18

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Pre-trial Conference
Vacated; Status Conference Set for 3/21/2019 at 9:30 a.m., Per Order Entered
12/17/2018**

Courtroom Deputy:

**OFF CALENDAR: Pre-trial Conference Vacated; Status Conference Set for
3/21/2019 at 9:30 a.m., Per Order Entered 12/17/2018 - td (12/17/2)018**

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

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, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Defendant(s):

The Education Resources Institute	Pro Se
Education Credit Management	Represented By Scott A Schiff

Plaintiff(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 31, 2019

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

#10.00 CONT'D STATUS CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18; 11-15-18; 12-20-18

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 at 9:30 a.m. 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. (XX)

As Plaintiff asserts actions against her or her property in violation of her

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan Chapter 7

automatic stay, the trustee has no standing. Even if he did, he has 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.

January 31, 2019

In light of the unilateral status report filed by defendant Icon, this status conference shall be continued to March 12, 2019 at 9:30 a.m. and an updated joint status report must be filed by February 26, 2019. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed Due to Failure to Prosecute ("OSC"), which OSC shall also be set for hearing on March 12, 2019 at 9:30 a.m.

Note: If both 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

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

Thursday, January 31, 2019

Hearing Room 5A

9:30 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, January 31, 2019

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

#11.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Declaration that ViewCrest Debt is Dischargeable; Extortion

FR: 9-13-18; 11-15-18; 12-20-18

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 at 9:30 a.m. 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,

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Thursday, January 31, 2019

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5A

9:30 AM

CONT...

Lenore LuAnn Albert-Sheridan

Chapter 7

etc (see joint status report form for additional details and 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. (XX)

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.

January 31, 2019

By its order entered January 10, 2019 [docket #12], Plaintiff was ordered to file a

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9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan** Chapter 7

joint status report addressing certain issues raised by the court in its December 20, 2018 tentative ruling. As of January 25, 2018, no status report was filed by Plaintiff. Accordingly, the status conference will be continued to March 12, 2019 at 9:30 a.m. and the court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed Due to Failure to Prosecute ("OSC"), which OSC shall also be set for hearing on March 12, 2019 at 9:30 a.m.

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):

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
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

8:18-11657 Anthony C. Duffy

Chapter 7

Adv#: 8:18-01182 Marshack v. Mouldtec, Inc.

#12.00 Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant motion.

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):

Anthony C. Duffy

Represented By
Catherine Christiansen

Defendant(s):

Mouldtec, Inc.

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Michael G Spector

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Anthony C. Duffy

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Michael G Spector

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

8:18-11657 Anthony C. Duffy

Chapter 7

Adv#: 8:18-01182 Marshack v. Mouldtec, Inc.

#13.00 CONT'D STATUS CONFERENCE RE: Complaint for: 1. Breach of Contract; and
2. Account Stated

FR: 12-20-18

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 20, 2018

Continue Status Conference to January 31, 2019 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 this hearing is not required and Plaintiff shall serve notice of the continued hearing date/time.

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

**CONT... Anthony C. Duffy
January 31, 2019**

Chapter 7

Off calendar in light of granting of motion for default judgment.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

Anthony C. Duffy

Represented By
Catherine Christiansen

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
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

8:18-12656 Jenny Kristin Porter

Chapter 7

Adv#: 8:18-01195 La Paz Mortgage, Inc. v. Porter

#14.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6)

FR: 1-17-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Continue Status Conference to April 11, 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

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

9:30 AM

CONT... Jenny Kristin Porter

Chapter 7

Debtor(s):

Jenny Kristin Porter

Represented By
Christopher J Langley

Defendant(s):

Jenny Kristin Porter

Pro Se

Plaintiff(s):

La Paz Mortgage, Inc.

Represented By
Hamid R Rafatjoo
Alan J Kessel

Trustee(s):

Richard A Marshack (TR)

Represented By
David M Goodrich
Jeffrey G Jacobs

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

8:15-11100 Mir Mohammad Motamed
Adv#: 8:15-01274 Smelli, Inc v. Motamed

Chapter 7

#15.00 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; 9-13-18; 1-17-19

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

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Thursday, January 31, 2019

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.

September 13, 2018

Judgment creditor's counsel to appear and advise the court re the status of this matter.

January 31, 2019

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

Debtor(s):

Mir Mohammad Motamed

Represented By

Randal A Whitecotton

Defendant(s):

Mir Mohammad Motamed

Pro Se

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

10:00 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
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Thursday, January 31, 2019

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 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; 9-13-18; 1-31-19

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
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Thursday, January 31, 2019

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.

September 13, 2018

Judgment creditor's counsel to appear and advise the court re the status of this matter.

January 31, 2019

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

Party Information

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

**United States Bankruptcy Court
Central District of California
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

CONT... Mir Mohammad Motamed

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#17.00 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; 9-13-18; 1-17-19

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.

January 31, 2019

Ms. Maboud's request to vacate the court's ruling requiring payment of \$1,000 for failure to appear at a prior examination is denied as none of the reasons she cites constitute grounds for not compensating Plaintiff's counsel for appearing for her examination or for excusing Ms. Maboud from appearing at the examination. The amount must be paid within 30 days.

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10:00 AM

CONT... Mir Mohammad Motamed

Chapter 7

Special note: Plaintiff has not lodged an order re the September 13, 2018 ruling and needs to do so promptly.

1. The motion was not properly noticed and, therefore, does not appear on the court's formal calendar;
2. The motion is not supported by a sworn statement under penalty of perjury as required by Local Bankruptcy Rule 9013-1.
3. Even if the unsworn statement is accepted, it does not state grounds sufficient to warrant setting aside the court's September 13, 2018 ruling re the imposition of sanctions. This amount must be paid.

Party Information

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
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Hearing Room 5A

10:00 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTORS

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant motion without 4001(a)(3) waiver if Debtors are not post-confirmation current with payments.

Debtors' opposition re to the Motion based on standing and other non-monetary grounds is overruled for the following reasons:

1. None of Debtors' standing arguments or authority are persuasive -- the court is surprised that Counsel is raising stale standing/"free house" issues that are not supported by applicable California law.

2. More importantly, Debtors voluntarily entered into a postpetition loan modification agreement with Movant's servicer Ocwen and even sought and obtained an order from this court approving the same. See motion requesting approval of the loan modification [docket #33] and order approving the same [docket #49]. According to the "permanent" loan modification more than \$254,000 in prepetition arrears were deemed cured and added to principal. DO DEBTORS NOW WISH TO UNDUE THE LOAN MODIFICATION

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Hearing Room 5A

10:00 AM

CONT... **Julio Cesar Torres and Norma Giselle Torres**
AGREEMENT?!

Chapter 13

3. Debtors mentioned nothing about standing issues re either the loan modification agreement or re their claim objection to Claim #12 -- the objection to the claim was based solely on the fact that prepetition arrearages has been removed via the loan modification agreement. [docket #36]. This court sustained that portion of the claim objection. See Order at docket #54. Debtors' arguments in their opposition to the instant Motion would effectively render moot this court's prior rulings regarding the loan modification and claims objection. IS THIS WHAT DEBTORS' REALLY WANT?

4. In light of the court's comments 2 and 3 above, Debtors are judicially estopped from raising any standing issues.

Note: Unless the parties are able to reach a stipulation, appearances at this hearing are required. If the parties need more time to work out an agreement, they may request a continuance to March 12, 2019 or March 19, 2019 at 10:00 a.m. during the the Clerk's calendar roll call.

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):

U.S. BANK NATIONAL

Represented By
Sean C Ferry
Theron S Covey

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

8:18-13057 Severo Tlantenchi Blanco

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
DEUTSCHE BANK NATIONAL TRUST COMPANY
VS.
DEBTOR

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant with 4001(a)(3) waiver, co-debtor relief, and all other extraordinary 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):

Severo Tlantenchi Blanco

Represented By
Rebecca Tomilowitz

Movant(s):

Deutsche Bank National Trust

Represented By
Robert P Zahradka

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

CONT... Severo Tlantenchi Blanco

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

8:18-13544 Beriah Samuel Fitch

Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FORD MOTOR CREDIT COMPANY LLC
VS.
DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

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):

Beriah Samuel Fitch

Represented By
Joseph M Tosti

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

CONT... Beriah Samuel Fitch

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

8:19-10054 Angie Cachu

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

SIHAM ALBABA

VS.

DEBTOR

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant with 4001(a)(3) waiver and 180-day prospective relief (recordation of order required) in Relief Request #9; deny Relief Request #11.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Angie Cachu

Represented By
Bruce A Boice

Movant(s):

SIHAM ALBABA

Represented By
Stephen C Durringer

**United States Bankruptcy Court
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Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

10:00 AM

CONT... Angie Cachu

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

#22.00 Hearing RE: Third Interim Application for Chapter 7 Fees and Reimbursement of Costs (November 1, 2017 through November 30, 2018)

[BROWN RUDNICK LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE THOMAS H. CASEY]

Docket 653

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Approve allowance and award of fees and expenses as requested on an interim basis

Overrule objection to immediate payment of fees/expenses

Basis for Tentative Ruling:

1. The fees/expenses requested appear reasonable.
2. The amount requested is relatively *de minimis* , constituting only approximately 6% of cash on hand.
3. Imposing a 20% holdback, \$12,000, would be merely symbolic and is unnecessary.
4. Applicant has satisfactorily explained the reason for the delay in liquidating ASC.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Party Information

Debtor(s):

Lawrence Keith Dodge

Represented By
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
Bruce A Hughes

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:13-11037 Lawrence Keith Dodge

Chapter 7

#23.00 Hearing RE: First Interim Fee Application for Allowance of Fees and Expenses from January 20, 2016 through January 6, 2019

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 656

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Approve allowance and award of fees and expenses as requested on an interim basis

Overrule objection to immediate payment of fees/expenses

Basis for Tentative Ruling:

1. The fees/expenses requested appear reasonable.
2. The amount requested is relatively *de minimis* , constituting only approximately 1% of cash on hand.
3. Imposing a 20% holdback, \$2,000, would be merely symbolic and is unnecessary.
4. Applicant has satisfactorily explained the reason for the delay in liquidating ASC.

Party Information

**United States Bankruptcy Court
Central District of California
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Lawrence Keith Dodge

Chapter 7

Debtor(s):

Lawrence Keith Dodge

Represented By
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
Bruce A Hughes

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#24.00 CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order Approving Global
Compromise with Donald Woo Lee and Linda Bae Lee

FR: 1-10-19

Docket 823

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019 [UPDATED SINCE ORIGINAL POST]

Grant motion on condition that Trustee's attaches a copy of the Stipulated Judgment to the proposed order.

The Motion refers to a stipulated judgment but no form of one is attached and the Motion, therefore, is silent as to the total amount to be paid by Debtors.

Overrule objections filed by Pacific Bank.

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
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Thursday, January 31, 2019

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
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01200 Marshack v. Lee, Dr.

#24.10 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; 11-15-18; 1-24-19

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

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 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)

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.

January 24, 2019

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee Chapter 7

Continue Status Conference to January 31, 2019 at 10:30 a.m., same date/time as hearing on 9019 motion; updated status report not required. (XX)

Note: Appearances at this hearing are not required.

January 31, 2019

Take matter off calendar in light of granting of 9019 motion.

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

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee

Chapter 7

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 31, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:16-01203 Marshack v. UIC Vein Center, Inc. et al

#24.20 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; 11-15-18; 1-24-19

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.

July 13, 2017

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

Thursday, January 31, 2019

Hearing Room

5A

10:30 AM

CONT... Donald Woo Lee

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.

January 24, 2019

Continue Status Conference to January 31, 2019 at 10:30 a.m., same date/time as hearing on 9019 motion; updated status report not required. (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, January 31, 2019

Hearing Room 5A

10:30 AM

**CONT... Donald Woo Lee
January 31, 2019**

Chapter 7

Take matter off calendar in light of granting of 9019 motion.

Party Information

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee

Robert S Lawrence
Caroline Djang

Chapter 7

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

Thursday, January 31, 2019

Hearing Room

5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#25.00 ORAL RULING RE: Plaintiff's Motion for Summary Judgment, or in the Alternative, for Summary Adjudication of Issues **(Holding Date)**

FR: 5-17-18; 7-31-18; 10-25-18; 1-17-19

Docket 27

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Notice of Continuance filed 1/23/2019,
Document #67 (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 4/11/2019 at 2:00 p.m. on Court's Own Motion; See Notice of Continuance filed 1/23/2019, Document # 67 (XX) - td (1/23/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... **Robert Boyajian**

Chapter 11

that may be owing by Layla Boyajian to Defendant.

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

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
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#26.00 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 **(Holding Date)**

FR: 11-2-17; 5-31-18; 6-21-18; 7-31-18; 10-25-18; 1-17-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 2:00 P.M. ON COURT'S OWN MOTION; See Notice of Continuance filed 1/23/2019, Document # 67 (XX)**

Courtroom Deputy:

CONTINUED: Pre-trial Conference Continued to 4/11/2019 at 2:00 p.m. on Court's Own Motion; See Notice of Continuance filed 1/23/2019, Document #67 (XX) - td (1/23/2019)

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

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

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**

Thursday, January 31, 2019

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., et al

#27.00 Hearing RE: Plaintiff's Motion for Leave (if Necessary) to Amend the Trustee's Operative Complaint

Docket 61

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

Tentative Ruling:

January 31, 2019

No tentative ruling. The Movant will be allowed a maximum of 10 minutes to highlight arguments in favor of the Motion, Defendant will be allowed 10 minutes to respond and Movant will be allowed 5 minutes of rebuttal argument. The matter will then be taken under submission until February 14, 2019 at 10:30 a.m., at which time the court will issue its oral ruling.

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Represented By
Michael G Spector

Kirk Nelson

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, January 31, 2019

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, January 31, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#28.00 Hearing RE: Motion of Chapter 7 Trustee for Order: (1) Approving Sale of Residential Real Property Free and Clear of Liens, Claims, and Encumbrances Pursuant to 11 U.S.C. Sections 363(b), 363(f), and 363(m); (2) Approving Overbid Procedures; (3) Authorizing Overbid Procedures; (3) Authorizing Trustee to Pay Secured Claims and Broker Commissions in Full from Net Sale Proceeds; (4) Waiving the Stay of Rule 6004(h); and (5) For Turnover

Docket 193

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant with all relief requested, subject to overbid.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#29.00 Hearing RE: First and Final Application For Payment of Fees and Costs by The Bisom Law Group

Docket 132

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

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 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, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#30.00 Hearing RE: Reorganized Debtor's Motion to Administratively Close Individual Chapter 11 Case

Docket 135

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Deny motion without prejudice.

Basis for tentative ruling:

Debtor is seeking to close the case before the filing of the first post-confirmation status conference and has provided no information regarding specific distribution made under the plan. For example, has she made the lump sum payment to unsecured creditors? Her supporting declaration is overly vague and states only that 1) she has substantially consummated the plan (but doesn't say how), and 2) that she has not sold the real property. This is insufficient.

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, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#31.00 Hearing RE: Trustee's Motion Objecting to Debtor's Amended Claim of Exemptions

Docket 410

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant in part, deny in part: Grant as to the Cross-Complaint (including IIED Claim and the Ford Settlement Proceeds arising from the settlement of the Cross-Complaint) and the Accounts Receivable; Deny as to the remaining claims against third parties and other contingent claims that were abandoned by the Trustee.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

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, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#32.00 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; 12-13-18

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
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Thursday, January 31, 2019

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
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Thursday, January 31, 2019

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.

January 31, 2019

Overrule objection as moot in light of the filing of an amended proof of claim (6-2) by Bank of America.

Note: Appearances at this hearing are not required. Claimant to lodge an order overruling the objection within 7 days of the hearing.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Movant(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-11613 Claudia A Broere

Chapter 7

#33.00 Hearing RE: Chapter 7 Trustee's Application to Employ General Counsel the Law Offices of Weneta M.A. Kosmala

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Approve employment application.

Debtor's objection is overruled. This court has previously noted that granting relief from stay does not remove the asset from the estate. Rather, it permits the secured creditor to proceed with foreclosure proceedings in accordance with state law if it so chooses. Until the foreclosure sale actually occurs, the property remains property of the estate within the meaning of 11 U.S.C. 341(a).

Party Information

Debtor(s):

Claudia A Broere

Represented By
Anthony P Cara

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 31, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#34.00 Hearing RE: Debtor in Possessions' Chapter 11 Disclosure Statement Dated December 19, 2018

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Deny approval of disclosure statement.

Basis for Tentative Ruling

1. The plan appears to be facially unconfirmable under 11 U.S.C. 1123(b)(5) as it impermissibly modifies contractual terms of BNYM's note. This is reason alone to deny approval of the disclosure statement.

2. In addition, the disclosure statement does not provide adequate information re the following:

a. The circumstances precipitating the current (4th) bankruptcy filing. Mere statement of a pending foreclosure sale is insufficient. No information is provided regarding the prior case and why the confirmed plan could not be consummated.

b. The marketing of the Lemon Heights property and why the outcome in this bankruptcy will be any different from the unsuccessful outcome of the most recent case in which a plan was confirmed, i.e., the sale of such property.

c. The means for execution of the plan. The last page of the plan (Exh.H) simply states that the Lemon Heights property will be sold but no explanation as

**United States Bankruptcy Court
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Thursday, January 31, 2019

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10:30 AM

CONT... **Amir Keivan Hedayat and Minou M. Hedayat** **Chapter 11**
to why Debtors have not been able to sell the property for the past 5 years.

d. Neither the plan or the disclosure statement states a deadline for selling the Lemon Heights property.

e. There is a vague reference to a one-time family contribution of \$20,000 with further information is provided regarding such contribution, including the identity of the contributor.

f. The disclosure statement is difficult to read and to follow. The court cannot find that the formatting of the disclosure statement is clear enough to allow creditors make an informed decision about the plan.

Additional Comments:

-- Lack of good faith is generally a confirmation issue. Should this case get to confirmation, it will be a significant issue in light of 1) the prior failed bankruptcies, and 2) Debtors' historic inability to sell the very property they are attempting to sell in the current case, 3) arrearages of more than \$800,000 on such property, indicating either a refusal or inability to make mortgage payments, and 4) the filing of the bankruptcy on the eve of foreclosure.

-- The court is not persuaded by BNYM's argumen or case authority suggesting that a confirmed plan in a prior dismissed case cannot be modified in a subsequent chapter 11 case. Though the prior confirmed plan does constitute a binding contract, it is nevertheless a prepetition contract like any other prepetition contract. Further, this court does not interpret Section 1127 as applying in not only the current case but in any future cases filed by a debtor in perpetuity.

-- Debtors' counsel's employment application discloses a \$12,000 prepetition retainer but makes no mention of any postpetition retainer. However, in Debtor's most recent MOR, there is a listing of \$2,000 "postpetition retainer" to counsel.

e. Debtors claim they have listed the Lemon Heights property for sale

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Santa Ana
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10:30 AM

CONT... **Amir Keivan Hedayat and Minou M. Hedayat** **Chapter 11**
(see MOR filed 8/23/18) but to date no real estate broker has been employed.

f.

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
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Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

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: 9-6-18; 12-20-18

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:	Dec. 6, 2018 (waived if plan/DS timely)

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat
filed)

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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

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, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-13204 Jose Alberto Osorio

Chapter 13

#36.00 Hearing RE: Debtor's Objection to Claim No. 14 filed by Creditor Citibank, N.A. in the Amount of \$8,333.30

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

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.

Party Information

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**

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#37.00 Hearing RE: Chapter 7 Trustee's Motion for Order to Continue Business Operations (Manage Real Property) Through and Including June 28, 2019, by and Continuing to: (1) Collect Rents; and (2) Pay Operating Expenses

Docket 112

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#38.00 CON'TD 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),

FR: 1-10-19

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 10, 2019 [Tentative ruling has been modified since original post]

Grant motion to extend time only if service to the insurance companies was proper. The court cannot ascertain from the proof of service whether the insurance companies listed on pages 4 and 5 of the Motion were properly served as their names do not appear on the list of served parties.

January 31, 2019

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.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By

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

Thursday, January 31, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village GP, LLC

Chapter 7

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, January 31, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#39.00 Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

Docket 24

***** VACATED *** REASON: CONTINUED TO 2/12/19 AT 2:00 P.M. ON COURT'S OWN MOTION. See Notice of Continued Hearing filed 12/20/2018, Document # 35 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 2/12/19 at 2:00 p.m. on Court's Own Motion. See Notice of Continued Hearing filed 12/20/2018, Document # 35 (XX) - td (12/21/2018)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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

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

Thursday, January 31, 2019

Hearing Room 5A

2:00 PM

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

Tuesday, January 29, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan [Dissemination Version]

(Set at SC held 9-20-18)
FR: 12-11-18; 1-10-19

Docket 544

*** VACATED *** REASON: CONTINUED TO 3/27/2019 AT 10:00 A.M.
ON COURT'S OWN MOTION; See Notice of Continued Hearing Filed
1/22/2019, Document # 676 (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 3/27/2019 at 10:00 a.m. on Court's Own Motion; See Notice of Continued Hearing filed 1/22/2019, Document #676 (XX) - td (1/23/2019)

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, January 29, 2019

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)

FR: 12-11-18; 1-10-19

Docket 558

***** VACATED *** REASON: CONTINUED TO 3/27/2019 AT 10:00 A.M.
ON COURT'S OWN MOTION; See Notice of Continuance filed 1/23/2019,
Document #677 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/27/2019 at 10:00 a.m. on
Court's Own Motion; See Notice of Continuance filed 1/23/2019,
Document #677 (XX) - td (1/23/2019)**

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, January 29, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#3.00 CON'TD 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

FR: 12-20-18

Docket 623

***** VACATED *** REASON: CONTINUED TO 3/13/2019 AT 10:00 A.M.,
PER ORDER ENTERED 1/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/13/2019 at 10:00 a.m., Per Order
Entered 1/8/2019 (XX) - td (1/9/2019)**

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

Thursday, February 7, 2019

Hearing Room 5A

9:30 AM

8:18-12951 William C Tak

Chapter 7

Adv#: 8:18-01205 Pero v. Tak

#1.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/22/2019, Document # 5
(XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 9:30 a.m. on
Court's Own Motion; See Order Entered 1/22/2019 (XX) - td (1/23/2019)**

Party Information

Debtor(s):

William C Tak

Represented By
Arlene M Tokarz

Defendant(s):

William C Tak

Pro Se

Plaintiff(s):

Joseph W Pero

Represented By
Ryan T Koczara

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 7, 2019

Hearing Room 5A

10:00 AM

8:18-13963 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTORS

Docket 29

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 1/25/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 1/25/2019 - td (1/25/2019)**

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

Represented By
Joshua L Sternberg

Movant(s):

U.S. Bank National Association, as

Represented By
Renee 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, February 7, 2019

Hearing Room 5A

10:00 AM

8:18-14317 Stevan Petar Nenadov and Jessica Ellen Nenadov

Chapter 7

#3.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FINANCIAL SERVICES VEHICLE TRUST
VS.
DEBTORS

Docket 13

*** VACATED *** REASON: OFF CALENDAR: Order Granting
Amended Motion for Rrelief from t he Automatic Stay (Settled by
Stipualtion) Entered 1/17/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Amended Motion for Relief from the
Automatic Stay (Settled by Stipulation) Entered 1/17/2019) - td
(1/17/2019)**

Party Information

Debtor(s):

Stevan Petar Nenadov

Represented By
Leonard M Shulman

Joint Debtor(s):

Jessica Ellen Nenadov

Represented By
Leonard M Shulman

Movant(s):

Financial Services Vehicle Trust

Represented By
Cheryl A Skigin

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 7, 2019

Hearing Room 5A

10:00 AM

8:18-14686 Abel Yepes

Chapter 13

#4.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
THE BANK OF NEW YORK MELLON
VS.
DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Abel Yepes

Pro Se

Movant(s):

The Bank of New York Mellon fka

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#5.00 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; 12-13-18

Docket 52

***** VACATED *** REASON: CONTINUED TO 4/18/19 AT 10:30 A.M.,
PER ORDER PER ENTERED 1/22/19 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/18/2019 at 10:30 a.m., Per Order
Entered 1/22/2019 (XX) - liz (1/22/19)**

Party Information

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#6.00 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; 9-6-18

Docket 107

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/23019, Document
#246 (XX)**

Courtroom Deputy:

**CONTINUED: Post-Confirmation Status Conference Continued to
3/12/2019 at 10:30 a.m., on Court's Own Motion; See Order Entered
1/23/2019, Document # 246 (XX) - td (1/23/2019)**

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#7.00 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; 11-15-18; 1-10-19

Docket 132

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#150 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's
Own Motion; See Order Entered 1/23/2019, Document #150 (XX) - td
(1/23/2019)**

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 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, February 7, 2019

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#8.00 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; 11-15-18; 1-10-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #150 (XX)**

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)

CONTINUED: Status Conference Continued to 3/12/2019 at 10:30 a.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #150 (XX) - td (1/23/2019)

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 Manee

Jose Luis Ramirez Sr

Represented By
Christopher P Walker

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

Thursday, February 7, 2019

Hearing Room 5A

10:30 AM

CONT... Rosalva Ramirez

Chapter 11

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:17-13342 David C. Park

Chapter 7

#9.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

[LAW OFFICES OF NEIL R. ANAPOL, SPECIAL COUNSEL FOR RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 28

***** VACATED *** REASON: CONTINUED TO 3/12/L2019 AT 10:30
A.M. ON COURT'S OWN MOTION; See Order Entered 1/23/2019,
Document #32 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's
Own Motion; See Order Entered 1/23/2019, Document # 32 (XX) - td
(1/23/2019)**

Party Information

Debtor(s):

David C. Park

Represented By
Raymond J Seo

Trustee(s):

Richard A Marshack (TR)

Represented By
Neil Anapol

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

Thursday, February 7, 2019

Hearing Room 5A

10:30 AM

8:18-13756 John Palliser

Chapter 11

#10.00 Hearing RE: Debtor in Possession's First Disclosure Statement

Docket 32

*** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #40
(XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's
Own Motion; See Order Entered 1/23/2019, Document #40 (XX) - td
(1/23/2019)**

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, February 7, 2019

Hearing Room 5A

10:30 AM

8:18-13756 John Palliser

Chapter 11

#11.00 CON'TD STATUS CONFERENCE RE: Status of Chapter 11 Case; and (2)
Requiring Report on Status of Chapter 11 Case

FR: 12-13-18

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #40
(XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 10:30 a.m. on
Court's Own Motion; See Order Entered 1/23/2019, Document #40 (XX) -
td (1/23/2019)**

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, February 7, 2019

Hearing Room 5A

2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#12.00 Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion to Dismiss First Amended Filed by Jin Ree

Docket 19

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 2:00 p.m. on Court's
Own Motion; See Order Entered 1/23/2019, Document #50 (XX) - td
(1/23/2019)**

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, February 7, 2019

Hearing Room 5A

2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#13.00 CON'TD STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debts

FR: 12-6-18

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #50
(XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 2:00 p.m. on
Court's Own Motion; See Order Entered 1/23/2019, Document #50 (XX) -
td (1/23/2019)**

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**

Tuesday, February 12, 2019

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; 12-13-18

Docket 73

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#139 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 9:30 a.m. on Court's Own
Motion; See Order Entered 1/23/2019, Document # 139 (XX) - td (1/23/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

Anke Ciling

Represented By
Marc C Forsythe

Temecula Diagnostic Center Inc.

Pro Se

Lake Elsinore Diagnostics Inc.

Pro Se

Fallbrook Diagnostics Inc.

Pro Se

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**

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

Sammy Ciling

Represented By
Marc C Forsythe

My Imaging Center LLC

Pro Se

Nath Investments Inc.

Represented By
Marc C Forsythe

Turko United LLC

Pro Se

American Edge Medical Co.

Represented By
Marc C Forsythe

My Imaging Center Inc.

Represented By
Marc C Forsythe

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

Movant(s):

Anke Ciling

Represented By
Marc C Forsythe

Sammy Ciling

Represented By
Marc C Forsythe

Nath Investments Inc.

Represented By
Marc C Forsythe

My Imaging Center Inc.

Represented By
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By
Marc C Forsythe

American Edge Medical Co.

Represented By
Marc C Forsythe

Plaintiff(s):

Donald Woo Lee

Represented By

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT...

Donald Woo Lee

Chapter 7

Norma Ann Dawson

Prime Partners Medical Group, Inc.

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**

Tuesday, February 12, 2019

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; 12-13-18

Docket 59

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#139 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 9:30 a.m. on
Court's Own Motion; See Order Entered 1/23/2019, Document #139 (XX) -
td (1/23/2019)**

Tentative Ruling:

Party Information

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**

Tuesday, February 12, 2019

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

Tuesday, February 12, 2019

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**

Tuesday, February 12, 2019

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., et al

#3.00 STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

Docket 55

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #
75 (XX)**

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

**CONTINUED: Status Conference Continued to 3/12/2019 at 9:30 a.m. on
Court's Own Motion; See Order Entered 1/23/2019, Document # 75 (XX) -
td (1/23/2019)**

Tentative Ruling:

- 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

John Creamer

Pro Se

Kirk Nelson

Pro Se

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 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**

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#3.10 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; 9-13-18; 1-17-19; 1-31-19

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

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

Nastaran Maboud to appear in court to be sworn in by the court clerk; the 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.

January 31, 2019

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

February 12, 2019

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

Debtor(s):

Mir Mohammad Motamed

Represented By

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

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**

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed
Adv#: 8:15-01274 Smelli, Inc v. Motamed

Chapter 7

#3.20 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; 9-13-18; 1-31-19

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**

Tuesday, February 12, 2019

Hearing Room 5A

9:30 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.

January 31, 2019

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

February 12, 2019

Mir Mohammad Motamed to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

Debtor(s):

Mir Mohammad Motamed

Represented By
Randal A Whitecotton

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

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**

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#3.30 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; 9-13-18; 1-17-19; 1-31-19

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.

January 31, 2019

Ms. Maboud's request to vacate the court's ruling requiring payment of \$1,000 for failure to appear at a prior examination is denied as none of the reasons she cites constitute grounds for not compensating Plaintiff's counsel for appearing for her examination or for excusing Ms. Maboud from appearing at the examination. The amount must be paid within 30 days. **CONTINUED TO FEBRUARY 12, 2019**

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

Tuesday, February 12, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed
AT 9:30 A.M. (XX)

Chapter 7

Special note: Plaintiff has not lodged an order re the September 13, 2018 ruling and needs to do so promptly.

1. The motion was not properly noticed and, therefore, does not appear on the court's formal calendar;
 2. The motion is not supported by a sworn statement under penalty of perjury as required by Local Bankruptcy Rule 9013-1.
 3. Even if the unsworn statement is accepted, it does not state grounds sufficient to warrant setting aside the court's September 13, 2018 ruling re the imposition of sanctions. This amount must be paid.
-

February 12, 2019

No tentative ruling

Party Information

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**

Tuesday, February 12, 2019

Hearing Room 5A

10:00 AM

8:15-11398 Rosa M Harding

Chapter 13

#4.00 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; 12-6-18

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.

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

Tuesday, February 12, 2019

Hearing Room 5A

10:00 AM

**CONT... Rosa M Harding
October 11, 2018**

Chapter 13

Movant to advise the court re the status of this matter.

February 12, 2019

Movant to advise the court re the status of this matter. If more time is need to reach resolution, the hearing may be continued one final time to April 1, 2019 at 10:00 a.m. requesting the same during the calendar roll call just prior to the hearing.

Party Information

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

Tuesday, February 12, 2019

Hearing Room 5A

10:00 AM

8:17-14542 Paul E Marshall

Chapter 13

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

VW CREDIT INC.

VS.

DEBTOR

Docket 31

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 2/4/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 2/4/2019 - td (2/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul E Marshall

Represented By
James R Selth

Movant(s):

VW Credit, Inc.

Represented By
Darren J Devlin

Trustee(s):

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 12, 2019

Hearing Room 5A

10:00 AM

8:18-14635 Emmanuel Luis Alvarez Barroso

Chapter 7

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
PARTNERS FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

February 12, 2019

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):

Emmanuel Luis Alvarez Barroso

Represented By
Christopher J Lauria

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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

Tuesday, February 12, 2019

Hearing Room 5A

10:00 AM

CONT... Emmanuel Luis Alvarez Barroso

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, February 12, 2019

Hearing Room 5A

10:30 AM

8:11-12718 Norman Wright Branyan

Chapter 11

#7.00 Hearing RE: Motion of Reorganized Debtor for Final Decree and Order Closing Case

Docket 731

*** VACATED *** REASON: COINTINUED TO 3/12/2019 AT 10:30 A.M
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#737 (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #737 (XX) - td (1/23/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norman Wright Branyan

Pro Se

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#8.00 CON'TD Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 2404-2406 5th St, Los Angeles, CA 90019 and to Avoid Second Lien of GMAC Mortgage, LLC, Ocwen Loan Servicing, Their Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19

Docket 177

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#183 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #183 (XX) - td (1/23/2019)

Tentative Ruling:

January 10, 2018

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to provide documentary evidence of the holder of the junior lienholder on the subject property by or before January 22, 2019 (with amended notice if necessary) (XX)

Basis for Tentative Ruling:

Although the court is inclined to grant the motion based on the merits, Debtor has not provided any documentary evidence identifying the holder or authorized agent of the holder of the second deed of trust and, therefore, this court cannot ascertain whether service of this contested matter is proper.

Note: If Debtor accepts the foregoing tentative ruling, 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**

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#9.00 CON'TD Hearing RE: Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 1641-1643 S. Orange Dr., Los Angeles, CA and to Avoid Second Lien of Impact Funding, Inc., its Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19

Docket 179

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#183 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #183 (XX) - td (1/23/2019)

Tentative Ruling:

January 10, 2018

[This tentative ruling has been modified since its original posting]

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to 1) provide proper service on the current holder of the second deed of trust on the subject property, and 2) file documentary evidence identifying the holder of the second deed of trust by or before January 22, 2019. (XX)

Basis for Tentative Ruling:

Preliminary statement: The statements and evidence in support of this Motion are all over the place, making a coherent review of the same nearly impossible.

Although the court is inclined to grant the motion based on the merits, there are issues that need to be addressed:

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

1. Debtor represents that the first deed of trust was transferred from Express Capital Lending to Wells Fargo Bank with BofA as servicer on April 19, 2019 and directs the court to Exhibit 1, which is the proof of claim filed by BofA, the presumed holder of the first deed of trust. However, documents attached to the proof of claim also seem to show that a) Express Capital Lending assigned a note/deed of trust (not clear if it's the first or second) to Impac Funding Corp. [Exhibit 1, p.49] and b) **Impac Funding Corp** assigned its interest in the first deed of trust on April 19, 2012 (postpetition) to Wells Fargo Bank with BofA as apparent servicer. [Exhibit 1, p. 50].

2. There is no documentation or other credible evidence that identifies Impac Funding Corporation, or any other entity, as the holder of the second deed of trust. Accordingly, the court cannot determine whether service of the Motion was proper.

3. Debtor needs do his research and determine the identity of the holder of the second deed of trust and properly serve that entity. Parenthetically, Debtor also needs to remit plan payments to such entity if it is someone other than Impac.

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

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#10.00 Hearing RE: Chapter 7 Trustee's Motion to Approve Settlement Agreement with Stuart Moore, Sylvie Moore Masson, Anthony M.C. Brown, Rev. Charles A.E. Lawrence, Dr. Loraine M. Lawrence and Moore Design USA, Ltd., Pursuant to F.R.B.P. 9019

Docket 281

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document
#285 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's Own
Motion; See Order Entered 1/23/2019, Document #285 (XX) - td (1/23/2019)**

Tentative Ruling:

- NONE LISTED -

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#11.00 Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion for Sanctions Against Plaintiff Jin Ree Pursuant to Rule 11 of The Federal Rule of Civil Procedure

Docket 31

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #51
(XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 3/12/2019 at 10:30 a.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #51 (XX) - td (1/23/2019)

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

Tuesday, February 12, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

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

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #14
(XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/12/2019 at 10:30 a.m. on
Court's Own Motion; See Order Entered 1/23/2019, Document # 14 (XX) -
td (1/23/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

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

Tuesday, February 12, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#13.00 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19

Docket 24

***** VACATED *** REASON: CONTINUED TO 4/18/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Order Entered 1/23/2019, Document #36
(XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 4/18/2019 at 2:00 p.m. on Court's Own Motion; See Order Entered 1/23/2019, Document #36 (XX) - td (1/23/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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**

Tuesday, February 12, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, March 7, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01142 Kosmala v. Liebeck et al

#1.00 CON'TD 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)

FR: 11-8-18

Docket 3

***** VACATED *** REASON: CONTINUED TO 3/19/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice Filed 1/2/2019,
Document #10 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/19/2019 at 9:30 a.m. on
Court's Own Motion. See Court's Notice Filed 1/2/19, Document #10
(XX) - td (12/28/2018)**

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Kevin Liebeck

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, March 7, 2019

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, March 7, 2019

Hearing Room 5A

9:30 AM

8:17-13073 Aileen Merrill Schlissel

Chapter 7

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

#2.00 CON'TD PRE-TRIAL CONFERENCE RE: Amended Adversary Complaint to Discharge Student Loan

FR: 5-31-18; 12-20-18

Docket 16

***** VACATED *** REASON: CONTINUED TO 3/19/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice Filed 1/2/2019,
Document #42 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 3/19/2019 at 9:30 a.m. on
Court's Own Motion. See Court's Notice filed 1/2/2019, document #42
(XX) - td (1/2/2019)**

Party Information

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 7, 2019

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#3.00 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; 10-18-18

Docket 105

***** VACATED *** REASON: CONTINUED TO 3/19/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice Filed 1/2/2019,
Document #435 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/19/2019 at 10:30 a.m. on Court's
Own Motion. See Court's Notice Filed 1/2/2019, Document #435 (XX) - td
(1/3/2019)**

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

Thursday, March 7, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#4.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 10-25-18

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/19/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice Filed 12/28/2018,
Document #60 (XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 3/19/2019 at 10:30 a.m. on
Court's Own Motion. See Court's Notice Filed 12/28/2018, Document # 60
(XX) - td (12/28/2018)**

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**

Tuesday, March 12, 2019

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; 12-13-18; 2-12-19

Docket 73

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 9:30 A.M.,
PER ORDER ENTERED 2/28/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/20/2019 at 9:30 a.m., Per Order
Entered 2/28/2019 (XX) - td (2/28/2019)**

Tentative Ruling:

March 12, 2019

Continue status conference to April 11, 2019 at 9:30 a.m. as a holding date. Court to issue Order to Show Cause Why This Adversary Should Not be Dismissed Due to Lack of Jurisdiction in light of the assignment of this adversary to Debtors pursuant to global settlement between Trustee and Debtors approved by the Court at hearing on January 31, 2019. The OSC hearing will also be held on April 11, 2019 at 9:30 a.m.

Once the adversary proceeding is dismissed, Debtors will be free to initiate new litigation against the defendant in any nonbankruptcy court of competent jurisdiction.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Donald Woo Lee

Represented By

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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
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
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Movant(s):

Sammy Ciling	Represented By Marc C Forsythe
Anke Ciling	Represented By Marc C Forsythe

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee Chapter 7

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

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**

Tuesday, March 12, 2019

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; 12-13-18; 2-12-19

Docket 59

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 9:30 A.M.,
PER ORDER ENTERED 2/28/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 6/20/2019 at 9:30 a.m., Per
Order Entered 2/28/2019 (XX) - td (2/28/2019)**

Tentative Ruling:

Party Information

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**

Tuesday, March 12, 2019

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**

Tuesday, March 12, 2019

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**

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/18/2019 AT 9:30 A.M.,
PER ORDER ENTERED 2/26/19 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 4/18/2019 at 9:30 a.m., Per
Order Entered 2/26/2019 (XX) - liz (2/26/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

CONT...

Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

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

Tuesday, March 12, 2019

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 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18; 1-31-19

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.

January 31, 2019

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

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**

Tuesday, March 12, 2019

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., et al

#5.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19

Docket 55

***** VACATED *** REASON: CONTINUED TO 4/4/19 AT 2:00 P.M., PER HEARING HELD 1/31/19, and Order Entered 2/8/19 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)

CONTINUED: Status Conference Continued to 4/4/19 at 2:00 p.m., Per Hearing Held 1/31/19, and Order Entered 2/8/19 (XX) - td (2/5/2019)

Tentative Ruling:

- 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

John Creamer

Pro Se

Kirk Nelson

Pro Se

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 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**

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

8:18-12951 William C Tak

Chapter 7

Adv#: 8:18-01205 Pero v. Tak

#6.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

FR: 2-7-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Discovery Cut-off Date:	August 1, 2019
Deadline to Attend Mediation:	September 5, 2019
Pretrial Conference Date:	Sept. 19, 2019 at
9:30a.m.	(XX)

Deadline to Lodge Joint Pretrial Stipulation:	Sept. 5, 2019
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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):

William C Tak

Represented By
Arlene M Tokarz

Defendant(s):

William C Tak

Pro Se

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

Tuesday, March 12, 2019

Hearing Room 5A

9:30 AM

CONT... William C Tak

Chapter 7

Plaintiff(s):

Joseph W Pero

Represented By
Ryan T Koczara

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, March 12, 2019

Hearing Room 5A

9:30 AM

8:19-10009 Future Income Payment LLC

Chapter 7

#7.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Trail status conference to the 10:30 a.m. calendar, same time as the hearing on the motion to dismiss the involuntary petition.

March 12, 2019

Trail status conference to the 10:30 a.m. calendar, same time as the hearing on the motion to dismiss.

Party Information

Debtor(s):

Future Income Payment LLC

Pro Se

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:17-10670 Thelma C Viajar

Chapter 13

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

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Thelma C Viajar

Represented By
Bobby Samini

Movant(s):

U.S. Bank National Association, not

Represented By
Erin M McCartney

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Thelma C Viajar

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 12, 2019

Hearing Room 5A

10:00 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#9.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

FR: 1-31-19

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Grant motion without 4001(a)(3) waiver if Debtors are not post-confirmation current with payments.

Debtors' opposition re to the Motion based on standing and other non-monetary grounds is overruled for the following reasons:

1. None of Debtors' standing arguments or authority are persuasive -- the court is surprised that Counsel is raising stale standing/"free house" issues that are not supported by applicable California law.
2. More importantly, Debtors voluntarily entered into a postpetition loan modification agreement with Movant's servicer Ocwen and even sought and obtained an order from this court approving the same. See motion requesting approval of the loan modification [docket #33] and order approving the same [docket #49]. According to the "permanent" loan modification more than

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... **Julio Cesar Torres and Norma Giselle Torres** **Chapter 13**

\$254,000 in prepetition arrears were deemed cured and added to principal. DO DEBTORS NOW WISH TO UNDUE THE LOAN MODIFICATION AGREEMENT?!

3. Debtors mentioned nothing about standing issues re either the loan modification agreement or re their claim objection to Claim #12 -- the objection to the claim was based solely on the fact that prepetition arrearages has been removed via the loan modification agreement. [docket #36]. This court sustained that portion of the claim objection. See Order at docket #54. Debtors' arguments in their opposition to the instant Motion would effectively render moot this court's prior rulings regarding the loan modification and claims objection. IS THIS WHAT DEBTORS' REALLY WANT?

4. In light of the court's comments 2 and 3 above, Debtors are judicially estopped from raising any standing issues.

Note: Unless the parties are able to reach a stipulation, appearances at this hearing are required. If the parties need more time to work out an agreement, they may request a continuance to March 12, 2019 or March 19, 2019 at 10:00 a.m. during the the Clerk's calendar roll call.

March 12, 2019

Movant to advise the court re the status of this matter. If more time is needed, the hearing may be continued to April 11, 2019 or April 18 at 10:00 a.m. by requesting a continuance during the Clerk's calendar roll call.

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Julio Cesar Torres and Norma Giselle Torres

Chapter 13

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry
Theron S Covey

Trustee(s):

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 12, 2019

Hearing Room 5A

10:00 AM

8:17-14670 Antonio Vazquez

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
WELLS FARGO BANK, N.A.
VS.
DEBTOR; and LAURA PATRICIA MERCADO, NON-FILING CO-DEBTOR

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Grant with 4001(a)(3) waiver and relief from 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):

Antonio Vazquez

Represented By
Rebecca Tomilowitz

Movant(s):

Wells Fargo Bank, N.A. d/b/a Wells

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, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Antonio Vazquez

Chapter 13

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:17-14817 Hildegard Katharina Brandt

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
BANK OF NEW YORK MELLON TRUST COMPANY, N.A.
VS.
DEBTOR

Docket 39

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 3/6/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 3/6/2019 - td (3/6/2019)**

Tentative Ruling:

March 12, 2019

Grant without 4001(a)(3) waiver unless the parties are able to agree to the terms
of an adequate protection order.

***Note: Parties are to appear and advise the court re the status of this
matter.***

Party Information

Debtor(s):

Hildegard Katharina Brandt

Represented By
Andy C Warshaw

Movant(s):

Bank of New York Mellon Trust

Represented By
Kelsey X Luu

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Hildegard Katharina Brandt

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 12, 2019

Hearing Room 5A

10:00 AM

8:18-13057 Severo Tlantenchi Blanco

Chapter 13

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

PENNYMAC HOLDINGS, LLC

VS.

DEBTOR

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Severo Tlantenchi Blanco

Represented By
Rebecca Tomilowitz

Movant(s):

PennyMac Holdings, LLC

Represented By
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**

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Severo Tlantenchi Blanco

Chapter 13

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-13057 Severo Tlantenchi Blanco

Chapter 13

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CREDIT ACCEPTANCE CORPORATION
VS.
DEBTOR; AND MAYRA A. TLANTENCHI, NON-FILING CO-DEBTOR

Docket 49

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 3/8/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 3/8/2019 - td (3/8/2019)**

Tentative Ruling:

March 12, 2019

Grant with 4001(a)(3) waiver. and all other extraordinary 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):

Severo Tlantenchi Blanco

Represented By
Rebecca Tomilowitz

Movant(s):

Credit Acceptance Corporation

Represented By

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Severo Tlantenchi Blanco

Jennifer H Wang

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 12, 2019

Hearing Room 5A

10:00 AM

8:18-13982 Chenoa Liana Ramirez

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
WELLS FARGO BANK, N.A.
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Chenoa Liana Ramirez

Represented By
Norma Duenas

Movant(s):

Wells Fargo Bank, N.A. d/b/a Wells

Represented By
Jennifer H Wang

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Chenoa Liana Ramirez

Chapter 7

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14191 Hamid Ranjbar

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FIRST CITY CREDIT UNION
VS.
DEBTOR

Docket 12

***** VACATED *** REASON: Notice of Withdrawal of Motion filed
2/27/19**

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Motion filed 2/27/19- mp
(2/27/19)**

Tentative Ruling:

March 12, 2019

Motion withdrawn -- off calendar.

Party Information

Debtor(s):

Hamid Ranjbar

Represented By
Omid J Shirazi

Movant(s):

First City Credit Union

Represented By
Karel G Rocha

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14342 John Bernard St Amand

Chapter 7

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

ALLIANT CREDIT UNION

VS.

DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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 Bernard St Amand

Represented By
David L Gibbs

Movant(s):

Alliant Credit Union

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... John Bernard St Amand

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14448 Samuel Stephen McConnell and Maria Mercedes

Chapter 7

#17.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FORD MOTOR CREDIT COMPANY LLC
VS.
DEBTORS

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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 Stephen McConnell

Represented By
Steven A Alpert

Joint Debtor(s):

Maria Mercedes McConnell

Represented By
Steven A Alpert

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Samuel Stephen McConnell and Maria Mercedes

Chapter 7

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith
Jennifer H Wang

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14511 One Source Facility Solution, Inc.

Chapter 7

#18.00 Hearing RE: Motion for relief from automatic stay [ACTION IN NON-BANKRUPTCY FORUM]

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEBTOR

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

**[UPDATED SINCE ORIGINAL POSTING TO REFLECT LATE-FILED
OPPOSITION BY DEBTOR]**

Debtor was not served with motion in the manner set forth in FRBP 7004(b)(3) as required by FRBP 9014 for contested hearing such as this one. However, as Debtor has filed a limited opposition, the matter will not be continued for service. .

Grant motion with waiver of 4001(a)(3). Movant may litigate to judgment but may not enforce any such judgment against property of the bankruptcy estate.

Movant may also file a claim against the estate. The court is not persuaded by Debtor's argument that Movant filing a claim should be in lieu of obtaining a judgment in state court.

Note: If the parties accept the foregoing tentative ruling, appearance at today's hearing is not required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... One Source Facility Solution, Inc. Chapter 7

Party Information

Debtor(s):

One Source Facility Solution, Inc.

Represented By
James R Selth

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14522 Lance Arnold Loewenberg

Chapter 7

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

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Lance Arnold Loewenberg

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:18-14548 Lawrence Maurice Walker

Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FSNB, N.A.
VS.
DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Lawrence Maurice Walker

Represented By
Peter Rasla

Movant(s):

Fritz J. Firman

Represented By
Fritz J Firman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Lawrence Maurice Walker

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10064 Andrew Chung

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
NANCY C. HOOPER, TRUSTEE OF THE CHUNG FAMILY TRUST
VS.
DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Grant motion. Deny request for annulment as there is no evidence of any acts taken postpetition.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Andrew Chung

Pro Se

Movant(s):

Hooper Nancy

Represented By
Saman Behnam

Saman Behnam

Represented By

**United States Bankruptcy Court
Central District of California
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10:00 AM

CONT... Andrew Chung

Saman Behnam

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, March 12, 2019

Hearing Room

5A

10:00 AM

8:19-10067 Jesus Lugo

Chapter 13

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

U.S. BANK TRUST NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 13

Courtroom Deputy:

SPECIAL NOTE: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 1/28/2019; Notice of Intent to Proceed Despite Dismissal filed 2/12/2019. This Motion to Remain on Calendar - td (2/12/2019)

Tentative Ruling:

March 12, 2019

Grant motion with waiver of FRBP 4001(a)(3), co-debtor relief, and prospective *in rem* relief under 11 U.S.C. 362(d)(4), and all other relief except the relief requested in relief request #11 of the Motion, which is denied.

Note: If the order granting this Motion is duly recorded in compliance with applicable California laws governing notices of interests or liens in the property at issue, then no automatic stay shall apply to such property in any bankruptcy case purporting to affect such property and filed within two years after the date of entry of this order, unless otherwise ordered by the court presiding over that bankruptcy case. For the avoidance of doubt, any acts by the movant to obtain exclusive possession of such property in accordance with applicable California law shall not be stayed, including any eviction actions, through and including any lockout or other enforcement by the Sheriff or other authorized legal authority.

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Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Jesus Lugo

Chapter 13

Basis for Tentative Ruling:

1. Under section 362(d)(4), an order granting relief from stay is binding in any future bankruptcy case affecting the property for two years after the entry of the order granting such relief if the court finds there are multiple bankruptcy filings affecting the subject property pursuant to 362(d)(4)(B).

2. In addition to this case, there are multiple other bankruptcy cases affecting the subject property located at 6726 East Wardlow Road, Long Beach, CA ("Property"), to wit:

a. *In re Guadalupe Selene Aguila*, Case no. 2:19-10216WB filed 1/9/19, dismissed 2/14/19; relief from stay motion filed by Movant re the Property to be held 3/12/19.

b. *In re Luis Alberto Bravo*, Case no. 2:19-10005NB filed 1/2/19. Motion for relief from stay filed by Movant re the Property was granted with two-year *in rem* relief under 362(d)(4) at hearing held on 3/5/19. Debtor Luis Bravo filed a pleading in response to the the motion indicating that he had no knowledge of or interest in the Property. [docket #39].

c. *In re Manuel Junior Cabrera*, Case no. 9:19-10002DS filed 1/2/19, dismissed 2/7/19 for failure to appear at creditors' meeting. Motion for relief from stay filed by Movant is pending. Opposition filed by Property borrower, Ron Manning ("Manning").

3. Exhibit 3 to the Motion purports to be a deed of trust against the Property executed by Manning on January 11, 2019 in favor of Debtor Jesus Lugo, Manuel Junior Cabrera, Luis Bravo and Guadalupe Selene Aguila for the purpose of securing a \$20,000 promissory note. The document also includes a recordation date of January 11, 2019. The efficacy of the purported transfer of a security interest in the Property on January 11, 2019 is suspect for the following reasons:

a. At the time the deed of trust was executed, *all four individuals* listed on the deed of trust as "lenders" were all in pending bankruptcy cases filed just days

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Tuesday, March 12, 2019

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10:00 AM

CONT... **Jesus Lugo**
earlier.

Chapter 13

b. The court finds it highly unlikely that any of the debtors would loan Manning \$20,000 while they were in bankruptcy. In fact, according to his chapter 13 plan, Luis Bravo (who filed a sworn statement indicating he had no knowledge of the Property) was more than \$36,000 in arrears on his own mortgage at the time he filed his bankruptcy case. Case no. 19-10005 [docket # 22].

4. Movant has been forced to file motions for relief from stay in four separate bankruptcy cases, including this one. None of the debtors in such cases have opposed the motions -- only Manning, the owner of the Property.

5. As noted above, the court in *In re Bravo* has already granted relief from stay under 362(d)(4) which will be in effect for two years.

6. Section 362(d)(4) provides a remedy for a debtor in a subsequent bankruptcy case within the two year period: such debtor "may move for relief from the order due to changed circumstances or for good cause"

7. In deciding a motion for relief from stay, the bankruptcy court is only tasked with deciding whether the movant has a colorable claim to enforce its rights against the property, not the substance or merit of the claim. See *Veal v. Am. Home Mortg. Servicing, Inc. (In re Veal)*, 450 B.R. 897, 914-15 (9th Cir. BAP 2011) ("a party seeking stay relief need only establish that it has a colorable claim to enforce a right against property of the estate"); *First Fed. Bank. of Cal. v. Robbins (In re Robbins)*, 310 B.R. 626, 631 (9th Cir. BAP 2004) ("Stay relief hearings do not involve a full adjudication on the merits of claims, defenses, or counterclaims, but simply a determination as to whether a creditor has a colorable claim."). Movant's supporting declaration indicating that it has possession of the note establishes sufficient "colorable claim" to bring this motion. Accordingly, Manning's objection in this regard is overruled. He is free to contest the validity of Movant's right to foreclosure in state court.

8. The court is denying relief request #11 because it does not grant *in rem* relief in perpetuity.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Jesus Lugo

Chapter 13

Debtor(s):

Jesus Lugo

Pro Se

Movant(s):

U.S. Bank Trust National

Represented By
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
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10095 Rufina Partida Medina

Chapter 7

#23.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
PDQ INVESTMENTS LLC AS TRUSTEE
VS.
DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Rufina Partida Medina

Pro Se

Movant(s):

PDQ Investments LLC as Trustee

Represented By
Katie M Parker

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10258 Tina Burke

Chapter 7

#24.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

CAIN LEON

VS.

DEBTOR

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

**[UPDATED SINCE ORIGINAL POSTING TO REFLECT LATE-FILED
OPPOSITION BY DEBTOR]**

Grant with 4001(a)(3) waiver.

Overrule objections of Debtor for the following reasons:

1. This is the sixth bankruptcy filed by Debtor since 2011 -- two were filed in Arizona and four were filed in this District:

--BK #1: Case no. 2:11-18927 [Arizona] -- filed 6/30/11 and dismissed 10/16/11 for failure to attend creditors' meeting

--BK #2: Case no. 2:12-04438 [Arizona] -- filed 3/7/12 and dismissed for failure to pay the filing fee.

--BK #3: Case no. 8:13-18465 [CD Cal] -- filed 10/11/13 and dismissed

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10:00 AM

CONT... Tina Burke

Chapter 7

for failure to file a ch. 13 plan and schedules

--BK #4: Case no. 8:15-10428 [CD Cal] -- filed 1/29/15; closed without discharge for failure to file financial management course certificate.

--BK #5: Case no. 8:17-13193 [CD Cal] -- filed 8/9/17 and dismissed 12/20/17 with a 180-day restriction against re-filing due to abuse of the bankruptcy process.

2. In her bankruptcy schedules filed in this case, Debtor falsely stated that she had only one prior case, i.e., BK #5. Notwithstanding that the schedules clearly require her to list all bankruptcy cases filed by her within the past eight years, Debtor failed to disclose BK #s 1, 2, 3 and 4.

3. In BK #s 1, 3, 4 and 5, motions for relief from stay were filed by four separate landlords of four different residential properties in Newport Beach, CA (516 W. Oceanfront, 11 Kialoa Court, 307 Island Ave and 18 Tideline, respectively), all seeking to continue with pending unlawful detainer actions in state court. Relief from stay was granted in all four cases.

3. Simply put, Debtor has a pattern of 1) filing bankruptcy cases while unlawful detainer actions are pending and 2) failing to comply with bankruptcy requirements, resulting in the dismissal of most of her cases (BK #s 1, 2, 3 and 5). The circumstances described in comment #s 1, 2 and 3 establish sufficient grounds under 362(d)(1) [cause] to grant the Motion.

4. In addition, the bankruptcy commencement documents require debtors to disclose all prior bankruptcies filed by their spouse within the past eight years. In her Schedule I, Debtor identifies her non-filing spouse [Gregory Burke] as an unemployed paralegal. However, she failed to disclose any of his four prior bankruptcy filings -- one in Arizona and three chapter 13s in this District. In the cases filed in this District, nos. 8:13-16730, 8:15-11118, and 8:18-11379 (all of which were dismissed), relief from stay was granted to landlords seeking to proceed with pending unlawful detainer actions in state court.

5. Together, Debtor and her spouse have filed ten bankruptcy cases in the past

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Tuesday, March 12, 2019

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10:00 AM

CONT... Tina Burke

Chapter 7

eight years for the purpose of avoiding eviction.

6. In light of Debtor's obvious abuse of the bankruptcy process, waiver of Rule 4001(b)(3) is appropriate.

7. As for Debtor's argument that the three-day notice to quit was deficient, such is an issue for the state court to decide in the unlawful detainer action.

Party Information

Debtor(s):

Tina Burke

Pro Se

Movant(s):

Cain Leon

Represented By
Marc Cohen

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10320 Moses Zachery Cisneros

Chapter 7

#25.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
CHATEAU DE VILLE APARTMENTS FUND, LTD. LIMITED PARTNERSHIP
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Moses Zachery Cisneros

Pro Se

Movant(s):

CHATEAU DE VILLE

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
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10379 Dean Gaddi

Chapter 7

#26.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CONSUMER PORTFOLIO SERVICES
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

Dean Gaddi

Represented By
Amanda G Billyard

Movant(s):

Consumer Portfolio Services

Represented By
Erin M McCartney

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Dean Gaddi

Chapter 7

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10389 Charles G Krebs and Lindsey E Krebs

Chapter 7

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

MECHANICS BANK, A CALIFORNIA BANKING CORPORATION, SUCCESSOR
BY MERGER TO CALIFORNIA REPUBLIC BANK

VS.

DEBTORS AND RICHARD A MARSHACK, CHAPTER 7 TRUSTEE

Docket 19

*** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion for Relief from the Automatic Stay Filed 3/8/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion for Relief from
the Automatic Stay Filed 3/8/2019 - td (3/8/2019)**

Tentative Ruling:

March 12, 2019

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):

Charles G Krebs

Represented By
Brian C Whitaker

Joint Debtor(s):

Lindsey E Krebs

Represented By

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Charles G Krebs and Lindsey E Krebs

Chapter 7

Brian C Whitaker

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-10451 Jeff Wayne Niblack

Chapter 7

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

TRANG DIEM THI LE

VS.

DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Grant with 4001(a)(3) waiver and annulment. Deny all other extraordinary relief requested in the motion.

Note: the additional relief (such as 180 day prospective relief and binding order in all future cases) is considered extraordinary and is only granted by this court where there are previous multiple bankruptcy filings.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Jeff Wayne Niblack

Pro Se

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Jeff Wayne Niblack

Chapter 7

Movant(s):

Trang Diem Thi Le

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#29.00 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 12, 2019

Grant motion.

Special Note: The granting of the motion is subject to the terms of the stipulation reached between Debtors and U.S. Bank. However, Debtors are admonished that the stipulated monthly payment of \$2,967.39 is \$200 higher than that listed on Debtors' Schedule J and reduces Debtors' net disposable income to \$823.12. This, in turn, renders Debtors' monthly plan payments of \$1,024 in months 4-60 infeasible. Thus, the plan may require modification prior to the confirmation hearing.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Marvin L Sanders

Represented By
Joshua L Sternberg

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

Tuesday, March 12, 2019

Hearing Room 5A

10:00 AM

CONT... Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

Joint Debtor(s):

Mary Ann Tan Sanders

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, March 12, 2019

Hearing Room 5A

10:00 AM

8:19-10533 Quynh Thuy Lu

Chapter 13

#29.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 7

*** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 3/1/2019

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 3/1/2019 - td (3/1/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Quynh Thuy Lu

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 12, 2019

Hearing Room 5A

10:30 AM

8:11-12718 Norman Wright Branyan

Chapter 11

#30.00 CONT'D Hearing RE: Motion of Reorganized Debtor for Final Decree and Order Closing Case

FR: 2-12-19

Docket 731

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Debtor needs to address the following issues at the hearing:

1. In his declaration, Debtor states that "many" of his creditors do not appear on "Pacer's" mailing list. The mailing list appearing on PACER is based upon the creditor list provided by Debtor. If Debtor's mailing list does not include all of his creditors, such presents a serious problem that must be addressed. For example, Debtor's confirmed chapter 11 plan is only binding on creditors who were served with the plan and disclosure statement. If creditors were not listed on the mailing list and, therefore, did not have the opportunity to vote on the plan, they are not bound by the terms of the plan. The court presumes Debtor would not want the case closed under such circumstances.

2. Debtor needs to file separate motions for turnover of the escrow funds as to Select Portfolio and Ocwen and such entities need to be served in accordance with Fed Rule Bankruptcy Procedure 7004(b)(3).

3. Debtor needs to confirm that a minimum of \$60,000 has been paid to class 6 (unsecured creditors) as required by the confirmed.

Party Information

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

Debtor(s):

Norman Wright Branyan

Pro Se

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#31.00 CON'TD Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 2404-2406 5th St, Los Angeles, CA 90019 and to Avoid Second Lien of GMAC Mortgage, LLC, Ocwen Loan Servicing, Their Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19; 2-12-19

Docket 177

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 10:30 A.M.,
PER ORDER ENTERED 3/11/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/11/2019 at 10:30 a.m., Per Order
Entered 3/11/2019 (XX) - td (3/11/2019)**

Tentative Ruling:

January 10, 2019

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to provide documentary evidence of the holder of the junior lienholder on the subject property by or before January 22, 2019 (with amended notice if necessary) (XX)

Basis for Tentative Ruling:

Although the court is inclined to grant the motion based on the merits, Debtor has not provided any documentary evidence identifying the holder or authorized agent of the holder of the second deed of trust and, therefore, this court cannot ascertain whether service of this contested matter is proper.

Note: If Debtor 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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#32.00 CON'TD Hearing RE: Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 1641-1643 S. Orange Dr., Los Angeles, CA and to Avoid Second Lien of Impact Funding, Inc., its Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19; 2-12-19

Docket 179

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 10:30 A.M.,
PER ORDER ENTERED 3/11/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/11/2019 at 10:30 a.m., Per Order
Entered 3/11/2019 (XX) - td (3/11/2019)**

Tentative Ruling:

January 10, 2019

[This tentative ruling has been modified since its original posting]

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to 1) provide proper service on the current holder of the second deed of trust on the subject property, and 2) file documentary evidence identifying the holder of the second deed of trust by or before January 22, 2019. (XX)

Basis for Tentative Ruling:

Preliminary statement: The statements and evidence in support of this Motion are all over the place, making a coherent review of the same nearly impossible.

Although the court is inclined to grant the motion based on the merits, there are issues that need to be addressed:

1. Debtor represents that the first deed of trust was transferred from Express

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Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room

5A

10:30 AM

CONT...

Luis P Sinibaldi

Chapter 11

Capital Lending to Wells Fargo Bank with BofA as servicer on April 19, 2019 and directs the court to Exhibit 1, which is the proof of claim filed by BofA, the presumed holder of the first deed of trust. However, documents attached to the proof of claim also seem to show that a) Express Capiral Lending assigned a note/deed of trust (not clear if it's the first or second) to Impac Funding Corp. [Exhibit 1, p.49] and b) **Impac Funding Corp** assigned its interest in the first deed of trust on April 19, 2012 (postpetition) to Wells Fargo Bank with BofA as apparent servicer. [Exhibit 1, p. 50].

2. There is no documentation or other credible evidence that identifies Impac Funding Corporation, or any other entity, as the holder of the second deed of trust. Accordingly, the court cannot determine whether service of the Motion was proper.

3. Debtor needs do his research and determine the identity of the holder of the second deed of trust and properly serve that entity. Parenthetically, Debtor also needs to remit plan playments to such entity if it is someone other than Impac.

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

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Tuesday, March 12, 2019

Hearing Room

5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#33.00 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; 9-6-18; 2-17-19

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**

Tuesday, March 12, 2019

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**

Tuesday, March 12, 2019

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**

Tuesday, March 12, 2019

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. (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.

March 12, 2019

Continued to May 7, 2019 at 10:30 a.m. An updated status report is due April 23, 2019 unless a final decree has been entered by such date. (XX)

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Alicia Elizabeth Blackman

Represented By
Bert Briones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#34.00 Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 142

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

The court is inclined to sustain in part and overrule in part: Sustain as to \$140,700 earmarked for unemployed personal injury attorneys fees and \$70,439.20 for medical liens; Overrule as to the balance earmarked for Debtor and for court costs.

The court assumes that the trustee is satisfied with the settlement agreement provided to him by Debtor -- it was not attached to Debtor's supplemental declaration so the court has not seen it.

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required and the trustee shall lodge an order consistent wit the same within 7 days.

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#35.00 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; 11-15-18; 1-10-19; 2-7-19

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

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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.

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Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Rosalva Ramirez

Chapter 11

January 10, 2019

Grant in part; deny in part. Grant summary adjudication as to the §§ 544(a)(3), § 550, and § 502(d) claims for relief only as to 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. Deny the balance of the relief requested.

Basis for Tentative Ruling:

The court is not persuaded by the supplemental brief filed December 23, 2018 [docket #147].

The court incorporates by reference herein, its November 15, 2018 tentative ruling. See above. In response to the November 15, 2018 tentative ruling, Debtor argues that the Motion should be granted because the face of the SE1 Deed and the SE2 Deed evidences that "the parties to that transactions intended that Debtor's Property stand as security for these debts" so Salon Envios could assert an equitable lien in Debtor's Property. Supp. Br. at p. 3:3-5.

The counterargument that the face of the deeds evidences that "the parties to that transactions intended that Debtor's Property stand as security" fails to address the issue of who the "parties to the transaction" truly are- Luis in his individual capacity or Luis as co-trustee of the Ramirez Family Trust. In other words, even if Luis intended that the Property serve as collateral, Luis may not have the authority to grant an equitable lien if Luis was acting in his individual capacity because Luis did not hold title to the Property at the time. Further, and more importantly, the parties' "intent" is a factual issue and Luis intent to encumber the Property as co-trustee of the Ramirez Family Trust cannot be gleaned as a matter of law simply from the face of the deeds that make no mention of the Ramirez Family Trust. Debtor's cited legal authorities in the Supplemental Brief do not sufficiently support her position.

In *Lentz v. Lentz*, (1968) 267 CA2d 891, 894, the California Court of Appeal stated that, " To establish an equitable lien, appellant must demonstrate

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room

5A

10:30 AM

CONT...

Rosalva Ramirez

Chapter 11

that her deceased husband not only intended to make the real property primary security for the debt to the insurance company and the insurance policy merely collateral security, but that he had the right to do so." (reversing grant of summary judgment imposing an equitable lien on real property because triable issue of fact remained as to decedent's intent). In this case, Debtor has not established that Luis had the "right to" pledge the Property as security.

In *Grappo v. Coventry Fin. Corp.*, (1991) 235 CA3d 496, 509 (1991) 235 Cal.App.3d 496, 509-510, the California Court of Appeal affirmed the trial court's denial of appellant's claim for an equitable lien on real property on which ex-wife constructed a new home and appellant extended loans to ex-wife but never obtained a deed of trust. The court found that the parties did not intend to create a security interest in the property. *Id.* Unlike the instant case, however, the ex-wife's right to pledge the property as security was not at issue because wife held title to the real property on which the new home was built. *Id.* at 500.

Finally, *Huber v. Danning (In re Thomas)*, 147 B.R. 526, 529 (BAP 9th Cir.) does not support Debtor's position because it is undisputed that a trustee may avoid an equitable interest in property under § 544(a)(3). Here, however, Debtor has not established that an equitable interest was created since Debtor has not established that Luis had a "right" to create an equitable lien in the Property.

Viewing the evidence, i.e., the face of the SE1 Deed and SE2 Deed, in the light most favorable to the non-moving parties, a genuine issue of fact remains with regards to SE1 Deed and SE2 Deed and in which capacity Luis granted those security interests.

March 12, 2019

In light of supplemental evidence submitted by Movant grant the motion as to all claims, except for the second claim for relief. In addition deny request for money judgment under Section 550 in light of the granting of the avoidance of the liens.

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT...

Rosalva Ramirez

Chapter 11

A party is entitled to only a single remedy under Section 550. *In re Taylor* 599 F.3d 880, 890 (9th Cir. 2010) ("The trustee is entitled to only a single satisfaction under subsection (a) of this section." "Where the value of the property cannot be easily or readily determined . . . the correct remedy is to return the property, not awrd an estimate of the value of the property.")

In this case, Movant has established grounds for recovery of the unperfected liens as a matter of law but not entitlement to the value of such liens.

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 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

**United States Bankruptcy Court
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Tuesday, March 12, 2019

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10:30 AM

CONT... Rosalva Ramirez
Faviola Vera

Pro Se

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:15-14580 Rosalva Ramirez

Chapter 11

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

#36.00 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; 11-15-18; 1-10-19; 2-7-19

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, March 12, 2019

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

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 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, March 12, 2019

Hearing Room 5A

10:30 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. (XX)

NOTE: Appearance at today's hearing is not required.

January 10, 2019

Cross complainant to advise the court how she wishes to proceed with the adversary in light of the court's ruling re #19 on today's calendar.

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 Manee

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Rosalva Ramirez Chapter 11

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, March 12, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#37.00 Hearing RE: Objection to Claim Nos. 4-1, 9-1, 7-1, and 10-1 filed by Sylvie Masson, Filed by Petitioning Creditors Andrew Moore, Pacific M International Corp. **[Affects All Debtors]**

Cl. #4-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12110-ES)

Cl. #9-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12106-ES)

Cl. #7-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:12-12109-ES)

Cl. #10-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12112-ES)

Docket 289

***** VACATED *** REASON: CONTINUED TO 4/11/2019 AT 10:30 A.M.,
PER ORDER ENTERED 2/27/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/11/2019 at 10:30 a.m., Per Order
Entered 2/27/2019 (XX) - td (2/27/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#38.00 Hearing RE: Creditors Andrew Moore and Pacific M. International Corp.'s Motion for Authority to Pursue Avoidance Action

Docket 283

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

This matter remains under the review by the court; a tentative ruling may be posted at any time prior to the hearing.

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#39.00 CONT'D Hearing RE: Chapter 7 Trustee's Motion to Approve Settlement Agreement with Stuart Moore, Sylvie Moore Masson, Anthony M.C. Brown, Rev. Charles A.E. Lawrence, Dr. Loraine M. Lawrence and Moore Design USA, Ltd., Pursuant to F.R.B.P. 9019

FR: 2-12-19

Docket 281

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Grant motion.

Note: the granting of this motion moots the creditors' motion for authority to pursue avoidance actions

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**

Tuesday, March 12, 2019

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

#40.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19

Docket 3

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required.
(XX)

Note: If all parties accept the foregoing tentative ruling, 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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#41.00 Hearing RE: Chapter 7 Trustee's Motion for Approval of Stipulation RE: Trustee's Entitlement to Dispose of Real Property and Dismissal of Adversary Action with Prejudice

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

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):

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:17-13342 David C. Park

Chapter 7

#42.00 CONT'D Hearing RE: Application for Payment of Interim Fees and/or Expenses

[LAW OFFICES OF NEIL R. ANAPOL, SPECIAL COUNSEL FOR RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

FR: 2-7-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Approve fees and expenses on interim basis 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):

David C. Park

Represented By
Raymond J Seo

Trustee(s):

Richard A Marshack (TR)

Represented By
Neil Anapol

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:18-12033 Seunghwan Jeong
Adv#: 8:18-01169 Ree v. Jeong

Chapter 7

#43.00 CON'TD Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion for Sanctions Against Plaintiff Jin Ree Pursuant to Rule 11 of The Federal Rule of Civil Procedure

FR: 2-12-19

Docket 31

***** VACATED *** REASON: CONTINUED TO 3/12/2019 AT 2:00 P.M.
(SAME DAY); See Notice Of Change of Hearing Time filed 2/6/2019,
Document #56 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 3/12/2019 at 2:00 p.m. (same day); See
Notice of Change of Hearing Time filed 2/5/2019, Document #56 (XX) - td
(2/5/2019)**

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

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:18-13756 John Palliser

Chapter 7

#44.00 CON'TD Hearing RE: Debtor in Possession's First Disclosure Statement
FR: 2-17-19

Docket 32

*** VACATED *** REASON: OFF CALENDAR: Order on Debtor's
Motion to Convert Case Under 11 U.S.C. §§706(a) or 1112(a) Entered
2/6/2019; Chapter 11 Case is Convert to a Case Under Chapter 7

Courtroom Deputy:

OFF CALENDAR: Order on Debtor's Motion to Convert Case Under 11
U.S.C. §§706(a) or 1112(a) Entered 2/6/2019; Chapter 11 Case is Convert to
a Case Under Chapter 7 - td (2/7/2019)

Tentative Ruling:

- NONE LISTED -

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**

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:18-13756 John Palliser

Chapter 7

#45.00 CON'TD STATUS CONFERENCE RE: Status of Chapter 11 Case; and (2)
Requiring Report on Status of Chapter 11 Case

FR: 12-13-18; 2-17-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order on Debtor's
Motion to Convert Case Under 11 U.S.C. §§706(a) or 1112(a) Entered
2/6/2019; Chapter 11 Case is Convert to a Case Under Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Order on Debtor's Motion to Convert Case Under 11
U.S.C. §§706(a) or 1112(a) Entered 2/6/2019; Chapter 11 Case is Convert to
a Case Under Chapter 7 - td (2/7/2019)**

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. (XX)
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.

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

CONT... John Palliser

Chapter 7

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:18-14485 Richard Price Alexander and Donna Jean Alexander

Chapter 13

#46.00 Hearing RE: Debtors' Motion for Order Relieving Them from Order Dismissing Chapter 13 Case

Docket 23

*** VACATED *** REASON: OFF CALENDAR: Order Granting Debtors' Motion for Order Relieving Them from Order Dismissing Case Entered 2/12/2019

Courtroom Deputy:

OFF CALENDAR: Order Granting Debtors' Motion for Order Relieving Them from Order Dismissing Case Entered 2/12/2019 - td (2/12/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Price Alexander

Represented By
Peter Holzer

Joint Debtor(s):

Donna Jean Alexander

Represented By
Peter Holzer

Trustee(s):

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 12, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#47.00 CON'TD STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 2-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Debtor's counsel to address the following issues:

1. In light of Debtor's prior unsuccessful chapter 11 case and ultimate dismissal on the basis of bad faith, what are the changed circumstances that will result in a successful end to this case?
2. Why has Debtor been unable to pay mortgage payments since 2016?
3. On his Schedule I, Debtor lists monthly income of \$15,000. Has Debtor actually grossed this amount since the filing in December 2018?
4. On his Schedule J, Debtor lists monthly expenses for water/sewage/garbage collection in the amount of \$2,000, telephone/cell/internet/satellite in the amount of \$2500 and electricity in the amount of \$500. An explanation of monthly utility expenses of \$5,000 will be required.

Claims bar date: 5/20/19 (notice to creditors by 3/20/19)

Deadline to file plan/disc. stmt: 5/30/19

**United States Bankruptcy Court
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Tuesday, March 12, 2019

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10:30 AM

CONT...

Walt Dodge

Chapter 11

Continued status conference: 6/20/19 at 10:30am; updated status report must be filed by 6/6/19 unless a plan and disc stmt have been timely filed, in which case the requirement of an updated report will be waived. (XX)

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

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

Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:18-14661 Kristy Lorraine Haffar and Mark S Haffar

Chapter 13

#48.00 Hearing RE: Debtors' Motion Objecting to Proof of Claim Filed by JPMorgan Chase Bank N.A.

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Continue hearing to April 18, 2019 at 10:30 a.m. to allow Debtor correct service issue -- JPMorgan Chase Bank not served per FRBP 7004(h) as required by FRBP 3007(a)(2) for insured depository institutions. (XX)

Tentative ruling for 4/18/19 hearing (if unopposed): Grant

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

Party Information

Debtor(s):

Kristy Lorraine Haffar

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Mark S Haffar

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
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Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:19-10009 Future Income Payment LLC

Chapter 7

#49.00 Hearing RE: Amended Motion (1) for Reconsideration of Order for Relief and (II) for Dismissal or Abstention Pursuant to 11 U.S.C. §§105(a) and 305(a)

Docket 22

Courtroom Deputy:

SPECIAL NOTE: Original Motion filed 1/28/19, Dkt #8; Amended Motion filed 2/19/19, dkt #22 - td (2/19/2019)

Tentative Ruling:

March 12, 2019

This matter remains under the review by the court; a tentative ruling may be posted at any time prior to the hearing.

Party Information

Debtor(s):

Future Income Payment LLC Pro Se

Movant(s):

Future Income Payment LLC Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

10:30 AM

8:19-10190 Encore Property Holdings, LLC

Chapter 7

#50.00 Hearing RE: Order to Appear and Show Cause why this Case Should Not be Dismissed Due to Failure to Comply with Local Bankruptcy Rule 9011-2(a) (OSC Issued 1/25/2019)

Docket 8

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 2/5/2019**

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 2/5/2019 - td (2/8/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Encore Property Holdings, LLC	Pro Se
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Trustee(s):

Thomas H Casey (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 12, 2019

Hearing Room 5A

2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#51.00 CON'TD Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion to Dismiss
First Amended Complaint Filed by Jin Ree

FR: 2-7-19

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Grant motion to dismiss with leave to amend.

Basis for Tentative Ruling

On June 4, 2018, Seung Hwan Jeong ("Debtor") and Amy Park Jeong ("Joint Debtor") filed a voluntary chapter 7 petition. Thomas H. Casey was appointed chapter 7 trustee ("Trustee"). On July 17, 2018, Trustee filed a "no-asset" report.

On September 7, 2018, plaintiff Jin Ree ("Plaintiff"), pro se, filed a §§ 523 and 727 complaint (the "Initial Complaint") against Debtor only. On October 11, 2018, Debtor filed a motion to dismiss the Initial Complaint (the "First Motion to Dismiss"). In response, on October 25, 2018, Plaintiff filed the first amended complaint (the "FAC"). Debtor subsequently withdrew the motion to dismiss the Initial Complaint.

The FAC alleges causes of action under §§ 523(a)(2), (a)(4), (a)(6), and 727(a)(2), (a)(3), (a)(4) and (a)(7). Plaintiff seeks a judgment deeming the state court default judgment entered against Debtor, and in favor of Plaintiff, on

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2:00 PM

CONT... Seunghwan Jeong Chapter 7

January 22, 2013 in Los Angeles Superior Court, case no. BC4999476 (the "State Court Action"), in the amount of \$164,755.13 (the "State Court Judgment") to be nondischargeable.

Debtor filed the instant motion to dismiss the FAC on November 8, 2018 (the "Motion")(AP dkt. #19]. Pursuant to FRCP 12(b)(6), incorporated herein by FRBP 7012, Debtor seeks dismissal of the FAC for failure to state a claim for relief.

Pleading Standards Under Federal Rules of Civil Procedure (FRCP)

FRCP 8

(a) CLAIM FOR RELIEF. A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

FRCP 9

...

(b) Fraud or Mistake; Conditions of Mind. In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

In 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

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CONT...

Seunghwan Jeong

Chapter 7

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).

FRCP 9(b), made applicable herein by FRBP 7009, is intended to ensure that the defendant in a fraud claim will have adequate notice of the nature of the charges against him, permitting him a meaningful opportunity to respond. *Fed. Sav. and Loan Ins. Corp. v. Musacchio*, 695 F.Supp. 1053, 1058-1059 (N.D. Cal. 1988) (*citing Semegen v. Weidner*, 780 F.2d 727, 731 (9th Cir. 1985)). The plaintiff is required to identify "circumstances constituting fraud so that the defendant can prepare an adequate answer from the allegations." *Id.* (*citing Walling v. Beverly Enterprises*, 476 F.2d 393, 397 (9th Cir. 1973)). In "alleging fraud or mistake," Rule 9(b) requires a party to 'state with particularity the circumstances constituting fraud or mistake,' including 'the who, what, when, where, and how of the misconduct charged.'" *Ebeid ex rel. U.S. v. Lungwitz*, 616 F.3d 993, 998 (9th Cir. 2010)(citation omitted) The "plaintiff must set forth what is false or misleading about a statement, and why it is false.'" *Id.* (citation omitted).

Standard for Dismissal of the Complaint

To survive a motion to dismiss under FRCP 12(b)(6), 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. In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no

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2:00 PM

CONT...

Seunghwan Jeong

Chapter 7

more than conclusions, are not entitled to the assumption of truth. *Id.* at 1950. While legal conclusions can provide 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.*

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." *Twombly* overruled the more liberal *Conley v. Gibson* standard, which held that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. With the new standard in *Twombly*, the Supreme Court has said that the facts asserted in support of the claim need to cross the line "from conceivable to plausible."

COUNT 1 – 523(a)(2)(A)

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;

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2:00 PM

CONT...

Seunghwan Jeong

Chapter 7

- (2) that at the time he knew they were false;
 - (3) that he made them with the intention and purpose of deceiving the creditor;
 - (4) that the creditor [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).

For a debt to be non-dischargeable pursuant to § 532(a)(2)(A), the following five elements must be proven by a preponderance of the evidence: (1) the debtor made the representations; (2) that at the time he knew they were false; (3) that he made them with the intention and purpose of deceiving the creditor; (4) that the creditor justifiably relied on such representations; and (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made. *In re Kirsh*, 973 F.2d. 1454, 1457 (9th Cir. 1992). The § 523(a)(2)(A) elements mirror the elements of common law fraud. *In re Younie*, 211 B.R. 367, 373 (9th Cir. BAP 1997). The common law elements of misrepresentation, however, are not applicable to a cause of action for actual fraud under § 523(a)(2)(A). Section 523(a)(2)(A) excepts from discharge any debt for money, property, services or an extension, renewal, or refinancing of credit, to the extent obtained by false pretenses, a false representation or actual fraud. The creditor bears the burden of demonstrating by a preponderance of the evidence each of the following five elements: (1) misrepresentation, fraudulent omission or deceptive conduct by the debtor; (2) knowledge of the falsity or deceptiveness of the representation or omission; (3) an intent to deceive; (4) the creditor's justifiable reliance on the representation or conduct; and (5) damage to the creditor proximately caused by reliance on the debtor's representations or conduct. *Ghomeshi v. Sabban (In re Sabban)*, 600 F.3d 1219, 1222 (9th Cir. 2010).

In this case, Plaintiff alleges that the debt reflected in the State Court Judgment should be dischargeable under § 523(a)(2)(A) "because the debt was created through Debtor's own fraud." See, FAC, p. 4:1. However, the FAC alleges no specific fraudulent conduct by Debtor, such as what misrepresentations were made, to whom were they made, when were they made, etc. The FAC also fails to allege any of the other elements of fraud or

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misrepresentation. Conclusory allegations of fraud are insufficient.

Debtor's argument that res judicata bars this nondischargeability litigation is also unpersuasive because the dischargeability of the State Court Judgment under § 523 and the denial of Debtor's discharge under § 727 was not at issue, or decided, in the State Court Action.

Count I does not adequately to state a plausible claim under 523(a)(2)(A) because Plaintiff has not met the pleading requirements of FRCP 8 and 9 by failing to plead any particular facts regarding fraud. Plaintiff's allegations that Debtor "intend to not to pay for the products and to apply bankruptcy if money collection are acted against him" [sic] and that Debtor "planned to make tax report fraud and bankruptcy fraud to IRS and bankruptcy court at the time of purchasing the products" is devoid of any particular facts regarding the purported fraud. Moreover, there is no legally cognizable connection between Debtor's conduct at the time of the transaction and the filing of a bankruptcy case and tax returns several years later. See, FAC, p. 2:11-13 and 3:14-16.

The Opposition does not address these pleading deficiencies. Instead, Plaintiff appears to argue that all facts supporting fraud will be determined through discovery. This is insufficient.

COUNT II -- § 523(a)(6)

Section 523(a)(6) excepts from discharge debts arising from a debtor's "willful and malicious" injury to another person or to the property of another. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir. 2008). The "willful" and "malicious" requirements are conjunctive and subject to separate analysis. *Id.*

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 (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir. 2001). The willful injury requirement speaks to the state of mind necessary for nondischargeability. An exacting requirement, it is satisfied when a debtor harbors either a subjective intent to harm, or a subjective belief that harm is

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substantially certain. *In re Su*, 290 F.3d 1140, 1144 (9th Cir. 2002); *see also In re Jercich*, 238 F.3d at 1208. The injury must be deliberate or intentional, "not merely a deliberate or intentional act that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). Thus, "debts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6)." *Id.* at 64.

In this case, Plaintiff alleges that "Debtor willfully failed to pay products. Instead, Debtor willfully and maliciously planned the bankruptcy in advance, if debt collection process would start, in advance already." *See*, FAC, p. 4:10-11. This allegation is implausible on its face. The transaction regarding the purchase of products took place in 2006 and 2007. However, the bankruptcy case was not filed until 2018, *eleven to twelve years later*.

"Something more than a knowing breach of contract is required before conduct comes within the ambit of § 523(a)(6)" and that "something more" is "tortious conduct" which is conduct that constitutes a tort under state law. *Lockerby v. Sierra*, 535 F.3d 1038, 1041 (9th Cir. 2008). Here Plaintiff has failed to allege any facts of "tortious conduct" by Debtor. In fact, like Count I, Plaintiff does not allege any facts, but rather merely recites the statutory language of § 523(a)(6). As with Count I, Plaintiff states that specific facts will be determined after discovery. This is insufficient pleading under FRCP 8.

COUNTS III & IV - § 727(a)(3) and 727(a)(4)

11 U.S.C. §§727 (a)(3) and 724(a)(4)

(a) The court shall grant the debtor a discharge, unless—

...

(3) the debtor has concealed, destroyed, mutilated, falsified, or failed to keep or preserve any recorded information, including books, documents, records, and papers, from which the debtor's financial condition or business transactions might be ascertained, unless such act or failure to act was justified under all of the circumstances of the case;

...

(4) the debtor knowingly and fraudulently, in or in connection with the case—

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(5)**

(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;

Section § 727(a)(3) requires a showing that (1) the debtor failed to maintain or preserve adequate records, and (2) the failure makes it impossible to ascertain the debtor's financial condition and material business transactions.

In this case, Plaintiff alleges in Count III that Debtor's tax return and bankruptcy papers were fraudulent, and the facts supporting this allegation are the scheduled amount of Debtor's monthly income, \$2,740, and monthly expenses in the amount of \$5142. See, FAC, p. 4:26-5:3. Plaintiff fails to allege how the fact that Debtor's monthly expenses are higher than his monthly income supports the claim that Debtor has concealed, destroyed or mutilated any documents or other records. As stated, the conclusory allegations regarding 727(a)(3) are insufficient and do not state a plausible claim.

Pursuant to § 727(a)(4)(A) permits denial of discharge where a debtor knowingly and fraudulently made a false oath or account. "A false statement or an omission in the debtor's bankruptcy schedules or statement of financial affairs can constitute a false oath." *Retz v. Samson (In re Retz)*, 606 F.3d 1189, 1196 (9th Cir. 2010) (*quoting Khalil v. Developers Sur. & Indem. Co. (In re Khalil)*, 379 B.R. 163, 172 (9th Cir. BAP 2007). To prevail, a plaintiff must show that "(1) the debtor made a false oath in connection with the case; (2) the oath related to a material fact; (3) the oath was made knowingly; and (4) the oath was made

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fraudulently." *Id.* (quoting *Roberts v. Erhard (In re Roberts)* 331 B.R. 876, 882 (9th Cir. BAP 2005)).

Additionally, the statement must be material fact. *In re Aubrey*, 111 B.R. 268, 274 (9th Cir. BAP 1990). A statement is material if it bears on the debtor's business transactions, the debtor's estate, the discovery of assets, or the existence and disposition of the debtor's property. *In re Willis*, 243 B.R. 58, 62 (9th Cir. BAP 1999). A false oath denial of discharge requires that the debtor have the false statement with fraudulent intent. The debtor's intent must be actual, not constructive. *In re Willis*, 243 B.R. 58, 64 (9th Cir. BAP 1999). Fraudulent intent can be provided by circumstantial evidence. *Id.* Nondisclosure of creditors (and debts) can be just as important as nondisclosure of assets. *In re Khalil*, supra, 79 B.R. 177.

The allegations in Count IV regarding 727(a)(4) are inadequate. Plaintiff first alleges that Debtor has made a false oath by "falsely listing exempt assets." However, the FAC is silent as to which exemptions are false or why they are false. Plaintiff next alleges that Debtor has under-reported his income because his monthly income is less than his monthly expenses. The fact that Debtor may not have sufficient income to pay all of his monthly expense is insufficient on its face to support a claim that the stated income is false.

A plaintiff is required to provide more than "labels and conclusions, and a formulaic recitation of the elements of a cause of action" *Twombly, supra*, at 561. Plaintiff's offer to "clarify" these allegations through the discovery process, see, FAC, p. 5:28, is unpersuasive also because the allegations must but plausible on the face of the FAC. "To survive a motion to dismiss under FRCP 12(b)(6), a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Iqbal, supra*, at 1949.

OTHER COMMENTS REGARDING THE MOTION/FAC

.. Debtor has raised the issue of *res judicata* in the Motion, i.e., that Plaintiff could have and should have raised the issue of fraud at the time he filed the state court complaint in 2012. Plaintiff will need to address the issue of why fraud was not

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raised in the state court complaint and why the doctrine of *res judicata* does not apply here.

.. The FAC only alleges counts under 727(a)(3) and 727(a)(4). However, the prayer for relief also asserts 727(a)(2) and 727(a)(7) as well as 727(c), (d), and (e) without any accompanying allegations. The court notes that 727(d) and (e) relate to the revocation of a discharge – Debtor has not yet received a discharge in this case so there is nothing to revoke.

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). 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).

Though Plaintiff has already filed a complaint and an amended complaint, the FAC, the court believes he should be afforded one final opportunity to file a complaint that meets the pleading standards noted hereinabove.

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Section 523(a)(6) excepts from discharge debts arising from a debtor's "willful and malicious" injury to another person or to the property of another. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir. 2008). The "willful" and "malicious" requirements are conjunctive and subject to separate analysis. *Id.*

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 (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir. 2001). The willful injury requirement speaks to the state of mind necessary for nondischargeability. An exacting requirement, it is satisfied when a debtor harbors either a subjective intent to harm, or a subjective belief that harm is substantially certain. *In re Su*, 290 F.3d 1140, 1144 (9th Cir. 2002); *see also In re Jercich*, 238 F.3d at 1208. The injury must be deliberate or intentional, "not merely a deliberate or intentional act that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). Thus, "debts arising from recklessly or negligently inflicted injuries do not fall within the compass of § 523(a)(6)." *Id.* at 64. "Something more than a knowing breach of contract is required before conduct

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CONT... **Seunghwan Jeong** Chapter 7

comes within the ambit of § 523(a)(6)" and that "something more" is "tortious conduct" which is conduct that constitutes a tort under state law. [Lockerby v. Sierra, 535 F.3d 1038, 1041 \(9th Cir. 2008\).](#)

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

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2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#52.00 CON'TD Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion for Sanctions Against Plaintiff Jin Ree Pursuant to Rule 11 of The Federal Rule of Civil Procedure

FR: 2-12-19
(Rescheduled from 3/12/19 at 10:30 am)

Docket 31

Courtroom Deputy:

- NONE LISTED -

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
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Hearing Room 5A

2:00 PM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#53.00 CON'TD STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debts

FR: 12-6-18; 2-7-19

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. (XX)

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

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CONT... Seunghwan Jeong

Chapter 7

Plaintiff(s):

Jin Ree

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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Santa Ana
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Wednesday, March 13, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD 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

FR: 12-20-18; 1-29-19

Docket 623

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
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Courtroom 5A Calendar**

Thursday, March 14, 2019

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; 11-8-18

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Status Conference is Vacated, Per Order to Attend Mediation Entered 9/12/2018**

Courtroom Deputy:

OFF CALENDAR: Status Conference is Vacated, Per Order to Attend Mediation Entered 9/12/2018 - td (9/12/2018)

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

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

**United States Bankruptcy Court
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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
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Tuesday, March 19, 2019

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

#1.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-6-18; 11-15-18; 12-20-18

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/18/2019 AT 9:30 A.M.,
PER ORDER ENTERED 3/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 4/18/2019 at 9:30 a.m., Per
Order Entered 3/8/2019 (XX) - td (3/8/2019)**

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

**United States Bankruptcy Court
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Santa Ana
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Tuesday, March 19, 2019

Hearing Room 5A

9:30 AM

CONT... Rubin J Skipper

Chapter 7

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 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. (XX)

Note: Appearance at today's hearing is not required.

Party Information

Debtor(s):

Rubin J Skipper	Pro Se
-----------------	--------

Defendant(s):

United States Department of	Pro Se
-----------------------------	--------

Plaintiff(s):

Reuben J Skipper	Pro Se
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
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Tuesday, March 19, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01142 Kosmala v. Liebeck et al

#2.00 CON'TD 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)

FR: 11-8-18; 3-7-19

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.
(XX)	
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.

March 19, 2019

Off calendar -- motion to approve settlement dismiss this adversary proceeding granted at hearing on March 12, 2019.

Party Information

**United States Bankruptcy Court
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Tuesday, March 19, 2019

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

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
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Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 19, 2019

Hearing Room 5A

9:30 AM

8:17-13073 Aileen Merrill Schlissel

Chapter 7

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

#3.00 CON'TD PRE-TRIAL CONFERENCE RE: Amended Adversary Complaint to Discharge Student Loan

FR: 5-31-18; 12-20-18; 3-7-19

Docket 16

***** VACATED *** REASON: CONTINUED TO 5/16/2019 AT 9:30 A.M.,
PER ORDER ENTERED 2/25/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 5/16/2019 at 9:30 a.m.,
Per Order Entered 2/25/2019 (XX) - td (2/25/2019)**

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
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Santa Ana
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Tuesday, March 19, 2019

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**

Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

8:18-13583 Eric Michael Webber and Celena Renee Webber

Chapter 13

#4.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BRIDGECREST CREDIT COMPANY, LLC
VS.
DEBTORS

Docket 31

***** VACATED *** REASON: OFF CALENDAR: Withdrawal of Motion
for Relief from the Automatic Stay filed 3/12/2019**

Courtroom Deputy:

**OFF CALENDAR: Withdrawal of Motion for Relief from the Automatic
Stay filed 3/12/2019 - td (3/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Michael Webber

Represented By
Hasmik Jasmine Papian

Joint Debtor(s):

Celena Renee Webber

Represented By
Hasmik Jasmine Papian

Movant(s):

Bridgecrest Credit Company, LLC

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

8:18-14408 Jorge Luis Oseguera, Sr

Chapter 7

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

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Jorge Luis Oseguera Sr

Pro Se

Movant(s):

The Bank of New York Mellon f/k/a

Represented By
Kelsey X Luu

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, March 19, 2019

Hearing Room 5A

10:00 AM

CONT... Jorge Luis Oseguera, Sr

Chapter 7

United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

8:18-14677 Stacey White Kinney

Chapter 7

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CALIFORNIA PHYSICIANS' SERVICE DBA BLUE SHIELD OF CALIFORNIA
VS.
DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Grant with 4001(a)(3) waiver.

Special Note: The Motion is being granted under 362(d)(1) for cause solely on the basis that Debtor has expressed an intent to surrender the property. Movant has otherwise not established lack of equity or insufficient equity cushion to protect its interest in the property (38% equity cushion per 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):

Stacey White Kinney

Represented By
Richard G Heston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

CONT... Stacey White Kinney

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, March 19, 2019

Hearing Room 5A

10:00 AM

8:19-10346 Larry James Walker, II and Anastasia Walker

Chapter 7

**#7.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(2013 Chrysler Town & Country)**

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Larry James Walker II

Represented By
Joseph M Tosti

Joint Debtor(s):

Anastasia Walker

Represented By
Joseph M Tosti

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

CONT... Larry James Walker, II and Anastasia Walker

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

8:19-10346 Larry James Walker, II and Anastasia Walker

Chapter 7

**#8.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(2014 Chrysler Town & Country)**

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTORS

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Larry James Walker II

Represented By
Joseph M Tosti

Joint Debtor(s):

Anastasia Walker

Represented By
Joseph M Tosti

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10:00 AM

CONT... Larry James Walker, II and Anastasia Walker

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, March 19, 2019

Hearing Room 5A

10:00 AM

8:19-10531 Celia Yazmin Nunez

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
BGN ACQUISITIONS LTD.
VS.
DEBTOR

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Celia Yazmin Nunez

Represented By
A Mina Tran

Movant(s):

BNG Acquisitions, LTD.

Represented By
Joseph Cruz

Trustee(s):

Richard A Marshack (TR)

Pro Se

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CONT... Celia Yazmin Nunez

Chapter 7

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Hearing Room 5A

10:30 AM

8:12-19353 Robert A Harris

Chapter 7

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

[JOHN M. WOLFE, CHAPTER 7 TRUSTE]

Docket 204

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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 A Harris

Represented By
Thomas E Brownfield

Trustee(s):

John M Wolfe (TR)

Represented By
Rika Kido
Misty A Perry Isaacson
Misty A Perry Isaacson
Leonard M Shulman

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CONT...

Robert A Harris

Elyza P Eshaghi

Chapter 7

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10:30 AM

8:12-19353 Robert A Harris

Chapter 7

#11.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses

[SHULMAN HODGES & BASTIAN, LLP, ATTORNEYS FOR THE CHAPTER 7 TRUSTEE]

Docket 202

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Approve fees and expenses as requested.

Special Note: The court is concerned about a trustee's general bankruptcy counsel charging the estate for essentially "supervising" the work done by experienced special counsel as was apparently done in this case. The Pagter and Perry Isaacson firm is certainly experienced enough to prosecute avoidance litigation without oversight and supervision by Applicant -- if not, they should not be employed at all. That said, the court will not reduce the requested distribution to Applicant because the case is administratively insolvent. Applicant should consider itself admonished.

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

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CONT... Robert A Harris

Chapter 7

Debtor(s):

Robert A Harris

Represented By

Thomas E Brownfield

Trustee(s):

John M Wolfe (TR)

Represented By

Rika Kido

Misty A Perry Isaacson

Misty A Perry Isaacson

Leonard M Shulman

Elyza P Eshaghi

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8:12-19353 Robert A Harris

Chapter 7

#12.00 Hearing RE: First and Final Application for Fees and Reimbursement of Expenses

**[PAGTER AND PERRY ISAACSON, SPECIAL LITIGATION COUNSEL FOR
THE CHAPTER 7 TRUSTEE]**

Docket 201

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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 A Harris

Represented By
Thomas E Brownfield

Trustee(s):

John M Wolfe (TR)

Represented By
Rika Kido
Misty A Perry Isaacson
Misty A Perry Isaacson

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CONT...

Robert A Harris

Leonard M Shulman
Elyza P Eshaghi

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Hearing Room 5A

10:30 AM

8:16-11349 Carmen Louisa Ponce

Chapter 7

#13.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claims Pursuant to 11 U.S.C. Section 502

Cl. #4-1	LBS Financial Credit Union	\$20,811.70
Cl. #5-1	Keybank N.A.	\$22,677.92
Cl. #6-1	Keybank N.A.	\$2,337.42
Cl. #7-1	Keybank N.A.	\$5,395.67

Docket 120

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Carmen Louisa Ponce

Represented By
Bert Briones

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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10:30 AM

8:16-14714 Bryson N Nazareno

Chapter 7

#14.00 Hearing RE: Debtor's Motion to Convert Case Under 11 U.S.C. Sections 706(a) or 1112(a)

Docket 104

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Deny motion.

Basis for Tentative Ruling:

The Motion fails to establish Debtor's ability to fund a confirmable plan for the reasons set forth in the chapter 7 trustee's opposition, which the court incorporates by reference herein. In particular, the court notes the following:

1. Debtor's disposable income of \$884 per month is insufficient to fund a plan that would pay administrative expenses incurred by the chapter7 trustee, unsecured creditors as much as they would receive in a chapter 7, and prepetition arrearages of \$12,584.78 owed to US Bank. As to the latter, see proof of claim # 3-1. Further, Debtor does not confirm that all postpetition mortgage payments to US Bank or that all postpetition property taxes have been paid -- if not such postpetition arrearages and/or taxes would have to be provided for as well.

3. The bottom line is the Motion does not establish that Debtor is eligible to be a debtor in a chapter 13 with regular income sufficient to fund a chapter 13 plan which provides for chapter 7 administrative expenses, distribution to unsecured creditors equal to what such creditors would receive in a chapter 7, and the curing of prepetition (and possibly postpetition) mortgage arrearages.

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CONT... Bryson N Nazareno

Chapter 7

2. The family contribution declaration filed by Debtor regarding an additional \$1,000 per month, or \$60,000 over the life of the plan, is woefully insufficient. First, Debtor's mother cannot commit for the other unnamed family members. Second, she does not indicate how much she will be contributing, whether she has the financial ability to do so, and whether she is committing to make such contributions for 60 months. Third, even if the family contribution could be substantiated, as the trustee has pointed out \$113,000 (\$1884 x 60 months) is insufficient to pay all claims listed by the trustee, plus at least \$12,584.78 for prepetition arrearages.

Party Information

Debtor(s):

Bryson N Nazareno

Represented By
Edward A Villalobos

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#15.00 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; 10-18-18; 3-7-19

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,

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Chapter 7

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 on its proof of claim (POC).

B. Merits

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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.

3. Dischargeability

This issue can only be determined through the pending

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Chapter 7

adversary proceeding and will not be addressed through the claims objection process. See FRBP.

March 19, 2019

Overrule the Objection in part; Sustain the Objection in part. Overrule as to \$171,208.70 (representing principal of \$104,864.72 and interest of \$66,343.98); sustain as to costs in the amount of \$41,605.89.

Special note: The tentative ruling is without prejudice to ECMC's right to file an amended proof of claim or either party's right to seek relief under FRBP 3008. Regarding the filing of an amended proof of claim, the court is perplexed by ECMC's argument that it cannot file an amended proof of claim until an order is entered regarding PHEEA's motion for an order allowing withdrawal of its proof of claim no. 9-1. Following a hearing on such motion held on December 13, 2018, this court entered its Order ... Allowing Withdrawal of Proof of Claim Number 9-1 on December 27, 2018 [docket # 418].

Basis for Tentative Ruling

By way of background, on February 20, 2018, Lenore Luann Albert-Sheridan ("Debtor") filed a voluntary chapter 13 petition. At the confirmation hearing held on June 19, 2018, the Court denied confirmation of Debtor's chapter 13 plan and converted the case to chapter 7. Jeffrey I. Golden is the duly appointed chapter 7 trustee (the "Trustee").

Educational Credit Management Corporation ("ECMC") filed proof of claim number 4 ("POC #4") on April 11, 2018, in the amount of \$212,542.10 based on "Money Loaned – Student Loan."

On April 20, 2018, Debtor commenced adversary proceeding 18-01071 (the "Adversary Proceeding"), a complaint seeking a declaration that the same student loans at issue are not qualified education loans or alternatively that they are dischargeable due to undue hardship. A status conference for

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this adversary and the status of Debtor's compliance with discovery requests is set for March 21, 2019.

Also, on April 20, 2018, Debtor filed the instant objection to POC #4 (the "Objection"). The Objection was originally set for hearing on May 31, 2018; at that hearing, the Court continued the matter to allow Debtor to correct a proof of service issue and to serve the Notice and Objection on Claimant's attorney of record.

At the continued July 31, 2018 hearing, after finding that Debtor has corrected service, the Court continued the hearing to October 18, 2018 to allow ECMC to file additional supplemental pleadings to address the sufficiency of documentation supporting POC 4. The October 18, 2018 hearing was continued to March 7, 2018 on the Court's own motion due to Debtor's pending recusal motion. The Court subsequently continued the March 7, 2018 hearing to March 19, 2019 on its own motion.

Merits of Claim Objection

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).

Here, the Court previously noted in its July 31, 2019 tentative ruling:

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"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."

In response to the Court's tentative ruling, ECMC filed its Supplemental Response, along with the declarations of Kerry Klisch and Cristin O'Keefe, which provides sufficient documentation to support ECMC's POC 4. A brief factual background of Debtor's students loan history is informative.

Factual Background of POC 4

Debtor, from 1987 to 1996, took out a total of 14 student loans, but only 11 are presently at issue. O'Keefe Decl., ¶13; Kerry Klisch Decl., ¶ 6. The 11 loans that are at issue (the "ECMC Loans") are identified by their National Student Loan Data System ("NSLDS") loan numbers and their ECMC loan numbers because NSLDS loan numbers are not the same as the ECMC loan numbers. O'Keefe Decl, ¶ 13; Klisch Decl., ¶8.

<u>ECMC Loan #</u>	<u>NLDS #</u>	<u>Principal Loan Amount</u>	<u>Note</u>
1	12	\$ 7,500	1
2	11	\$ 10,000	2
3	9	\$ 3,000	3
4	8	\$5,500	4
5	7	\$ 7,000	4
6	6	\$ 3,000	4
7	5	\$ 8,500	5
8	4	\$ 7,000	5

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Lenore LuAnn Albert-Sheridan

Chapter 7

9	3	\$ 3,000	6
10	1	\$ 8,500	7
11	2	\$ 10,000	7
Total:		\$73,000	

See, O'Keefe Decl., ¶13; Klisch Decl., ¶6-8. The 11 loans were disbursed pursuant to 7 promissory notes executed by Debtor. Klisch Decl., Ex. A.

ECMC's Second Loan went into repayment on or about May 18, 1997, and the remaining ECMC Loans went into repayment on November 18, 1997, following Debtor's automatic six-month grace period post-graduation from the University of the Pacific in May 1997. Klisch Decl., ¶9 and Ex. C, p. 27 and 54 (NSLDS Loan History and Details).

Upon entering into "repayment" on all of the Loans, Debtor requested and was granted multiple periods of deferments and forbearances between November 18, 1997 and March 8, 2000, the time at which she filed her first bankruptcy, 8:00-bk-11922, filed in the Central District of California. Klisch Decl., ¶10 and Ex. D (Computer Screenshots of non-repayments periods).

Between the time that the ECMC Loans initially went into repayment and the date that Debtor first filed bankruptcy (March 8, 2000), Debtor made total payments of only \$413.51. No other payments were made. Klisch Decl., ¶11. Thus, the total balance of the ECMC Loans was approximately \$93,064.04 at the time of Debtor's first bankruptcy filing. Klisch Decl., ¶13.

Due to Debtor's first bankruptcy case the lenders of the ECMC Loans filed bankruptcy claims with the guarantor, PHEAA on or about June 14, 2000. PHEAA paid the claims and all right, title, and interest in the ECMC Loans transferred to PHEAA on or about July 7, 2000. Klisch Dec;., ¶12. These lenders also assigned their bankruptcy claims to PHEAA. See, Debtor's Supp. Reply, Ex. A, p. 5-29. PHEAA subsequently prevailed on a motion for summary judgment in the adversary proceeding filed by Debtor to find the ECMC Loans nondischargeable. Klisch Decl., ¶15.

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Upon the conclusion of the first adversary proceeding, the ECMC Loans were repurchased by the lenders and once again entered into repayment on June 20, 2002. Klisch Decl., ¶16. Debtor defaulted again, the lenders filed new default claims with PHEAA, which were paid on July 11, 2003. Klisch Decl., ¶¶17-18.

After PHEAA unsuccessfully attempted to collect on the ECMS Loans, PHEAA assigned the ECMS Loans to the Dept of Ed on September 25, 2007. O'Keefe Decl., ¶14.

The Dept of Ed has held the ECMC Loans from approximately September 25, 2007 to March 14, 2018. Klisch Decl., ¶22; O'Keefe Decl., ¶14, 17. During this time, the Dept of Ed received payments of \$1,663.74 were collected from Debtor pursuant to the Treasury Offset Program ("TOP"). O'Keefe Decl., ¶¶6 and 17.

After Debtor filed the instant case, the Dept of Ed assigned the ECMC Loans to ECMC on March 14, 2018. Klisch Decl., ¶23; O'Keefe Decl., ¶15 and Ex. J. The total amount assigned was \$171,208.70, consisting of \$104,864.72 in principal and \$66,343.98 in interest. Klisch Decl., ¶23; O'Keefe Decl., ¶¶15, 18 and Ex. L.

Pursuant to federal law, ECMC added collection costs to Debtor's ECMC Loans in the total amount of \$41,605.89, bringing Debtor's total loan balance to \$212,542.19. Klisch Decl., ¶28.

ECMC Supporting Documents and Declarations Rebut Debtor's Arguments

Debtor has raised several arguments that have been rebutted by ECMC.

First, as a preliminary matter, Debtor's informal evidentiary objection to the declaration of Kerry Klisch on the grounds that Klisch is not a custodian of records for Law Access or PHEAA, or that the records were not of the kind made in the regular course of ECMC business is unpersuasive and should be overruled. Klisch's declaration sufficiently

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CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

establishes that she is a custodian of records for ECMC's records. Klisch works for ECMC Shared Services Company ("ESMCSSC"), which is the sister company of ECMC. In her role, Klisch reviews account servicing, transactions, and payments histories of loans assigned to ECMC by the Dept of Ed. In her role, Klisch had direct access and control to the loan records maintained by, or created by, ECMC, in its regular course of business for ECMC. See, Klisch, p. 2-3, ¶¶1-4. Furthermore, Debtor has made no objection to the declaration of Cristin O'Keefe also offered by ECMC in support of ECMC.

Second, Debtor's argument that ECMC failed to provide adequate documentation has been addressed. As discussed above, ECMC has provided the additional declaration of Klisch and O'Keefe to support POC 4. Klisch is a litigation specialist for ECMCSSC. Klisch, p. 2, ¶1. O'Keefe is a loan analyst with the Dept of Ed. O'Keefe, p. 2, ¶1. ECMC has also included several additional documents, including the promissory notes, NLDS Loan History and Details, and Financial Transactions generated from the Debt Management Collections Systems database. See, O'Keefe, Ex. A-J; Klisch, Ex. A, C, and D.

Third, EMC has also accounted for all payments made by Debtor towards the ECMC Loans, which total \$2,077.25. See, O'Keefe Decl., p. 10:5-8 and Ex. L.

Debtor's own documents establish that ECMC has accounted for Debtor's prior payments. Debtor provided evidence of an \$1,490.74 tax refund that was applied to non-IRS debt on November 14, 2016. Debtor Supp. Reply, Ex. 3, p. 33. This \$1,490.74 was accounted for in ECMC's Financial Transactions chart. O'Keefe Decl., Ex. J, p. 34. Furthermore, the 1098-Student Loan Interest Statement attached to Debtor's original Objection refers to this same payment. Obj., Ex. A. The student loan interest statement states that \$1,466.73 was received for student loan interest. ECMC's Financial Transactions chart indicates that again \$1,490.74 was received as TOP (Treasury Offsetting Program) and of that amount, \$24.01 was charged as fees. Thus, \$1,490.74 minus \$24.01= \$1,466.73, the amount on the Student Loan Interest Statement.

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Debtor's argument disputing the accounting of previous payments, see Obj., p. 2:19-20 and Supp. Reply, p. 2, ¶¶6, is unpersuasive because Debtor has failed to provide any evidence of such payments. Debtor declares that she was paying "over \$700.00 per month back on my student loans" and again "[n]othing in the claims shows a credit for those payments made." Obj. p. 4, ¶2. Yet, no evidence of these alleged payments, which would be substantial, have been provided, e.g., cancelled checks or confirmation of electronic payments.

Fourth, Debtor's arguments that the ECMC Loans were not property assigned is undermined by Debtor's own supporting documents (notice of transfer of claims from lenders to PHEAA during Debtor's first bankruptcy) and the assignment from Dept of Ed to ECMC. See, ECMC Supp. Response, Ex. J; Debtor Supp. Reply, Ex. 1, p. 5-29. Regarding Debtor's specific allegation that the assignments between PHEAA and the government are missing, while actual copies of the actual assignment documents were not provided (assuming they exist), the NSLDS Loan details and the report from the Dept of Ed's Debt Collection System provide the dates of the assignment from PHEAA and the Dept of Ed. See, O'Keefe Decl., p. 9, ¶ 14 and Ex. I; Klisch Decl., p. 6-7, ¶¶12 and 16.

Fifth, Debtor's argument that the ECMC Loans were not student loans, but were actually private loans, is unpersuasive because Debtor's screenshot from Moody's website only indicates that the ECMC Loans may have been part of a pool of student loans that were securitized. See, Supp. Reply, p. 2, ¶4 and Ex. 2, p. 30-33.

Sixth, Debtor further argues that "interest cannot be capitalized. See, Supp. Reply, p. 2, ¶7. However, Debtor offers no factual or legal support for these arguments as the basis for disallowance. ECMC, on the other hand, has provided sufficient support to the amount of principal and interest claimed in POC 4.

Finally, the Court does not need to address ECMC's argument that its claim is likely higher due to increased balance for ECMC Loan 1 due to PHEAA's accounting errors because this issue is not ripe since ECMC has not yet filed an amended POC 4. See, Klisch Decl., ¶¶30-32.

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In sum, ECMC, as the claimant, bears the ultimate burden of proving the validity of its POC 4. Per ECMC Supplemental Response and supplemental declarations, ECMC has met its burden as to the principal and interest set forth in POC #4 in the amount of \$171,208.70.

ECMC Supporting Documents and Declarations Do Not Support the Amount of Collection Costs Added to POC 4

POC 4 includes collection costs in the amount of \$41,605.89. Kirsch Decl, p. 11, ¶28. Per ECMC, federal law requires collection costs to be assessed against defaulted student loan borrowers, according to a formula set forth in 34 C.F.R. § 30.60. See, Kirsch Decl, p. 8 and 11, ¶¶19 and 24-28. Yet, ECMC has not provided any details on how it calculated the \$41,605.89. Per the 34 C.F.R. § 30.60 (include in the Applicable Law section above), the formula requires certain information that is not provided in ECMC's pleadings, for example, the commission rate payable by the Dept of Ed. Accordingly, the Court cannot confirm whether this calculation was correct. Since ECMC bears the ultimate burden of proving the amounts claimed in its POC 4, ECMC has failed to meet its burden as it pertains to the collection costs.

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

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8:18-10566 Eugene Martin Huapaya

Chapter 7

#16.00 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 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Grant motion if Trustee agrees to the language requested by Wells Fargo Bank in its non-opposition to the Motion.

Note: This matter appears to be uncontested. Accordingly, no court appearances are required if Movant accepts the order language requested by Wells Fargo. Should an opposing party 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):

Eugene Martin Huapaya

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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8:18-13119 DFH Network Inc.

Chapter 11

#17.00 Hearing RE: Debtor in Possession's Objection to Claim 15 Filed by Western Equipment Finance, Inc. and Motion for Order Disallowing Secured Portion of Claim or in the Alternative, Valuing the Secured Portion of the Claim; Motion for Protective Order to Restrict Access

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Overrule objection to allowance of Western Equipment's asserted secured portion of the claim; Sustain objection as to the value of the secured portion of the claim; Grant request for protective order re Claim 15-1 and for order instructing claimant to file amended claim that redacts bank account numbers.

Basis for Tentative Ruling:

1. Debtor states that claimant's UCC-1 statement fails to meet the specificity requirements of Cal. Comm. Code 9108 because it does not include "specific serial numbers on the Collateral Schedule A". However, the Assembly Committee Comment 2 to 9108 states the exact opposite, to wit:

"The purpose of requiring a description of collateral in a security agreement under Section 9203 is evidentiary. The test of sufficiency of a description under this section, as under former Section 9110, is that the description do the job assigned to it: make possible the identification of the collateral described. *This section rejects any requirement that a description is insufficient unless it is exact and detailed (the so-called "serial number" test).*" (emphasis added)

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Debtor cites no legal authority contrary to the State Assembly's own comment above (which mirrors the Uniform Commercial Code General Comment 2).

2. Debtor's request to treat the claim as completely unsecured due to Debtor's future intent to return the collateral is premature as Debtor has not yet surrendered the property.

3. The court accepts the value of the collateral set forth in the declaration of Suleyman Ozrifaoglu.

4. The request for protective order and direction for filing of a redacted proof of claim as to bank account information is reasonable.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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8:18-13119 DFH Network Inc.

Chapter 11

#18.00 Hearing RE: Debtor in Possession's Objection to Claim 16 Filed by BB&T Commercial Equipment Capital Corp. and Motion for Order Disallowing Secured Portion of Claim

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Overrule objection to allowance of BB&T's asserted secured claim (Claim 16-1) as premature

Basis for Tentative Ruling:

Debtor's request to treat the claim as completely unsecured due to Debtor's future intent to return the collateral is premature as Debtor has not yet surrendered the property.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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8:18-13119 DFH Network Inc.

Chapter 11

#19.00 Hearing RE: Debtor in Possession's Objection to Claim 17 Filed by BB&T Commercial Equipment Capital Corp. and Motion for Order Disallowing Secured Portion of Claim

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Overrule objection to allowance of BB&T's asserted secured claim (Claim 17-1) as premature

Basis for Tentative Ruling:

Debtor's request to treat the claim as completely unsecured due to Debtor's future intent to return the collateral is premature as Debtor has not yet surrendered the property.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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8:18-13119 DFH Network Inc.

Chapter 11

#20.00 Hearing RE: Debtor in Possession's Objection to Claim 18 Filed by BB&T Commercial Equipment Capital Corp. and Motion for Order Disallowing Secured Portion of Claim

Docket 72

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Overrule objection to allowance of BB&T's asserted secured claim (Claim 1-1) as premature

Basis for Tentative Ruling:

Debtor's request to treat the claim as completely unsecured due to Debtor's future intent to return the collateral is premature as Debtor has not yet surrendered the property.

Regarding Debtor's argument that the claimant has no secured claim because the debt is based on a lease which Debtor intends to reject, Debtor has not fully analyzed the status of the lease a "true lease" or a disguised security agreement.

If the Equipment Lease is determined to be a "true lease," then BB&T retains a reversionary ownership interest and is entitled to return of the collateral. *In re J.A. Thompson & Son, Inc.*, 665 F.2d 941, 945 (9th Cir. 1982). The Court may order the trustee to determine within a specified period of time whether to assume or reject the lease. §365(d)(2). Assumption assures the continuation in force of the contract or lease while rejection allows the Debtor's estate to avoid it, limiting the non-bankrupt obligee to an unsecured claim for breach of contract. *In re Pacific Express*,

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Inc., 780 F.2d 1486 n.3 (9th Cir 1986). If the "Equipment Lease" is determined to be a "disguised security interest," then BB&T is entitled to a security interest in the collateral. *In re J.A. Thompson & Son, Inc.*, 655 F.2d at 945. Any unperfected security interest is subject to avoidance under section 544(a)(1).

Paragraph 24 of the Equipment Lease provides that Pennsylvania law shall govern the lease. Ozrifaoglu Decl. Ex. A. Like UCC § 1-203, 13 pa.C.S.A. §1201(6) states that whether a transaction creates a lease or security interest is determined by the facts of each case. The statute then continues:

- (i) A transaction creates a security interest if the consideration the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease not subject to termination by the lessee and:
 - (A) the original term of the lease is equal to or greater than the remaining economic life of the goods;
 - (B) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;
 - (C) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement; or
 - (D) the lessee has an option to become the owner of the goods for no additional consideration or nominal additional consideration upon compliance with the lease agreement.

Here, the Equipment Lease is a "non-cancelable lease" that "unconditionally leases" to Debtor the described equipment and "cannot be cancelled or terminated except as provided herein" with no additional terms provided. Ozrifaoglu Decl. Ex. A at ¶ 1. Additionally, Debtor has the purchase option to become the owner of the equipment for nominal

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consideration of "\$1." Ozrifaoglu Decl. Ex. A at ¶ 18. These elements satisfy a finding, under Pennsylvania law, that the transaction creates a security interest.

Additional factors that support a finding that the Equipment Lease creates a security interest include that the economic substance of the transaction is that of an installment sale because the amount Debtor was to pay over the 36-month life of the lease would have amounted to over \$56,796, well above the \$46,512 value of the collateral.¹ See *In re Pacific Express, Inc.*, 780 F.2d 1485 (concluding the economic substance of the transaction was that of an installment sale when the value of the equipment was stipulated to be \$416,000 and Debtor was obligated to pay \$9,250 a month for five years, which would have amounted to \$555,000). Also, per the Equipment Lease, Debtor agreed to pay sales/use tax, insure the equipment in favor of the BB&T, and bare the risk of loss or damage to the equipment. *Id.* at 1485–86 (concluding Debtor’s agreement to pay all sales, use and property taxes pertaining to the equipment, to insure the equipment in favor of the lessor, and to bear the risk of loss or damage to the equipment supported a finding that the parties intended to create a security interest rather than a true lease). Lastly, per the Equipment Lease, in the event the lease is determined not to be a "true lease," the Debtor "grants" BB&T a security interest in the equipment.

Because the Equipment Lease appears to not be a true lease but rather a security agreement, BB&T would entitled to a security interest in the collateral rejection of the lease under Debtor’s Chapter 11 Plan of Reorganization would appear to be inappropriate.

Party Information

Debtor(s):

DFH Network Inc.

Represented By

Andy C Warshaw

Richard L. Sturdevant

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8:18-13119 DFH Network Inc.

Chapter 11

#21.00 Hearing RE: Debtor in Possession's Disclosure Statement Describing Chapter 11 Plan of Reorganization

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Continue hearing to April 11, 2019 at 10:30 a.m. to allow Debtor to file an amended disclosure statement (DS) by March 26, 2019; response to amended DS to be filed by April 2, 2019; reply by April 5, 2019.

Court's Comments re the DS:

1. DS, pg.11: Debtor needs to clearly disclose the identity of its current shareholders (owners). On the one hand, Debtor states that Vvon Inc. purchased all the shares of Debtor postpetition. However, Debtor also states that it elected to become an S Corporation. Assuming 26 CFR 1.1361-1(a)(1) and 1.1361-1(f) applies to Debtor, a C corporation is ineligible to be a shareholder of an S corporation. Debtor needs to address this issue.
2. DS, pp. 22-24: The treatment of Classes 2F-2I should reflect the court's ruling re Debtor's objection to such claims. Also, regarding the treatment of Classes 2F-2I, what happens to equipment not picked up by the Effective Date or August 1, 2019?
3. DS, pg. 25 and Exh. 3: There is an inconsistency regarding the monthly payment to Class 4a. On page 25 of the DS, the monthly amount is stated as \$2,083/mo but mathematically the amount should be \$2,149 (\$128,940 x 60 mos) as indicated in the Plan.

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4. DS, pg. 28: Neither the DS or the Plan discloses the compensation to be paid to insider management postconfirmation. Specifically, Sec. 1129(a)(5) (B) requires that a plan disclose "the identity of any insider that will be employed or retained by the reorganized debtor, *and the nature of any compensation for such insider.*" (emphasis added).

5. DS, pp. 35-36: There is a typo at on p. 35 at line 23 -- the "0" should be deleted from 1129(a)(8). On p. 36, line 2, there should be a cross-reference to the discussion of the Absolute Priority Rule in Section H at pp. 46-47 , and explaining that the New Value Exception Rule discussed in Section H provides a common law mechanism for satisfying the "fair and equitable" requirement of 1129(b)(2).

6. DS, pg. 47: The discussion at lines 6-16 seems to suggest that the Absolute Priority Rule does not apply to equity interest received postpetition. This analysis is inconsistent with 1129(b) which makes no distinction between prepetition acquired equity and postpetition acquired equity. Absent convincing legal authority supporting Debtor's position, the analysis is misleading and should be modified to disclose that Class 5 interest holders will be required to present evidence of "new value" at the time of the plan confirmation hearing if cram down becomes necessary.

7. DS, pg. 53: Re Exh.2, liquidation analysis, "costs" of liquidation are estimated at 7% (\$2,358) of the value of the unencumbered asset (\$33,675). However, Debtor later adds another liquidation cost of \$3,000 (auction costs). Why? If the liquidation costs does not include auction costs, what does it include?

Comments re Opposition to Approval of DS

1. Objection of Dogus Media: The plan is not patently unconfirmable. It could be determined to be unconfirmable IF an impaired class does not accept the plan, no impaired class accepts the plan and a junior class (Class 6) does not provide new value. This is an issue to be addressed at confirmation should cram down become necessary.

2. Objection of US Trustee: The court believes it has addressed this limited objection in its Comment 6 above.

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Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#22.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 10-25-18; 3-7-19

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: Feb. 7, 2019 at 10:30
a.m.

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.

March 19, 2019

No tentative ruling -- outcome will depend upon disposition of #22 on today's calendar (approval of disclosure statement).

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Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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10:30 AM

8:18-13521 Jose F. Lopez

Chapter 13

#23.00 Hearing RE: Debtor's Motion for Order Determining Value of Collateral
[Creditor Holding Collateral: Landmark Financial Services]

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

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):

Jose F. Lopez

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#24.00 CON'TD FINAL ORAL ARGUMENT RE: Motion Seeking: (1) Disallowance of Claims 14 and 16; and (2) Striking Claims Alleged in Adversary Nos. 8:17-ap-01094 and 8:17-ap-01092 on the Grounds the Same Were Filed Base Upon Falsified Evidence, filed by Debtor John Jean Bral

(Set at SC held 9-20-18 ; See Statement/Doc. #603)
FR: 1-10-19

Docket 219

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
Bobby Samini
Dean A Ziehl

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9:30 AM

8:18-14061 Terrii M Later

Chapter 7

#1.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Wells Fargo Bank NA, d/b/a Wells Fargo Auto (RE: 2014 Toyota Corolla - \$8,350.80)
[TA CASE]

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terrii M Later

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

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9:30 AM

8:18-14210 Kathleen Marie Buhneing

Chapter 7

#2.00 CONT'D Reaffirmation Agreement Between Debtor and Kia Motors Finance
(2015 Kia Optima - \$13,820.82) **[ES CASE]**

FR: 2-20-19, TA Cal

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen Marie Buhneing

Represented By
Brian J Soo-Hoo

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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8:18-14268 Arturo Murillo

Chapter 7

#3.00 CON'TD Pro Se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (2018 Toyota Camry - \$38,979.23) (CB Case)

(con't from 2-20-19 TA Calendar)

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Murillo

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

8:18-14272 Cuong Hung Pham and Yen Nga Nguyen

Chapter 7

#4.00 Hearing RE: Reaffirmation Agreement Between Debtor and American Honda Finance Corporation (2017 Honda Accord - \$5651.28) [ES CASE]

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cuong Hung Pham

Represented By
Roman Quang Vu

Joint Debtor(s):

Yen Nga Nguyen

Represented By
Roman Quang Vu

Trustee(s):

Karen S Naylor (TR)

Pro Se

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9:30 AM

8:18-14408 Jorge Luis Oseguera, Sr

Chapter 7

#5.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (RE: 2015 Scion TC - \$6,108.47))

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Luis Oseguera Sr	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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Hearing Room 5A

9:30 AM

8:18-14495 Vanneza Lopez

Chapter 7

#6.00 Hearing RE: Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (2014 Toyota Sienna - \$18,834.23 - **(SC CASE)**)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vanneza Lopez

Represented By
Daniel King

Trustee(s):

Karen S Naylor (TR)

Pro Se

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9:30 AM

8:18-14612 Jeffrey Craig Cooper

Chapter 7

#7.00 Hearing RE: Reaffirmation Agreement Between Debtor and VW Credit, Inc.
(RE: 2018 Audi Q7 - \$50,071.74) **(TA CASE)**

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Craig Cooper	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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9:30 AM

8:18-14678 Kimberly Suzanne Bouman

Chapter 7

#8.00 Hearing RE: Reaffirmation Agreement Between Debtor and VW Credit, Inc.
(RE: 2013 Volkswagen Beetle - \$8,966.40) **(TA CASE)**

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Suzanne Bouman

Represented By
Richard G Heston

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, March 20, 2019

Hearing Room 5A

9:30 AM

8:19-10306 Candice Onetha Butler

Chapter 7

#9.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and First Investors Services Corporation (2019 Kia Forte - \$19,688.35) - **[CB CASE]**

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candice Onetha Butler

Represented By
Daniel King

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 21, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01188 Jones v. Haythorne

#1.00 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; 12-20-18

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/14/2019 AT 9:30 A.M.
AS A STATUS CONFERENCE, PER ORDER ENTERED 3/1/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 11/14/2019 at 9:30 a.m.
as a Status Conference, Per Order Entered 3/1/2019 (XX) - td (3/1/2019)**

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, March 21, 2019

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne Chapter 7

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.

December 14, 2017

Continue pretrial conference to March 22, 2018 at 9:30 a.m.; final version of

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT...

Stephen J Haythorne

Chapter 7

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.

The parties will be required to meet in person to work on the joint pretrial

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

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

**United States Bankruptcy Court
Central District of California
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Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

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.

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

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne Chapter 7

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.

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#2.00 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; 12-20-18

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Default Judgment
Entered 12/19/2018

Courtroom Deputy:

OFF CALENDAR: Default Judgment Entered 12/19/2018 - td (12/19/2018)

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 21, 2019

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 21, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01042 Kosmala v. Liebeck et al

#3.00 CONT'D 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; 11-15-18

Docket 1

***** VACATED *** REASON: CONTINUED TO MAY 9, 2019 AT 9:30
A.M. PER ORDER ENTERED 2/26/19 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 5/9/2019 at 9:30 a.m.,
Per Order Approving Fourth Stipulation Entered on 2/26/2019 (XX) - liz
(2/26/2019)**

Tentative Ruling:

May 17, 2018

Discovery Cut-off Date:	Sept. 20, 2018
Deadline to Attend Mediation:	n/a
Pretrial Conference Date: a.m.	Nov. 15, 2018 at 9:30 (XX)
Deadline to Lodge Joint Pretrial Stipulation:	Nov. 1, 2018

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
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Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman Chapter 7

today's hearing are waived and Plaintiff shall serve/lodge a scheduling order consistent with the same.

November 15, 2018

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.

Party Information

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
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Trustee(s):

Weneta M Kosmala (TR)	Represented By
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT...

Denny Roy Steelman

Reem J Bello

Chapter 7

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

Thursday, March 21, 2019

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; 12-6-18

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, March 21, 2019

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 (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

March 21, 2019

Continue status conference to May 9, 2019 at 2:00 p.m., same date/time as

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... **Chad Paul Delannoy** **Chapter 7**
hearing on Plaintiff's motion for summary judgment; updated status report not required.

Note: Appearances at the March 21, 2019 status conference are not required.

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#5.00 CONT'D 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

FR: 9-20-18

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019.

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

Party Information

Debtor(s):

John Jean Bral

Represented By

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#6.00 CONT'D 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

FR: 9-20-18

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019.

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

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**

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01092 Beitler v. Bral

#7.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine
Non-dischargeability of Debt under Bankruptcy Code Section 523

FR: 9-20-18

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status
report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint
status report to be filed by August 1, 2019.

***Note: If all parties accept the foregoing tentative ruling, appearances at
the March 21, 2019 hearing are not required.***

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, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01094 Beitler & Associates, Inc. dba Beitler Commercial v. Bral

#8.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019.

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

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, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#9.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine
Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status
report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint
status report to be filed by August 1, 2019. **Deadline for Defendant to file
responsive pleading to the FAC: June 20, 2019.**

***Note: If all parties accept the foregoing tentative ruling, appearances at
the March 21, 2019 hearing are not required.***

Party Information

Debtor(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, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

Adv#: 8:18-01143 Marshack v. Nguyen

#10.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18; 12-6-18; 1-24-19

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, (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 24, 2019

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... AA-TEK Machining, Inc.

Chapter 7

report must be filed by March 7, 2019 if the settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required.

March 21, 2019

In light of pending settlement, continue Status Conference to May 30, 2019 at 9:30 a.m.; updated status report must be filed by May 16, 2019 if the settlement has not been approved by such date.

Note: Appearances at this hearing are not required.

Party Information

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
Wesley H Avery
Kelly Zinser

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

Thursday, March 21, 2019

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

#11.00 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

FR: 7-10-18; 12-20-18; 1-31-19

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 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.

March 21, 2019

This matter will be trailed to today's 10:30 a.m. calendar.

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, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 13

Adv#: 8:18-01087 Albert-Sheridan v. Norman

#12.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18; 12-20-18

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Notice Dismissing the Action Without Prejudice filed 3/18/2019; No Answer Filed - td (3/18/2019)

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

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... **Lenore LuAnn Albert-Sheridan**

Chapter 13

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.

March 21, 2019

Take matter off-calendar in light of Plaintiff's Notice of Dismissal Without Prejudice. Appearance at the status conference is not required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Jason Norman	Pro Se
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Plaintiff(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, March 21, 2019

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

#13.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18; 12-20-18

Docket 1

Courtroom Deputy:

**SPECIAL NOTE: Notice Dismissing the Action Without Prejudice filed
3/18/2019; No Answer Filed - td (3/18/2019)**

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

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

Thursday, March 21, 2019

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.

March 21, 2019

Take matter off-calendar in light of Plaintiff's Notice of Dismissal Without Prejudice. Appearance at the status conference is not required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Amelia Pasillas	Pro Se
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Lorenzo Pasillas	Pro Se
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Plaintiff(s):

Lenore Luann Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, March 21, 2019

Hearing Room 5A

9:30 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, March 21, 2019

Hearing Room 5A

9:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

Adv#: 8:18-01089 Albert-Sheridan v. Lester

#14.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18; 12-20-18

Docket 1

Courtroom Deputy:

**SPECIAL NOTE: Notice Dismissing the Action Without Prejudice filed
3/18/2019; No Answer Filed - td (3/18/2019)**

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

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

Thursday, March 21, 2019

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.

March 21, 2019

Take matter off-calendar in light of Plaintiff's Notice of Dismissal Without Prejudice. Appearance at the status conference is not required.

Party Information

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, March 21, 2019

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

#15.00 CON'TD STATUS CONFERENCE RE: Complaint Seeking Attorney Fees and Costs

FR: 9-6-18; 11-15-18; 12-20-18

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Notice Dismissing the Action Without Prejudice filed 3/18/2019; No Answer Filed - td (3/18/2019)

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

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

Thursday, March 21, 2019

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.

March 21, 2019

Take matter off-calendar in light of Plaintiff's Notice of Dismissal Without Prejudice. Appearance at the status conference is not required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Steven Ballard	Pro Se
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Catherine Olsen	Pro Se
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Plaintiff(s):

Lenore Luann Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, March 21, 2019

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:18-01123 Marshack (TR) v. Patow

#16.00 PRE-TRIAL CONFERENCE RE: Complaint to Deny Discharge Pursuant to 11 U.S.C. Section 727(A)(4)and (A)(2)

FR: 9-20-18; 11-15-18

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/18/2019 AT 9:30 A.M.,
PER ORDER ENTERED 1/7/2019.**

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, March 21, 2019

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, March 21, 2019

Hearing Room 5A

9:30 AM

8:18-12058 John Timothy Quaid

Chapter 7

Adv#: 8:18-01177 Potter et al v. Quaid

#17.00 Hearing RE: Plaintiff's Motion for Default Judgment Under LBR 7055-1

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

John Timothy Quaid

Represented By
Brian J Soo-Hoo

Defendant(s):

John Timothy Quaid

Pro Se

Plaintiff(s):

Simon Potter

Represented By
Daniel A Higson

Titi A Potter

Represented By
Daniel A Higson

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

Thursday, March 21, 2019

Hearing Room 5A

9:30 AM

CONT... John Timothy Quaid

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 21, 2019

Hearing Room 5A

9:30 AM

8:18-12058 John Timothy Quaid

Chapter 7

Adv#: 8:18-01177 Potter et al v. Quaid

#18.00 CON'TD STATUS CONFERENCE RE: Complaint Objecting to Dischargeability

FR: 12-6-18

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. (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: 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, March 21, 2019

Hearing Room 5A

9:30 AM

**CONT... John Timothy Quaid
March 21, 2019**

Chapter 7

Take matter off calendar in light of granting of Plaintiff's motion for default judgment.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

John Timothy Quaid

Represented By
Brian J Soo-Hoo

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, March 21, 2019

Hearing Room 5A

10:00 AM

8:18-14553 Farhang Modirzadeh Zarrinkelk and Azarin Abbassi

Chapter 7

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

HOME POINT FINANCIAL CORPORATION

VS.

DEBTORS

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

Deny motion.

Basis for Tentative Ruling:

Movant has failed to establish that its interest is not adequately protected by an 18.5% equity cushion. Movant cites to two cases for the proposition that adequate protection = a 20% equity cushion and that anything less than 20% is inadequate. The two cases are *In re Mellor*, 734 F.2d 1396, 1401 (9th Cir. 1984) and *In re Helionetics*, 70 B.R. 433, 440 (Bankr.C.D.Cal. 1987). In fact, neither case states or supports such a rule. It just so happens that in each case, the creditor was protected by a 20% cushion. In *Mellor*, in finding that the 20% equity cushion in that case was adequate, the 9th Circuit actually cited and relied on multiple cases in which adequate protection was found where there was less than a 20% equity cushion -- as low as 10%, to wit:

In the matter before us, the value of the sellers' lien on the Upland residence is \$17,960.06. This includes the amount still owed to Pistole pursuant to the original land sale contract, and \$12,460.06 paid to Weyerhaeuser to stop the foreclosure proceedings. The

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

Thursday, March 21, 2019

Hearing Room 5A

10:00 AM

CONT... Farhang Modirzadeh Zarrinkelk and Azarin Abbassi Chapter 7

bankruptcy court found that the value of the residence is \$105,000; thus, there is an "equity cushion" to protect the sellers' interest in the amount of \$20,340 or approximately 20% of the total value. A 20% cushion has been held to be an adequate protection for a secured creditor. See *In re McGowan*, 6 B.R. 241, 243 (B.Ct.E.D.Pa.1980) [holding a 10% cushion is sufficient to be adequate protection]; *In re Rogers Development Corp.*, 2 B.R. 679, 685 (B.Ct.E.D.Virg.1980) [court decided that an equity cushion of approximately 15% to 20% was sufficient adequate protection to the creditor, even though the debtors had no equity in the property.]; *In re Breuer*, 4 B.R. 499, 501 [creditor protected by equity cushion of \$21,000 despite fact that debtor lacked equity in the property.]

734 F.2d at 1401.

In addition, the chapter 7 trustee has filed a no asset report and there are no motions pending other than this one. Accordingly, it is highly likely this case will be closed within the next 30-60 days, thereby terminating the automatic stay as a matter of law. 11 U.S.C. 362(c); 11 U.S.C. 554(c).

Party Information

Debtor(s):

Farhang Modirzadeh Zarrinkelk

Represented By
Jerome S Demaree

Joint Debtor(s):

Azarin Abbassi Sadegh

Represented By
Jerome S Demaree

Movant(s):

Home Point Financial Corporation,

Represented By
Nichole Glowin

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 21, 2019

Hearing Room 5A

10:00 AM

8:19-10379 Dean Gaddi

Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC.
VS.
DEBTOR

Docket 11

*** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion for Relief from the Automatic Stay filed 3/11/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion for Relief from
the Automatic Stay filed 3/11/2019 - td (3/11/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean Gaddi

Represented By
Amanda G Billyard

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

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 21, 2019

Hearing Room 5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#21.00 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; 12-6-18

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)

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

Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

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.

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 21, 2019

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

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CONT... Alma Theresa Tejadilla Reyes
Trustee requirements.

Chapter 11

**Special Note: "Gold Star" designation above signifies an exceptionally well-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.

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). (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 21, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m.; An updated status report must be filed by May 16, 2019 and such report shall address the following: 1) the amount of arrears for each class that is not current as of May 1, 2019, and 2) the status of her employment.

Note: If Debtor is in substantial compliance with the requirements of

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CONT... Alma Theresa Tejadilla Reyes

Chapter 11

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
Ivan M Lopez Ventura
Jeffrey V Hernandez

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:12-22702 Leslie Noel Twomey

Chapter 13

#22.00 Hearing RE: Chapter 13 Trustee's Motion for Order Determining that the Trustee is Not Required to Seek Return of Funds

Docket 152

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

Grant the motion. Any claim for overpayment the estate may have shall be deemed abandoned to Debtor pursuant to 11 U.S.C. 554.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

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
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:14-16576 Kenneth Church and Linda K Church

Chapter 7

#23.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

Kenneth Church

Represented By
Shawn Dickerson

Joint Debtor(s):

Linda K Church

Represented By
Shawn Dickerson

Trustee(s):

Richard A Marshack (TR)

Represented By

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10:30 AM

CONT...

Kenneth Church and Linda K Church

Michael G Spector

Chapter 7

**United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:14-16576 Kenneth Church and Linda K Church

Chapter 7

#24.00 Hearing RE: Final Fee Application for Compensation and Reimbursement of Costs

**[THE LAW OFFICES OF MICHAEL G. SPECTOR, ATTORNEYS FOR
RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE.]**

Docket 124

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

Kenneth Church

Represented By
Shawn Dickerson

Joint Debtor(s):

Linda K Church

Represented By
Shawn Dickerson

Trustee(s):

Richard A Marshack (TR)

Represented By

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10:30 AM

CONT...

Kenneth Church and Linda K Church

Michael G Spector

Chapter 7

**United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:14-16576 Kenneth Church and Linda K Church

Chapter 7

#25.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from November 13, 2018 through January 3, 2019

[HAHN FIFE & COMPANY LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

Kenneth Church

Represented By
Shawn Dickerson

Joint Debtor(s):

Linda K Church

Represented By
Shawn Dickerson

Trustee(s):

Richard A Marshack (TR)

Represented By
Michael G Spector

**United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#26.00 CON'TD Hearing RE: Plaintiff's Motion for Order Awarding Debtor Attorney's Fees and Costs as Prevailing Party

FR: 1-24-19

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 24, 2019

Grant motion, less \$2,614 in attorneys fees and costs as requested and less any amount of fees previously paid by defendant, if any.

The reduction in attorneys fees reflects reductions previously ordered by this court re the September 21, 2017 hearing (see tentative ruling).

March 21, 2019

Grant award of attorneys fees in the amount of \$103,342.48 and costs in the amount of \$2,933.84 for total fees and costs in the amount of \$106,276.32.

Basis for Tentative Ruling:

1. Plaintiff has satisfactorily explained the redacted (uncharged) items. No further deduction for the redacted matters.

2. Regarding the disputed unredacted matters, the court will reduce the award by half the amount disputed by Defendant, or \$4,756.52, so as to

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CONT... Stephen J Haythorne Chapter 7

finally resolve this matter. Thus, $\$108,099 - \$4,756.52 = 103,342.48$.

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

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
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]

Docket 200

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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 Manee

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

**United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

#28.00 Hearing RE: Second and Final Application for Fees and Reimbursement of Expenses [December 12, 2017 through November 2, 2018]

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

Docket 193

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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 Manee

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

#29.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From October 9, 2017 through October 23, 2018

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 190

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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 Manee

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

**United States Bankruptcy Court
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Santa Ana
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:17-14703 Tausha N. Mitcham

Chapter 13

#30.00 Hearing RE: Chapter 13 Trustee's Motion for Order for Return of Estate Property RE Veripro Solutions Inc. [Claim No. 11]

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

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**

Thursday, March 21, 2019

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

#31.00 STATUS CONFERENCE 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
(Status Conference re status of compliance)

FR: 12-20-18

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.

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10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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.

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.

March 21, 2019

The parties are ordered to meet and confer outside the courtroom prior to the hearing to determine the scope of any remaining discovery issues. The matter will be placed at the end of the 10:30am calendar.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Education Credit Management	Represented By Scott A Schiff
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The Education Resources Institute	Pro Se
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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
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

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: 9-6-18; 12-20-18; 1-31-19

Docket 1

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)

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10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat
filed)

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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

March 21, 2019

Continue chapter 11 status conference to April 18, 2019 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required.

Note: If Debtor is in substantial compliance with the requirements of the United States Trustee, appearance at this hearing is not required. It is

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10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11
Debtor's responsibility to confirm compliance with the UST prior to the hearing.

Party Information

Debtor(s):

Amir Keivan Hedayat

Represented By
J Scott Williams

Joint Debtor(s):

Minou M. Hedayat

Represented By
J Scott Williams

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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:18-13042 Jane Kim

Chapter 13

#33.00 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:

March 21, 2019

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.

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
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:18-14112 Joseph John Munoz and Maria Munoz

Chapter 7

#34.00 Hearing RE: United States Trustee's Motion for an Order Extending the Deadline for the United States Trustee and the Chapter 7 Trustee to File Complaints Objecting to Discharge Under and Pursuant to 11 U.S.C. Section 727 and FRBP Rule 4004(b)(1)

Docket 22

***** VACATED *** REASON: OFF CALENDAR: Per Order Entered
2/21/2019**

Courtroom Deputy:

OFF CALENDAR: Per Order Entered 2/21/2019 - td (3/12/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Munoz

Represented By
Louis J Esbin

Joint Debtor(s):

Maria Munoz

Represented By
Louis J Esbin

Trustee(s):

Karen S Naylor (TR)

Pro Se

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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:19-10177 Doo M Ko

Chapter 13

#35.00 Hearing RE: Debtor's Motion to Vacate Dismissal and Reinstate Case

Docket 14

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Withdrawal of Motion to Vacate Dismissal and Reinstate Case filed 3/12/2019**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Withdrawal of Motion to Vacate
Dismissal and Reinstate Case filed 3/12/2019 - td (3/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doo M Ko

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, March 21, 2019

Hearing Room 5A

10:30 AM

8:19-10273 Karen Pinto

Chapter 7

#36.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

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):

Karen Pinto

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, March 21, 2019

Hearing Room 5A

2:00 PM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:18-01123 Marshack (TR) v. Patow

#37.00 Hearing RE: Plaintiff's Motion for Judgment on the Pleadings under Rule 12(C) or, Alternatively, to Strike Document Under Rule 12(F)

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 21, 2019

Grant motion for judgment on the pleadings under FRCP 12(c) unless, Defendant files by April 15, 2019 an answer that complies with FRCP 8(b)(1) (A) and/or 8(b)(1)(B) as applicable. If such an answer is not timely filed, the motion for judgment on the pleadings shall be deemed granted.

Basis for Tentative Ruling:

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, 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.*

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2:00 PM

CONT... James Christopher Patow

Chapter 7

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).

Federal Rules of Civil Procedure 8 is made applicable to this adversary by Federal Rules of Bankruptcy Procedure 7008. FRCP 8(b)(1)(A) requires that when responding to a pleading such as a complaint, a party must "state in short and plain terms its defenses to each claim asserted in it." Further, FRCP 8(b)(1)(B) requires that a party responding to a complaint must "admit or deny the allegations asserted against it" by the opposing party (plaintiff).

In this matter, the facts alleged in the Complaint state "enough facts to state a claim to relief that is plausible on its face." *In re Atlantic Corp v. Twombly*, 550 U.S. 544 (2007); *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009). Per the Complaint, Debtor holds a vested beneficial interest in his parents trust and an indirect ownership interest in the very property that Debtor lives in-facts Debtor failed to disclose on his bankruptcy schedules signed under penalty of perjury. See, Compl., p. 2-4, ¶¶8-10 and 12-26. Based on these deemed admitted facts, Plaintiff's claims for relief under § 727(a)(2)[false oaths] and (a)(4)[actions to hinder, delay, and defraud creditors] are plausible given Debtor's failure to make full disclosures on his bankruptcy schedules (filed after the petition date) thereby concealing estate assets.

The single paragraph response filed by Defendant, a *pro se* party, on October 26, 2018 [docket #14] does not admit or deny any of the well-pled allegations set forth in the Complaint. The only substantive portion of the response states simply that Defendant does "not agree with Marshack's [plaintiff's] opinion of this case and [Defendant] would like to have a different

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Hearing Room 5A

2:00 PM

CONT... **James Christopher Patow**

Chapter 7

person to see this case such as a judge." Defendant's "Quick Response to Adversary Proceeding" at p. 2. Defendant's response conveys an apparent complete lack of understanding of a proper response to a complaint. The response is so woefully deficient that it cannot be deemed answer to the Complaint, even under the most liberal standards. Simply put, the response does not address any of the allegations in the Complaint, let alone admit or deny them.

As noted by Plaintiff in the Motion, pleadings by *pro se* litigants must be liberally construed and this court has a "duty to ensure that *pro se* litigants to not lose their right to a hearing on the merits of their claim [or defense] due to the ignorance of technical procedural requirements." *Nordeen v. Bank of America, NA (In re Nordeen)* 495 B.R. 476-477 (9th Cir. BAP 2013). Under FRCP 7015 (a)(2), the court is required to grant leave to amend a pleading such as an answer "when justice so requires." This rule is to be construed liberally. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1482 (9th Cir. 1997).

Based on all of the foregoing, the court is compelled to permit Defendant one final opportunity to file an response to the Complaint that applies with the applicable pleading rules noted above.

Additional note: The court finds that Plaintiff has also established grounds for striking the response under FRCP 12(f) for the reasons and analysis set forth in the Motion, which the court incorporates herein by reference.

Party Information

Debtor(s):

James Christopher Patow

Represented By
Kevin J Kunde

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

Thursday, March 21, 2019

Hearing Room 5A

2:00 PM

CONT... James Christopher Patow

Chapter 7

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**

Tuesday, March 26, 2019

Hearing Room 5A

9:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#1.00 Hearing RE: Debtor's Emergency Motion for Order Authorizing: (1) Use of Cash Collateral on an Interim Basis; (2) Approving Interim Order Fulfillment Agreement; and (3) Setting Final Hearing on Use of Cash Collateral and Hearing on Section 363 Sale

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 26, 2019

The court is inclined to grant the motion. However, Debtor will need to address the following:

1. The Motion asks that this court approve the "Interim Order Fulfillment Agreement" ("Fulfillment Agreement") between Debtor and SUMMIT on the one hand, and on the other hand requests that the court set a hearing on Debtor's proposed sale motion. However, as far as the court can tell, there is no separate Fulfillment Agreement for this court to approve. Instead, there is a provision in the Purchase Agreement, Article 10, entitled "Fulfillment Agreement." Is Debtor asking the court to approve a single provision of an otherwise unapproved Purchase Agreement? Or is there a separate document memorializing the Fulfillment Agreement that is not attached to the Motion?

2. Will SUMMIT continue to process and fulfill orders after the sale hearing but before closing if it is not the successful bidder?

Final hearing date: May 16, 2019 at 10:30 a.m.

Party Information

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

Tuesday, March 26, 2019

Hearing Room 5A

9:30 AM

CONT... SPN Investments Inc

Chapter 11

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:19-10044 Gregory Bettison

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Bettison

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:19-10043 Kevin S. Yoneda

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-10037 Ryan Phillip Jones and Sandy Gee Yung Kim

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Phillip Jones	Pro Se
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Joint Debtor(s):

Sandy Gee Yung Kim	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:19-10028 Michael Henshaw and Holley Henshaw

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Henshaw

Represented By
Kevin Tang

Joint Debtor(s):

Holley Henshaw

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:19-10002 Viet Duc Bui

Chapter 13

#5.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Viet Duc Bui

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14723 Bertha Zapata

Chapter 13

#6.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14686 Abel Yepes

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Yepes

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14661 Kristy Lorraine Haffar and Mark S Haffar

Chapter 13

#8.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kristy Lorraine Haffar

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Mark S Haffar

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14650 Albert Akio Sakai and Debra Lynn Sakai

Chapter 7

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Conversion to Chapter 7 filed 1/8/2019; Case Converted to Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion to Chapter 7 filed
1/8/2019; Case Converted to Chapter 7 - td (3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Albert Akio Sakai

Represented By
Anerio V Altman

Joint Debtor(s):

Debra Lynn Sakai

Represented By
Anerio V Altman

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14649 Jeffrey J. Axton

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey J. Axton

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14641 Richard Thomas McPhee

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Thomas McPhee

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14640 Pejman Pirmoradi

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):

Pejman Pirmoradi

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14629 Emil Peter Joros

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 2/5/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 2/5/2019 - td (3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emil Peter Joros

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14562 Mary Guenther

Chapter 13

#14.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Guenther

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14558 Cathy Marie Estrella

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Marie Estrella

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14506 Can Lam

Chapter 13

#16.00 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 12/31/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 12/31/2018 - td (3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Can Lam

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14485 Richard Price Alexander and Donna Jean Alexander

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Price Alexander

Represented By
Peter Holzer

Joint Debtor(s):

Donna Jean Alexander

Represented By
Peter Holzer

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14483 James Ray Peterson

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 1/8/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 1/8/2019 - td (3/5/2019)**

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14472 Mark Deleon Mendoza and Cynthia Marie Mendoza

Chapter 13

#19.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Deleon Mendoza

Represented By
Sundee M Teeple

Joint Debtor(s):

Cynthia Marie Mendoza

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14471 Heriberto Moreno

Chapter 13

#20.00 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 12/26/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 12/26/2018 - td (1/11/2019)**

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14424 Daisy Valadez

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Valadez

Represented By
Tom A Moore

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14422 Donna Lee Lawler

Chapter 13

#22.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Lee Lawler

Represented By
Peter Rasla

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14383 Jennifer Mary Turunen Johnson

Chapter 13

#23.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Mary Turunen Johnson

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14311 David Winslow Knaak

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 12/17/2018**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 12/17/2018 - td (3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Winslow Knaak 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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14291 Christopher J. Ozuna and Leisa S. Ozuna

Chapter 13

#25.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-14286 Laura Jarrett

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 12/17/2018;
Case Closed 20/20/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 12/17/2018; Case Closed 2/20/2019 - td
(3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Jarrett

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14264 Michelle Mejia

Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Mejia

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14252 Kayleen R Hittesdorf

Chapter 13

#28.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kayleen R Hittesdorf

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14070 Scott T. Vu and Thu M. Nguyen

Chapter 13

#29.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott T. Vu

Represented By
Christopher J Langley

Joint Debtor(s):

Thu M. 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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14062 Quynh Thuy Lu

Chapter 13

#30.00 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 11/26/2018;
Case Closed 1/17/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 11/26/2018; Case Closed 1/1/2019 - td
(3/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Quynh Thuy Lu

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#31.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 1-22-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:18-13746 Michael P Monroe and Deborah J. Monroe

Chapter 13

#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-13650 J. Guadalupe Zepeda Dimas

Chapter 13

#33.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-13583 Eric Michael Webber and Celena Renee Webber

Chapter 13

#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-13521 Jose F. Lopez

Chapter 13

#35.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-13494 Nicole H. Hazlett

Chapter 13

#36.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-12567 Jay R. Bauer

Chapter 13

#37.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-23-18; 12-21-18

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**

Tuesday, March 26, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#38.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#39.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:18-11018 Gerardo Caravez and Rafaela Caravez

Chapter 13

#40.00 CONT'D Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19

Docket 67

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:18-10450 Jorge D. Muniz and Aida A. Muniz

Chapter 13

#41.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- 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, March 26, 2019

Hearing Room 5A

2:30 PM

8:17-14817 Hildegard Katharina Brandt

Chapter 13

#42.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#43.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding For Failure to Make Plan Payments

Docket 86

***** VACATED *** REASON: Voluntary Dismissal of Motion filed 3/19/19**

Courtroom Deputy:

OFF CALENDAR: Voluntary Dismissal of Motion filed 3/19/19- mp 3/19/19

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 26, 2019

Hearing Room 5A

2:30 PM

8:17-12702 Rogelio B. Escobido, Jr.

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 60

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:17-11542 Thomas John Snodgrass and Kristina Renee Snodgrass

Chapter 13

#45.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, March 26, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#46.00 Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 51

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 26, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#47.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19

Docket 48

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-15227 Christopher Michael Brooksbank and Suzanne Michelle

Chapter 13

#48.00 Hearing RE: Trustee's Motion to Dismiss Case failure to make plan payments

Docket 53

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trustee's Motion for Order Dismissing Chapter 13 filed 3/18/2019**

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order
Dismissing Chapter 13 filed 3/18/2019 - td (3/18/2019)**

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-14243 Daryl John Parks

Chapter 13

#49.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for failure to make plan payments

Docket 54

Courtroom Deputy:

- NONE LISTED -

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:16-12869 William Waller and Sandra Waller

Chapter 13

#50.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 54

Courtroom Deputy:

SPECIAL NOTE: Debtors' Notice of Withdrawal of Opposition to Trustee's Motion to Dismiss and Request for Hearing filed 3/20/2019 - td (3/21/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Waller

Represented By
Andrew Moher

Joint Debtor(s):

Sandra Waller

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-12808 John Anthony Telesio

Chapter 13

#51.00 CONT'D Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19

Docket 82

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:16-12683 Scott Langdon Campos

Chapter 13

#52.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Langdon Campos

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-11543 Thomas Charles Dailey, Jr

Chapter 13

#53.00 Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 91

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
Entered 1/25/19**

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case Entered 1/25/19- mp 3/19/19

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:16-11218 Gary Snavely

Chapter 13

#54.00 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):

Gary Snavely

Represented By
Thomas B Ure

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-10334 Martin Naranjo and Christina Naranjo

Chapter 13

#55.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make a Plan Payment

Docket 90

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

#56.00 CONT'D Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19

Docket 102

Courtroom Deputy:

- NONE LISTED -

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:15-14377 Pedro Hernandez

Chapter 13

#57.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 49

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trustee's Motion for Order Dismissing Chapter 13 filed 1/28/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order
Dismissing Chapter 13 filed 1/28/2019 - td (1/29/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Hernandez

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:15-13987 Catherina D. Salazar

Chapter 13

#58.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Payments

Docket 110

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catherina D. Salazar

Represented By
Michael Jay Berger

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#59.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding) for Failure to Make Plan Payments

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rocio Lopez Namdar

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 26, 2019

Hearing Room 5A

2:30 PM

8:14-15270 Nguyen D. Uong

Chapter 13

#60.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 84

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:14-12887 Chad G Spates

Chapter 13

#61.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 45

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chad G Spates

Represented By
James D Zhou

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:14-12624 Jimmy DeAnda

Chapter 13

#62.00 Hearing RE: Creditor The Lemoine Group Inc.'s Motion to Dismiss Chapter 13 Case

Docket 153

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 26, 2019

Hearing Room 5A

2:30 PM

8:14-12166 Roxana Martha Kargl

Chapter 13

#63.00 Hearing RE: Chapter 13 Trustee's Verified Motion for Order Modifying the Chapter 13 Plan

Docket 141

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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

Tuesday, March 26, 2019

Hearing Room 5A

2:30 PM

8:14-11410 Jill Marie Lungren and Carlos Alfonso Lungren

Chapter 13

#64.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 12-21-18; 1-22-19

Docket 96

*** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 3/12/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 3/12/2019 - td (3/12/2019)

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**

Tuesday, March 26, 2019

Hearing Room 5A

2:30 PM

8:14-11298 Judith Diane Buffington

Chapter 13

#65.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Judith Diane Buffington

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 26, 2019

Hearing Room 5A

2:30 PM

8:14-10354 Brian Lee Head

Chapter 13

#66.00 CONT'D Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 10-23-18; 1-22-19

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, March 26, 2019

Hearing Room 5A

2:30 PM

8:13-19538 John M. Fanelli and Tracy A. Fanelli

Chapter 13

#67.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 55

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal filed 2/14/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal filed 2/14/2019 - td (2/19/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

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

Wednesday, March 27, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11
Plan [Dissemination Version]

(Set at SC held 9-20-18)
FR: 12-11-18; 1-10-19; 1-29-19

Docket 544

*** VACATED *** REASON: CONTINUED TO 4/30/2019 AT 10:00 A.M.,
PER ORDER ENTERED 3/21/2019 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 4/30/2019 at 10:00 a.m., Per Order
Entered 3/21/2019 (XX) - td (3/21/2019)**

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**

Wednesday, March 27, 2019

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)

FR: 12-11-18; 1-10-19; 1-29-19

Docket 558

***** VACATED *** REASON: CONTINUED TO 4/30/2019 AT 10:00 A.M.,
PER ORDER ENTERED 3/21/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 4/30/2019 at 10:00 a.m.,
Per Order Entered 3/21/2019 (XX) - td (3/21/2019)**

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, April 4, 2019

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

#1.00 STATUS CONFERENCE RE: Complaint Seeking Declaration that ViewCrest Debt is Dischargeable; Extortion

(Another Summons Issued 2/19/19)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Plaintiff will need to explain the purpose of the adversary.

1. Defendants are correct that, absent the commencement of a timely adversary action filed by a creditor pursuant to Section 523(a), the general rule is that unsecured debt is dischargeable.
2. The debt in this case does not appear to be a tax or student loan debt which would require affirmative action by a debtor to have such a debt declared nondischargeable.
3. If there are assets for the trustee to distribute, the defendants will be paid *pro rata* with other timely filed unsecured claims and the balance, if any would be discharged.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Defendant(s):

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

Thursday, April 4, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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, April 4, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#2.00 STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Plaintiff has failed to file a proof of service showing timely and proper service the summons and complaint on Defendant US Department of Education in accordance with Federal Rules of Bankruptcy Procedure 7004(b)(4). Continue status conference to May 30, 2019 at 9:30 a.m. The court will issue and order to show cause why this adversary proceeding should not be dismissed for failure to prosecute -- a hearing on the order to show cause shall also be held on May 30, 2019 at 9:30 a.m.

If Plaintiff has not properly served Defendant as of the date of the hearing , she must obtain another summons from the Clerk's Office and serve the same by or before April 18, 2019.

Party Information

Debtor(s):

Carissa Louise Clemens Pro Se

Defendant(s):

US Dept of Education Pro Se

Plaintiff(s):

Carissa Clemens Pro Se

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

Thursday, April 4, 2019

Hearing Room 5A

9:30 AM

CONT... Carissa Louise Clemens

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 4, 2019

Hearing Room 5A

9:30 AM

8:19-10009 Future Income Payment LLC

Chapter 7

Adv#: 8:19-01033 Egozi et al v. American Alternative Investments LLC et al

#3.00 STATUS CONFERENCE RE: Notice Of Removal (RE: Complaint, Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, Case No. 2018-037829-CA-01)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal filed 3/15/2019; Order Approving Withdrawal of Notice of Removal Entered 4/2/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal filed 3/15/2019; Order Approving Withdrawal of Notice of Removal Entered 4/2/2019 - td (4/2/2019)

Tentative Ruling:

April 4, 2019

Take matter off calendar in light of filing of notice of withdrawal of removed action.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Future Income Payment LLC	Pro Se
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Defendant(s):

American Alternative Investments	Pro Se
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Partners South Estate Planning Inc	Pro Se
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Allied Strategic Partnership LLC	Pro Se
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Rob D Whitlow	Pro Se
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Timothy R Fussell	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, April 4, 2019

Hearing Room 5A

9:30 AM

CONT... Future Income Payment LLC

Chapter 7

Plaintiff(s):

Sarah Egozi	Pro Se
Leon Egoz	Pro Se
Leon Egozi	Pro Se
Susan Egozi	Pro Se
Daniel Bajuk	Pro Se

Trustee(s):

Karen S Naylor (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

8:15-11398 Rosa M Harding

Chapter 13

#4.00 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; 12-6-18; 2-12-19

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, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Rosa M Harding

Chapter 13

Movant to advise the court re the status of this matter.

February 12, 2019

Movant to advise the court re the status of this matter. If more time is need to reach resolution, the hearing may be continued one final time to April 1, 2019 at 10:00 a.m. requesting the same during the calendar roll call just prior to the hearing.

April 4, 2019

Deny motion without prejudice due to failure to prosecute.

Basis for Tentative Ruling:

1. This hearing has been pending for nearly nine months.
2. No new pleadings have been filed sice the February 12, 2019 hearing.
3. This court indicated in its tentative ruling for the 2/12/19 hearing that no further continuances would be granted.

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, April 4, 2019

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, April 4, 2019

Hearing Room 5A

10:00 AM

8:17-10751 Grace A Craft

Chapter 13

#5.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
MECHANICS BANK, A CALIFORNIA BANKING CORPORAITON
VS.
DEBTOR; AND AMRANE COHEN, CHAPTER 13 TRUSTEE

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Grace A Craft

Represented By
Charles W Daff

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Grace A Craft

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 4, 2019

Hearing Room 5A

10:00 AM

8:18-11993 Mario P. Guerrero and Niza B. Guerrero

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
PARTNERS FEDERAL CREDIT UNION
VS.
DEBTORS

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Continue hearing to May 9, 2019 at 10:00 a.m. to allow Movant to file complete declaration in support of the Motion by or before April 18, 2019.

Basis for Tentative Ruling:

The Motion is missing pages 8-11 of Form 4001.1.RFS.RP.Motion, including testimony regarding the number missed postpetition/postconfirmation payments, authentication of Exhibit 3, and the declaration signature page.

Note: If Movant accepts the foregoing tentative ruling, appearances at today's hearing are not required.

Party Information

Debtor(s):

Mario P. Guerrero

Represented By
Gary S Saunders

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Mario P. Guerrero and Niza B. Guerrero

Chapter 13

Joint Debtor(s):

Niza B. Guerrero

Represented By
Gary S Saunders

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

Trustee(s):

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 4, 2019

Hearing Room 5A

10:00 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

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

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

Docket 49

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 10:00 A.M.,
PER ORDER ENTERED 4/2/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Stipulation Re Continuance of Hearing filed 4/1/2019;
Order Approving Stipulation Re Continuance of Hearing on Motion for
Relief from the Automatic Stay SIGNED 4/2/19; hearing continued to
6/20/19 at 10:00 a.m. (XX) --eas / td (4/2/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Movant(s):

U.S. Bank National Association, as

Represented By
Angie M Marth
Kelsey X Luu

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 4, 2019

Hearing Room 5A

10:00 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
AMERICANA TRUST DEED SERVICES
VS.
DEBTOR

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Deny motion.

Basis for Tentative Ruling:

1. The sole basis for the motion is that Movant's interest is not adequately protected and, therefore, relief from stay should be granted for cause under Section 362(d)(1).
2. By Movant's own admission, it is protected by a **74%** equity cushion based upon Movant's appraiser's value of \$750,000.
3. Movant's interest is adequately protected by the 74% equity cushion. Accordingly, Movant states no basis for relief from stay under 362(d)(1).
4. Movant did not seek relief under Section 362(d)(2) (lack of equity and property not necessary for reorganization). Even if it had, it would have had the burden of proof re equity. In analyzing the amount of equity Debtor has, Movant used a judgment lien debt in the amount of approximately \$161,000.

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Paula Gilbert-Bonnaire Chapter 7

It is not clear how Movant determined the existence of this "lien" in light of the fact that the the purported holder of such lien, SJO Investments, filed an unsecured claim in Debtor's prior chapter 13 case (#18-11236) and does not assert a security interest in the dischargeability complaint it filed in this case.

5. The trustee has filed a no-asset report and this case will likely be closed in the near future, resulting in the expiration of the automatic stay.

6. Debtor filed a late opposition on April 2, 2019 which has not been considered by the court due to lack of timeliness. However, even without considering Debtor's opposition, Movant is not entitled to relief from the automatic stay under Section 362(d)(1) for the reasons noted above.

Party Information

Debtor(s):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

Movant(s):

Americana Trust Deed Services

Represented By
Paul V 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, April 4, 2019

Hearing Room 5A

10:00 AM

8:18-14677 Stacey White Kinney

Chapter 7

#9.00 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:

April 4, 2019

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):

Stacey White Kinney

Represented By
Richard G Heston

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Katie M Parker

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 4, 2019

Hearing Room 5A

10:00 AM

CONT... Stacey White Kinney

Chapter 7

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

8:19-10509 Gilbert D Garcia

Chapter 13

#10.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

RENEE HUDBURGH

VS.

DEBTOR

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Court's Comments Pleadings

1. The court is normally inclined to allow the state court to decide family law matters. However, the circumstances of this matter give this court pause. The parties will need to structure their arguments to address the concerns of the court set forth below.
2. Movant asserts in the Motion that a child support order was registered in state court on October 21, 2016 in the amount of \$68,283.60. However, a copy of the registered document was not filed with the Motion. LBR 4001-1(c) (1) and 9013-1(d) require that all supporting documents be filed with the Motion.
3. Movant references a Stipulation and Order executed by the parties on or about February 1, 2017 but does not attach a copy of the same to the Motion. According to Movant, Debtor was to make monthly payments of \$200 until he retired, at which time he would request a lump sum distribution from his

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Gilbert D Garcia

Chapter 13

pension and pay the sum of approximately \$70,000.

4. The Stipulation and Order was attached to the Opposition filed by Debtor. The document does not, on its face, appear to support Movant's interpretation of the same. For example, the document states the following:

a. "Respondent has *an arrearage of \$22,600.00* and interest from 11/1/2016." (emphasis added)

b. "When Respondent retires in June 2018, he shall elect the lump sum retirement from the Employee's Pension Plan . . . and shall pay the balance due on *said arrearage* plus interest from 10/21/16 in a lump sum." (emphasis added)

5. The Stipulation and Order does only references an arrearage of \$22,600.00 and makes no reference to \$68,000+ referenced in the 2016 registered support document. Why not? The requirement to pay the lump sum upon retirement refers to "said" arrearage, i.e., the arrearage mentioned previously in the Stipulation and Order. The court is perplexed that the Stipulation and Order can be interpreted any other way and is not at all surprised pension administrator doesn't share Movant's view of the Stipulation and Order.

6. As for Debtor, he appears to want to hold Movant to the terms of the Stipulation and Order regarding the amount, but does not want to uphold his part of the agreement to pay the \$22,600.00 (less monthly payments made pre-retirement) in a lump sum -- opting instead to stretch out the payments over 60 months without interest. Why? And why is Debtor so afraid that the state court would have a different interpretation of the Stipulation and Order? Stated otherwise, is it Debtor's strategy to have this court use its "great equitable powers" do something he knows the state court would never do?

Party Information

Debtor(s):

Gilbert D Garcia

Represented By
Dale F Hardeman

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Gilbert D Garcia

Chapter 13

Movant(s):

Renee Hudiburgh

Represented By
Alexander J Kessler

Trustee(s):

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 4, 2019

Hearing Room 5A

10:00 AM

8:19-10753 Heather Leigh Tolson

Chapter 7

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

RONALD L. PETERMAN

VS.

DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Deny motion.

Basis for Tentative Ruling:

1. Movant moves for relief under Section 362(d)(1) on the grounds that its interests are not adequately protected but provides no evidence of such lack of adequate protection. Movant does not even provide any evidence of the subject property's value.

2. Movant asserts that the case was filed in bad faith because it was filed to stop a foreclosure. 99% of bankruptcy cases are filed to stop a foreclosure -- the halting of a foreclosure sale without more is not *per se* bad faith.

3. Movant asserts the case was filed in bad faith because schedules were not filed. However, the case was filed on March 1, 2019 -- schedules would not become delinquent until after the 15th day following the filing or March 16. In fact, the schedules were timely filed on March 15.

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

Thursday, April 4, 2019

Hearing Room 5A

10:00 AM

CONT... Heather Leigh Tolson

Chapter 7

4. Movant asserts that its interests are not adequately protected because of lack of proof of insurance. Debtor has provided some evidence insurance in her Opposition.

5. Movant seeks extraordinary relief under Section 362(d)(4) but states no factual basis for the same.

6. Debtor has offered a proposal to become current -- Movant might want to consider it.

Party Information

Debtor(s):

Heather Leigh Tolson

Pro Se

Movant(s):

Ronald L. Peterman, a Single Man to

Represented By
Edward T Weber

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 4, 2019

Hearing Room 5A

10:30 AM

8:11-12555 Patricia P. Gibbs

Chapter 7

#12.00 Hearing RE: Motion of U.S. Trustee for Order to Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Patricia P. Gibbs

Represented By
Richard A Marshack

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, April 4, 2019

Hearing Room 5A

10:30 AM

8:11-24044 Tammy L Schulman and David J Schulman

Chapter 7

#13.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee Pursuant to 11 U.S.C. Section 350(b)

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Tammy L Schulman

Represented By
Jeannine Stewart

Joint Debtor(s):

David J Schulman

Represented By
Jeannine Stewart

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 4, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

#14.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 8-1 filed by Bank of America, N.A.

Docket 91

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Brian Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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 4, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

#15.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 13-1 filed by Bank of America, N.A.

Docket 93

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Brian Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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 4, 2019

Hearing Room 5A

10:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#16.00 Hearing RE: Motion filed by Judgment Recovery Assistance, LLC to Attach Spousal Wages

Docket 167

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Continue hearing to May 7, 2019 at 10:30 a.m. to allow Movant to correct service issue: Notice of the motion does not comply with LBR 9013-1(f) which requires notice of the deadline for the responding party to file an opposition.

Note: Appearance at this hearing is not required if Movant accepts the tentative ruling.

Party Information

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 4, 2019

Hearing Room 5A

10:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

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

Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

8:15-15271 Jose Juan Lucio, Sr.

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Jose Juan Lucio Sr.

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Larry D Simons
Frank X Ruggier

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

Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

8:15-15271 Jose Juan Lucio, Sr.

Chapter 7

#18.00 Hearing RE: First and Final Fee Application

[LAW OFFICES OF LARRY D. SIMONS, ATTORNEY FOR
RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Jose Juan Lucio Sr.

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
Larry D Simons
Frank X Ruggier

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

Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#19.00 CON'TD Hearing RE: Debtor/Defendant Seung Hwan Jeong's Motion for Sanctions Against Plaintiff Jin Ree Pursuant to Rule 11 of The Federal Rule of Civil Procedure

FR: 2-12-19; 3-12-19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Grant motion for sanctions in the amount of \$3,000, payable within 60 days of the entry of the order granting the motion. Deny Plaintiff's request for sanctions against Defendant.

The purpose of the sanction amount is not to punish Plaintiff but to serve as a deterrence to filing a subsequent amended complaint that suffers from the same pleading deficiencies as the original complaint and the first amended complaint. There is no basis for granting Plaintiff's request for sanctions against Defendant.

Preliminary Comments:

1. At the hearing held on March 12, 2019, this court ruled that the Defendant's Motion to Dismiss the First Amended Complaint ("FAC") was granted and that Plaintiff would be allowed one final leave to amend. The deadline for Plaintiff to file a further amended complaint was set as April 12, 2019. The court stated the basis for its decision to dismiss the FAC orally on the record. Noting that Plaintiff was making written notes of the court's oral ruling, the court indicated that would make the oral ruling available in writing

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

Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

CONT... Seunghwan Jeong

Chapter 7

by posting the same in the tentative ruling field of the court's electronic calendar by close of business the following day, i.e., March 12, 2019. The court did not state that it would issue a formal written ruling, other than the simple order granting the Motion to Dismiss. The Order granting the Motion to Dismiss was entered on March 28, 2019 9 [docket #65]

2. On March 13, 2019, the court posted in written form, the basis for granting the Motion to Dismiss in the tentative ruling section of the court calendar, which is available to the public on the court's website. The writing was posted to the public at 5:14 p.m. on March 13, 2019 under Calendar #51 of the March 12, 2019 calendar.

3. Plaintiff's statement in his Motion to Continue Schedules [sic] ("Motion to Continue") filed on March 28, 2019 that the court never posted a writing setting forth its basis for granting the Motion to Dismiss is incorrect.

4. As to the current Motion for Sanctions, the court indicated that if Defendant filed by March 19, 2019 a declaration regarding the service of the Motion for Sanctions on Plaintiff twenty-one days prior to the filing of such motion with the court, Plaintiff would be permitted to file a response to such declaration by or before March 26, 2019. Defendant did, in fact, file such a declaration on March 14, 2019 [docket #63]. However, Plaintiff did not file any response to the declaration by March 26, 2019. Instead, on March 28, Plaintiff filed the Motion to Continue.

4. The Motion to Continue is difficult to follow but it appears to assert that a) Plaintiff is unable to prepare an amended complaint without the court's written analysis regarding its decision to grant the Motion to Dismiss and b) Plaintiff is unable to file an opposition to the declaration filed on March 19, 2019 relating to the instant Motion for Sanctions.

5. As stated hereinabove, the written analysis has been posted since March 13, 2019. Even if Plaintiff has not seen it, the deadline for filing the amended complaint is not until April 12, 2019. The court will not extend the deadline for amending the complaint.

6. The written analysis regarding the FAC has no bearing on the declaration

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filed by Defendant on March 19, 2019. Defendant has stated no good reason for not filing a response to such declaration by March 26, 2019. Further, Plaintiff did not indicate at the March 12, 2019 hearing that he would need additional time to respond to the declaration due to medical reasons. Accordingly, the court will rule on the Motion for Sanctions based upon all pleadings filed by the parties as of March 26, 2019. No extension of time will be granted to Plaintiff.

Substantive Analysis

The Motion was filed pursuant to Rule 11 of the Federal Rules of Civil Procedure. As this is a bankruptcy matter, Rule 9011 of the Federal Rules of Bankruptcy Procedure (FRBP) applies. Rule 9011 is virtually identical to Rule 11. The court, therefore, deems the Motion to be one under Rule 9011. The standards for Rule 11 and Rule 9011 are substantively similar.

Under Rule 9011(b), every person filing a “petition, pleading, written motion, or other paper” with the bankruptcy court makes four certifications to the best of his “knowledge, information and belief” formed after a reasonable inquiry. Fed. R. Bankr. P. 9011(b). Three are relevant here. The first is a certification that the paper is not presented for any improper purpose. FRBP 9011(b)(1). The second is that the legal contentions in the paper have a basis in existing law, or a nonfrivolous argument either for the law's extension, modification, or reversal, or for the establishment of new law. FRBP 9011(b)(2). The third is that the paper's factual contentions have evidentiary support or, if specifically identified as such, are likely to have support after a reasonable opportunity for further investigation. FRBP 9011(b)(3). If the Rule is violated, the violator can be sanctioned. FRBP 9011(c).

Under Rule 9011, a filing is frivolous if it is “both baseless—lacks factual foundation—and made without a reasonable and competent inquiry.” *In re Blue Pine, Inc.*, 457 B.R. at 75 (citing *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1362 (9th Cir.1991) (en banc)). A party “has a duty to conduct a reasonable factual investigation as well as to perform adequate legal research that confirms that his position is warranted by existing law (or by a good faith argument for a modification or extension of existing law).” *Id.* (citing *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1127 (9th Cir.2002)). “Thus, a

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finding that there was no reasonable inquiry into either the facts or the law is tantamount to a finding of frivolous.” *Id.* (citing *Townsend*, 929 F.2d at 1362).

Rule 9011 applies to *pro se* parties just as it does represented parties and their lawyers. See *Vukadinovich v. McCarthy*, 901 F.2d 1439, 1445 (7th Cir. 1990). By the terms of the rule itself, an “unrepresented party” who presents a paper to the court makes the same certifications under Rule 9011(b) that “an attorney” does. See FRBP 9011(b). Although *pro se* status can be taken into account in imposing sanctions, *Vukadinovich*, 901 F.2d at 1445, it does not relieve a *pro se* party from his duties under the rule. See *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358 (5th Cir.1986) (noting that *pro se* status provides “no impenetrable shield” to sanctions).

In his Motion, Defendant appears to be seeking sanctions under 9011(b)(1) (improper purpose) and 9011(b)(3) (no factual basis). A court may sanction a party if the party files a pleading for an improper purpose, such as to harass, delay, or needlessly increase the cost of litigation. Bankr.Rule 9011(b)(1). A court may also sanction a party if the party files a a pleading containing allegations and factual contentions that do not have evidentiary support or are unlikely to have factual support after a reasonable opportunity for discovery. Bankr.Rule 9011(b)(3).

The “improper purpose clause” in Rule 9011(b)(1) is directed at abusive litigation practices. In the Ninth Circuit, frivolousness and improper purpose are considered on a sliding scale, “where the more compelling the showing as to one element, the less decisive need be the showing as to the other.” *Dressler v. The Seeley Co. (In re Silberkraus)*, 336 F.3d 864, 870 (9th Cir.2003).

The critical question in determining whether Rule 9011(b)(1) has been violated is why the allegedly offending paper was filed. That question is answered by considering whether “objectively ascertainable circumstances” support the inference that the purpose of the filing was improper.

In this case, Plaintiff filed his initial complaint on September 7, 2018, entitled "Complaint to Determine Non-Dischargeability of Debts (11 U.S.C. § 727(a)(2), (3),(4),(7); 11 U.S.C. §727(c),(d),(e);11 U.S.C. §523(a)(2),(4),(6))"

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("Complaint"). Thereafter, in two separate emails sent by Defendant's counsel to Plaintiff on September 10, 2018 and September 11, 2018, counsel admonished Plaintiff that the Complaint failed to set forth specifics facts to support the allegations of tax fraud and bankruptcy fraud. See Declaration of Young Bom Lee Re Meet and Confer [docket #32], Exhibit D. On October 25, 2018, Plaintiff filed his FAC, entitled "First Amended Complaint to Determine Non-Dischargeability of Debts (11 U.S.C. §727(a)(2), (3),(4),(7); 11 U.S.C. § 727(c),(d),(e);11 U.S.C. §523(a)(2),(4),(6))". The only substantive difference between the Complaint and the FAC is that the FAC corrects the amount of the prepetition judgment debt from \$395,183 alleged in the Complaint to \$164,755.13. No additional facts were pled in the FAC regarding tax fraud or bankruptcy fraud. As with the Complaint, the FAC is completely devoid of any factual or evidentiary basis for the conclusory allegations set forth therein, to wit:

1. Regarding Count I of the FAC alleging fraud under 523(a)(2), in paragraphs 3 and 4 alleges that Defendant "made tax report fraud and bankruptcy fraud mainly to avoid payment of products . . ." and that Defendant planned to commit such tax and and bankruptcy fraud at the time he purchased the products from Chul Hui Choi (Plaintiff's predecessor in interest). There are no factual allegations supporting the assertion of tax fraud. As for the allegation that Defendant intended to file bankruptcy at the time of the subject transaction(s), it is undisputed that Plaintiff filed a state court complaint against Defendant on January 22, 2013 alleging that Defendant breached a contract executed by Defendant and Choi on or about April 16, 2009 by failing to pay for products delivered to Defendant by Choi. It is further undisputed that Defendant didn't file the within bankruptcy case until June 4, 2018, approximately nine years after the contract was signed and more than five years after the lawsuit was filed. Such undisputed facts completely undermine Plaintiff's allegation that Defendant planned to file bankruptcy at the time he entered into the agreement with Choi in 2009. See FAC at paragraphs 3, 4, 8, 9, 10, 12.

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2. As for Count II of the FAC, seeking nondischargeability under 523(a)(6), Plaintiff merely recites the language of 523(a)(6), i.e., "willful and malicious injury," and alleges that Defendant "willfully failed to pay [for] products." Plaintiff also repeats that allegation that Defendant planned the 2018 bankruptcy in 2009. See FAC at paragraphs 16-18.

3. As for Counts III and IV, objecting to discharge under 727(a)(3) and (4), Plaintiff merely recites the statutory language and Defendant's monthly deficit. Specifically, Plaintiff alleges that Defendant's bankruptcy schedules list monthly income of \$2740.50 and monthly expenses of \$5,142 but fails to indicate how a monthly deficit is actionable under 727(a)(3) or 727(a)(4). See FAC at paragraphs 20-21, 24, 25.

4. In sum, the FAC, like the Complaint, is virtually devoid of any factual support whatsoever and does not meet the minimum pleading requirements of either Rule 8 of the Federal Rules of Civil Procedure (general pleading) or the more particularized requirements of Rule 9(a) for fraud. Plaintiff's belief that he can file a complaint with no factual content and fill in the facts later through discovery is incorrect and inconsistent with FRCP 8 and 9.

The court notes parenthetically that Plaintiff holds himself out as one who is experienced in legal matters. In his declaration filed in Opposition to the Motion for Sanctions, he states "I have had pretty many experiences in federal civil cases" and that he has "many experiences in demurrers in state cases and motions to dismiss in federal cases." See Opposition to Motion for Sanctions at p. 8, paragraph 3. Indeed, according to a print-out from the records of the Los Angeles Superior Court, Plaintiff filed 165 complaints (mostly small claims and breach of contract claims) from 2000 to 2015. See Declaration of Yong Bom Lee in Support of . . . Motion for Sanctions . . . " filed March 14, 2019, Exhibit D [docket #63].

Based upon all of the foregoing, this finds that sanctions against Plaintiff under FRBP 9011(b) are appropriate. Plaintiff was advised within

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days of filing the Complaint of the lack of factual or evidentiary support for the claims under Sections 523(a) and 727(a) and had an opportunity to either file an amended complaint correcting what should have been obvious deficiencies or not pursue the adversary any further. He chose to file a nearly identical amended complaint that did not address any of the pleading deficiencies, thereby forcing Defendant's counsel to prepare the Motion to Dismiss. Even after receiving the Motion to Dismiss, Plaintiff declined to withdraw it, resulting in the filing of the Motion to Dismiss with the court and necessity of scheduling a hearing on the same. The fact that Plaintiff has extensive experience in preparing complaints and with demurrers is relevant to the court's decisionmaking process. The FAC is so lacking in factual content as to fully support a finding under Rule 9011(b)(2) (allegations are not warranted by existing law, e.g., regarding the elements of fraud under 523(a) (2) or concealment/destruction of documents/failure to maintain records under 727(a)) and especially under Rule 9011(b)(3) (lack of evidentiary support). The Motion is less compelling as to improper purpose, i.e., Rule 9011(b)(1). However, as noted above, the 9th Circuit recognizes a "sliding scale" approach. Plaintiff's willingness to prosecute a dischargeability action despite the lack of factual or evidentiary support could be deemed an improper purpose within the meaning of 9011(b)(1).

Additional Comment:

Plaintiff accuses Defendant's attorney of "bullying." Opposition at p. 8. However, the court can discern no evidence of such conduct by Defendant's counsel based upon the pleadings filed in connection with the Motion to Dismiss and the Motion for Sanctions. On the contrary, Plaintiff himself has, by his own admission, engaged in improper conduct in this case. Specifically, he admits that on December 27, 2018, during the pendency of this adversary proceeding and while the automatic stay was in effect, and knowing Defendant was represented by counsel, he drove to Defendant's home for the purpose of making direct contact with Defendant. See Opposition at p. 10. Plaintiff refers to Defendant's attorney's subsequent warning to cease such

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conduct as "bullying." The attorney's reaction to Plaintiff's improper home visit was reasonable and appropriate under the circumstances.

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
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10:30 AM

8:18-13002 Russell Lane

Chapter 13

#20.00 Hearing RE: Debtor's Motion for Order Approving Settlement Agreement with Canyon Estates Homeowners Association A Nonprofit Mutual Benefit Corporation, Desert Resort Management, Inc. dba Desert Resort Management

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Russell Lane

Represented By
Andy C Warshaw

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

8:18-13002 Russell Lane

Chapter 13

#21.00 Hearing RE: Final Application for Allowance of Compensation and Reimbursement of Expenses of Law Office of Jeff M. Yoss, Personal Injury Counsel for Debtor for the Period of July 1, 2019 through February 6, 2019

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Russell Lane

Represented By
Andy C Warshaw

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:18-13002 Russell Lane

Chapter 13

#21.10 STATUS CONFERENCE Hearing RE: Chapter 13 Trustee's Motion for Determination of Extent of Exemption in Personal Injury Cause Action Proceeds

FR: 12-20-18
(Advanced 6-20-19)

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. (XX)

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.

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CONT... Russell Lane

Chapter 13

April 4, 2019

Deny Motion.

Trustee has not filed any substantive objection to the Debtor's recovery of \$143,169.72. More specifically, Trustee has not presented any persuasive argument or evidence to overcome the presumed validity of the exemption claimed by Debtor. *See, In re Tallerico*, 532 B.R. 774, 790 (Bankr.E.D.Cal.2015); *In re Diaz*, 547 B.R. 329, 336 (9th Cir. BAP 2016) ("Generally, a debtor's claimed exemption is presumptively valid, and the party objecting to a debtor's exemption has the burden of proving that the exemption is improper" "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."). This hearing was scheduled for June 20, 2019; however, the parties agreed to advance the hearing to this date without benefit of any additional briefing by Trustee. Based on what has been presented thus far, the court has no basis for denying the exemption.

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
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Hearing Room 5A

10:30 AM

8:18-13273 Cyrus P. Manalo and Marissa Sinlao Manalo

Chapter 7

#22.00 Hearing RE: Chapter 7 Trustee Thomas H. Casey's Motion for Order Approving Sale and Settlement Agreement with the Debtors and Authorizing the Trustee to Abandon Real Property

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

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):

Cyrus P. Manalo

Represented By
Sundee M Teeple

Joint Debtor(s):

Marissa Sinlao Manalo

Represented By
Sundee M Teeple

Trustee(s):

Thomas H Casey (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:18-13396 Eric R. Kretzschmar

Chapter 13

#23.00 Hearing RE: Debtor's Objections to Claim of Capital One Bank (USA), N.A.
(Claim #13)

Docket 39

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Debtor's Objection to Claim #13 filed 3/11/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Debtor's Objection to Claim #
13 filed 3/11/2019 - td (3/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric R. Kretzschmar

Represented By
Stephen Parry

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, April 4, 2019

Hearing Room 5A

10:30 AM

8:19-10451 Jeff Wayne Niblack

Chapter 7

#24.00 Hearing RE: ORDER to show cause re dismissal for failure to comply with rule 1006(B) -installments (\$83.75 Installment Payment Due 2/28/2019) (OSC Issued 3/6/2019)

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Dismiss case due to failure to make February 28, 2019 and March 15, 2019 petition fee installment payments.

Party Information

Debtor(s):

Jeff Wayne Niblack

Pro Se

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, April 4, 2019

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., et al

#25.00 CON'TD Hearing RE: Plaintiff's Motion for Leave (if Necessary) to Amend the Trustee's Operative Complaint

FR: 1-31-19

Docket 61

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

Tentative Ruling:

January 31, 2019

No tentative ruling. The Movant will be allowed a maximum of 10 minutes to highlight arguments in favor of the Motion, Defendant will be allowed 10 minutes to respond and Movant will be allowed 5 minutes of rebuttal argument. The matter will then be taken under submission until February 14, 2019 at 10:30 a.m., at which time the court will issue its oral ruling.

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Represented By
Michael G Spector

**United States Bankruptcy Court
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2:00 PM

CONT... Team Business Solutions, Inc.

Chapter 7

Kirk Nelson

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
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Thursday, April 4, 2019

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., et al

#26.00 Hearing RE: Defendants and SNCR California, Inc. and John Creamer's Motion to Dismiss First Amended Complaint for: 1. Failure to Obtain Leave of Court to Add New Parties and Claims; and 2. Failure to State a Claim Upon Which Relief Can Be Granted

Docket 62

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

Tentative Ruling:

- 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

John Creamer

Represented By
Michael G Spector

Kirk Nelson

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Thomas J Eastmond
Robert P Goe

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2:00 PM

CONT... Team Business Solutions, Inc.

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Thomas J Eastmond
Robert P Goe

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Thursday, April 4, 2019

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., et al

#27.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19; 3-12-19

Docket 55

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)

CONTINUED: Status Conference Continued to 4/4/19 at 2:00 p.m., Per Hearing Held 1/31/19 (XX) - td (2/5/2019)

Tentative Ruling:

- 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

John Creamer

Pro Se

Kirk Nelson

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

2:00 PM

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

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, April 11, 2019

Hearing Room 5A

9:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#1.00 STATUS CONFERENCE RE: First Amended Complaint Against Steve Woo; Johnne Woo; Kelsey Woo; Related Management; and Kaufman Wu, Manager for Related Management for (1) Avoidance of Fraudulent Transfers Pursuant to 11 USC 548

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 9, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Pro Se

Kaufman Related Management

Pro Se

**United States Bankruptcy Court
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Thursday, April 11, 2019

Hearing Room 5A

9:30 AM

CONT... EQD Corporation

Chapter 7

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

**United States Bankruptcy Court
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Thursday, April 11, 2019

Hearing Room 5A

9:30 AM

8:17-11063 Karem Angelica Blair

Chapter 7

Adv#: 8:17-01112 Herrera et al v. Blair

#2.00 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; 12-6-18; 1-24-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/11/2019 AT 9:30 A.M.,
PER ORDER ENTERED 4/3/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Continued to 7/11/2019 at 9:30 a.m., Per Order Entered
4/3/2019 (XX) - td (4/3/2019)**

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

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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.

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.

Party Information

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, April 11, 2019

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, April 11, 2019

Hearing Room 5A

9:30 AM

8:17-14406 Kirk M. Nelson

Chapter 7

Adv#: 8:19-01016 Marshack v. Nelson

#3.00 STATUS CONFERENCE RE: Complaint: 1. To Determine Non-Dischargeability Of Debt Pursuant to 11 U.S.C. Section 523(a)(3)(B)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Kirk M. Nelson

Represented By
J Scott Williams

Defendant(s):

Kirk M Nelson

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Robert P Goe
Thomas J Eastmond

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 11, 2019

Hearing Room 5A

9:30 AM

8:18-12656 Jenny Kristin Porter

Chapter 7

Adv#: 8:18-01195 La Paz Mortgage, Inc. v. Porter

#4.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6)

FR: 1-17-19; 1-31-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/11/2019 AT 9:30 A.M.,
PER ORDER ENTERED 4/5/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/11/2019 at 9:30 a.m., Per
Order Entered 4/5/2019 (XX) - td (4/5/2019)**

Tentative Ruling:

January 31, 2019

Continue Status Conference to April 11, 2019 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 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, April 11, 2019

Hearing Room 5A

9:30 AM

CONT... Jenny Kristin Porter

Chapter 7

Party Information

Debtor(s):

Jenny Kristin Porter

Represented By
Christopher J Langley

Defendant(s):

Jenny Kristin Porter

Pro Se

Plaintiff(s):

La Paz Mortgage, Inc.

Represented By
Hamid R Rafatjoo
Alan J Kessel

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, April 11, 2019

Hearing Room 5A

10:00 AM

8:17-13137 Maryam Teimoori

Chapter 7

#5.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

JAY JAMSHHASB

VS.

DEBTOR

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue hearing to May 9, 2019 at 10:00 a.m. to allow Movant to correct defective service -- Debtor was not served per LBR 4001-1(c)(1)(C)(i). Service to Debtor's attorney only is insufficient.

Tentative ruling for 5/9/19 hearing: Grant the limited relief requested in the Motion, i.e. determination of marital status only (Motion at p. 6).

Note: If Movant and Trustee accept the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Maryam Teimoori

Represented By
James D. Hornbuckle

Movant(s):

Jay Jamshhasb

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

CONT... Maryam Teimoori

Manfredo E Lespier

Chapter 7

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, April 11, 2019

Hearing Room 5A

10:00 AM

8:18-10408 Deborah Ambrose

Chapter 13

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

CALIBER HOME LOANS, INC.

VS.

DEBTOR

Docket 62

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 4/9/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 4/9/2019 - td (4/9/2019)**

Tentative Ruling:

April 11, 2019

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):

Deborah Ambrose

Represented By
Todd B Becker

Movant(s):

Caliber Home Loans, Inc.

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

CONT... Deborah Ambrose

Chapter 13

Melissa A Vermillion
Ashlee Fogle
Erin Elam
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, April 11, 2019

Hearing Room 5A

10:00 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
BAYVIEW LOAN SERVICING, LLC
VS.
DEBTORS

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Grant with 4001(a)(3) waiver and all other relief requested in the Motion except relief request #11, which is denied.

This court does not grant *in rem* relief in perpetuity as relief request #11 provides.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Amir Keivan Hedayat

Represented By
J Scott Williams

Joint Debtor(s):

Minou M. Hedayat

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

**CONT... Amir Keivan Hedayat and Minou M. Hedayat
J Scott Williams**

Chapter 11

Movant(s):

Bayview Loan Servicing, LLC as

Represented By
Todd S Garan

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

8:18-14314 Samantha Sim Phong

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

WENJUN HAN

VS.

DEBTOR

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Samantha Sim Phong

Represented By
Alex L Benedict

Movant(s):

Wenjun Han

Represented By
Luke P Daniels

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 11, 2019

Hearing Room 5A

10:00 AM

CONT... Samantha Sim Phong

Chapter 7

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

8:19-10389 Charles G Krebs and Lindsey E Krebs

Chapter 7

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

MECHANICS BANK

VS.

DEBTOR; AND RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE

Docket 26

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 3/22/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 3/22/2019 - td (3/22/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles G Krebs

Represented By
Brian C Whitaker

Joint Debtor(s):

Lindsey E Krebs

Represented By
Brian C Whitaker

Movant(s):

MECHANICS BANK

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, April 11, 2019

Hearing Room 5A

10:00 AM

8:19-10495 Michael Molina

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SCHOOLSFIRST FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

Michael Molina

Represented By
Joseph M Tosti

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

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 11, 2019

Hearing Room 5A

10:00 AM

CONT... Michael Molina

Chapter 7

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

8:19-10736 Mary Ann Nunez Patricio

Chapter 7

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

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

Mary Ann Nunez Patricio

Represented By
Jeffrey D Larkin

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

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 11, 2019

Hearing Room 5A

10:00 AM

CONT... Mary Ann Nunez Patricio

Chapter 7

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

8:19-10770 Frankie Manuel Gonzales, Jr. and Jacqueline Gonzales

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
JOHN CHUNCHI WEI, WENDY LYNN WEI
VS.
DEBTORS

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

Frankie Manuel Gonzales Jr.

Represented By
David Lozano

Joint Debtor(s):

Jacqueline Gonzales

Represented By
David Lozano

Movant(s):

John Chunchi Wei, Wendy Lynn Wei

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

**CONT... Frankie Manuel Gonzales, Jr. and Jacqueline Gonzales
Barry L O'Connor**

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 11, 2019

Hearing Room 5A

10:00 AM

8:19-10868 Nelson Antonio Perez Arita

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
ARNEL MANAGEMENT COMPANY
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue hearing to May 9, 2019 at 10:00 a.m. to allow Movant to correct defective service -- Debtor was not served per LBR 4001-1(c)(1)(C)(i). Service to Debtor's attorney only is insufficient.

Tentative ruling for 5/9/19 hearing (if unopposed): Grant with 4001(a)(3) relief

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

Party Information

Debtor(s):

Nelson Antonio Perez Arita

Represented By
Randy Alexander

Movant(s):

ARNEL MANAGEMENT

Represented By
Scott Andrews

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

Thursday, April 11, 2019

Hearing Room 5A

10:00 AM

CONT... Nelson Antonio Perez Arita

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:11-12718 Norman Wright Branyan

Chapter 11

#14.00 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; 10-11-18

Docket 549

***** VACATED *** REASON: OFF CALENDAR: Order Re Motion of Reorganized Debtor for Final Decree and Order Closing Case [Docket #731] Entered 3/13/2019**

Courtroom Deputy:

OFF CALENDAR: Order Re Motion of Reorganized Debtor for Final Decree and Order Closing Case [Docket #731] Entered 3/13/2019 - td (3/13/2019)

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

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

Continue postconfirmation status conference to April 16, 2015 at 10:30 a.m.; updated status report to be filed by April 2, 2015 (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 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)

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

Thursday, April 11, 2019

Hearing Room

5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

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. (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

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Norman Wright Branyan

Chapter 11

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 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. (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.

Party Information

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#15.00 Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 2404-2406 5th St, Los Angeles, CA 90019 and to Avoid Second Lien on Greenpoint Mortgage Funding, Inc. CMAC Mortgage, LLC, Ocwen Loan Servicing, Their Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

Docket 195

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#16.00 CON'TD Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 2404-2406 5th St, Los Angeles, CA 90019 and to Avoid Second Lien of GMAC Mortgage, LLC, Ocwen Loan Servicing, Their Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19; 2-12-19; 3-12-19

Docket 177

***** VACATED *** REASON: OFF CALENDAR: Debtor's Voluntary Dismissal of Motion filed 3/27/2019**

Courtroom Deputy:

OFF CALENDAR: Debtor's Voluntary Dismissal of Motion filed 3/27/2019 - td (3/28/2019)

Tentative Ruling:

January 10, 2019

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to provide documentary evidence of the holder of the junior lienholder on the subject property by or before January 22, 2019 (with amended notice if necessary) (XX)

Basis for Tentative Ruling:

Although the court is inclined to grant the motion based on the merits, Debtor has not provided any documentary evidence identifying the holder or authorized agent of the holder of the second deed of trust and, therefore, this court cannot ascertain whether service of this contested matter is proper.

Note: If Debtor 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, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Luis P Sinibaldi

Chapter 11

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

8:12-11351 Luis P Sinibaldi

Chapter 11

#17.00 CON'TD Hearing RE: Reorganized Debtor's Motion to Determine Value of Collateral as to Second Note and Deed of Trust on Property Located at 1641-1643 S. Orange Dr., Los Angeles, CA and to Avoid Second Lien of Impact Funding, Inc., its Successors and/or Assigns Under 11 U.S.C. Section 506(A) & (D)

FR: 1-10-19; 2-12-19; 3-12-19

Docket 179

***** VACATED *** REASON: OFF CALENDAR: Reorganized Debtor's
Voluntary Dismissal of Motion filed 3/26/2019**

Courtroom Deputy:

**OFF CALENDAR: Reorganized Debtor's Voluntary Dismissal of Motion
filed 3/26/2019 - td (3/27/2019)**

Tentative Ruling:

January 10, 2019

[This tentative ruling has been modified since its original posting]

Continue hearing to February 12, 2019 at 10:30 a.m. to allow Debtor to 1) provide proper service on the current holder of the second deed of trust on the subject property, and 2) file documentary evidence identifying the holder of the second deed of trust by or before January 22, 2019. (XX)

Basis for Tentative Ruling:

Preliminary statement: The statements and evidence in support of this Motion are all over the place, making a coherent review of the same nearly impossible.

Although the court is inclined to grant the motion based on the merits, there are issues that need to be addressed:

1. Debtor represents that the first deed of trust was transferred from Express

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT...

Luis P Sinibaldi

Chapter 11

Capital Lending to Wells Fargo Bank with BofA as servicer on April 19, 2019 and directs the court to Exhibit 1, which is the proof of claim filed by BofA, the presumed holder of the first deed of trust. However, documents attached to the proof of claim also seem to show that a) Express Capiral Lending assigned a note/deed of trust (not clear if it's the first or second) to Impac Funding Corp. [Exhibit 1, p.49] and b) **Impac Funding Corp** assigned its interest in the first deed of trust on April 19, 2012 (postpetition) to Wells Fargo Bank with BofA as apparent servicer. [Exhibit 1, p. 50].

2. There is no documentation or other credible evidence that identifies Impac Funding Corporation, or any other entity, as the holder of the second deed of trust. Accordingly, the court cannot determine whether service of the Motion was proper.

3. Debtor needs do his research and determine the identity of the holder of the second deed of trust and properly serve that entity. Parenthetically, Debtor also needs to remit plan playments to such entity if it is someone other than Impac.

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

Party Information

Debtor(s):

Luis P Sinibaldi

Represented By
Michael R Totaro

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

#18.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim No. 7-1 filed by Ally Bank Serviced by Ally Servicing LLC

Docket 97

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

Brian Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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 11, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

#19.00 Hearing RE: Chapter 7 Trustee's First Omnibus Motion for Order Reducing the Claims that were Partially Satisfied Prior to Conversion of Case to One Under Chapter 7

Claim #5-1 Department Stores National Bank/Macy's\$2,700.07

Claim #9-1 Portfolio Recovery Associates, LLC \$10,145.60

Claim #10-1 Quantum3 Group LLC as Agent for Moma Funding LLC \$8,056.71

Claim #11-1 Portfolio Recovery Associates, LLC \$19,984.28

Claim #12-1 Portfolio Recovery Associates, LLC \$2,791.07

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Grant Motion.

Special note: Trustee is cautioned to strictly comply with LBR 3007-1(e) re future omnibus motios.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

Debtor(s):

Brian Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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 11, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#20.00 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; 10-18-18

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.***

October 18, 2018 [GOLD STAR PLEADING]*

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

Continue postconfirmation status conference to April 11, 2019 at 10:30 a.m.; updated status report must be filed by March 28, 2019. (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.

**Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading. The postconfirmation status report [docket #559] qualifies for a Gold Star designation.*

April 11, 2019

Continue post-confirmation hearing to November 7, 2019 at 10:30 a.m.; updated status report must be filed by October 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 Debtor's responsibility to confirm compliance with the US Trustee in advance of the hearing.

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 11, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#21.00 CONT'D Hearing RE: Objection to Claim Nos. 4-1, 9-1, 7-1, and 10-1 filed by Sylvie Masson, Filed by Petitioning Creditors Andrew Moore, Pacific M International Corp.
[Affects All Debtors]

Cl. #4-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12110-ES)

Cl. #9-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12106-ES)

Cl. #7-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:12-12109-ES)

Cl. #10-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12112-ES)

FR: 3-12-19

Docket 289

***** VACATED *** REASON: CONTINUED TO 6/L20/2019 AT 10:30
A.M., PER ORDER ENTERED 4/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/20/2019 at 10:30 a.m., Per Order
Entered 4/8/2019 (XX) - td (4/8/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#22.00 Hearing RE: Plaintiff's Motion for a Protective Order Staying All Discovery Until Determination of Plaintiff's Pending Motion for Summary Judgment

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Grant motion for protective order pending determination of pending Motion for Summary Judgment.

Basis for Tentative Ruling:

The SJ Motion is scheduled to take place on May 9, 2019 and addresses the legal issue of the preclusive effect, if any, of the state court judgment on the dischargeability of the debt that is the subject of this adversary proceeding. The opposition states no basis for the necessity of the discovery requests, which are extensive and seek, *inter alia*, documents, bank statements, and other financial records going back several years, for its defense of the SJ Motion.

Additional comments:

The stay of this adversary proceeding, including discovery, expired upon the entry of the BAPs decision regarding this court's order authorizing the sale of Debtor's appeal rights to Plaintiff in August 2018. See this court's order entered January 24, 2018 [docket #43]. The January 24, 2018 Order permitted motions for additional stays but no such motion was filed by any party until Plaintiff filed the instant motion. Technically, the production of pending discovery became due in August 2018 (or at least by September 30, 2018 -- 30 days after the BAP

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Chad Paul Delannoy Chapter 7

ruling). That said, even though the stay of the adversary expired in August 2018, Defendant did not file his motion to compel until several months later and after the SJ Motion was filed.

Likely tentative ruling re the April 18 2019 Motion to Compel: Grant motion but production not due until 30 days after ruling on the SJ Motion and deny request for attorneys fees given the fact that Defendant waited 7 months to file the motion.

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:17-12412 Curtis William Hague

Chapter 7

#23.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:17-12412 Curtis William Hague

Chapter 7

#24.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[BURD & NAYLOR, ATTORNEY FOR KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 84

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:17-12412 Curtis William Hague

Chapter 7

#25.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[RINGSTAD & SANDERS LLP, SPECIAL COUNSEL FOR KAREN SUE
NAYLOR, CHAPTER 7 TRUSTEE]**

Docket 86

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:17-12412 Curtis William Hague

Chapter 7

#26.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From September 5, 2017 through November 5, 2018

**[HAHN FIFE & COMPANY, ACCOUNTANT FOR KAREN SUE NAYLOR,
CHAPTER 7 TRUSTEE]**

Docket 81

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

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):

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, April 11, 2019

Hearing Room 5A

10:30 AM

8:18-14558 Cathy Marie Estrella

Chapter 13

#27.00 Hearing RE: Debtor's Objection to Claim of Montana Del Lago Maintenance Corporation (Claim 8) and Motion for Order Disallowing Claim

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Overrule Objection without prejudice

Basis for Tentative Ruling:

1. Debtor fails to provide documentary evidence of her spouse's active duty deployment. The Motion is silent as to which of the armed services the spouse is employed and contains contradictory, unsubstantiated statements regarding the dates of active duty. See, e.g., Motion at p. 2; line 13 -- states active duty as being between April 1, 2015 through July 31, 2016 with the SCRA protection period being through July 2017, and compare with Motion at p. 4, line 17-20 indicating active deployment as April 2015 - July 2015 and the SCRA protection period as being through July 2016.
2. Debtor has provided no evidence of her spouse's interest in the Debtor's residence. In her Schedule A/B, Debtor indicates that she alone owns the property and she lists no co-debtors in Schedule H. The SCRA Sec. 3953 applies only to "an obligation on real or personal property *owned by a service member.*" (emphasis added). Similarly, the 6% cap set forth in SCRA 3927 only applies to debts of the servicemember.
3. SCRA 3953(c) protects a servicemember from foreclosure as to property the servicemember owns and that is secured by a "mortgage, trust deed, or other

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

Thursday, April 11, 2019

Hearing Room 5A

10:30 AM

CONT... Cathy Marie Estrella

Chapter 13

security in the nature of a mortgage." Debtor provides no legal authority for the proposition that an HOA lien is "in the nature of a mortgage." Indeed, mortgage is, by its nature, a voluntary lien whereas an HOA assessment lien is an involuntary lien.

4. Debtor provides no legal authority supporting her argument that CC Code 5600(b)(1) limits collection fees and costs to an amount less than the amount of the assessments balance. CC 5600(b)(1) actually states that an association may not impose an assessment or fee that exceeds "the amount necessary to defray the costs for which it is levied." No cap is imposed.

5. Debtor states in conclusory fasion that the attorneys fees are unreasonable. The court disagrees, especially considering that the default has apparently gone on since approximately 2015.

Party Information

Debtor(s):

Cathy Marie Estrella

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**

Thursday, April 11, 2019

Hearing Room 5A

2:00 PM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#28.00 CONT'D ORAL RULING RE: Plaintiff's Motion for Summary Judgment, or in the Alternative, for Summary Adjudication of Issues **(Holding Date)**

FR: 5-17-18; 7-31-18; 10-25-18; 1-17-19; 1-31-19

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
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, April 11, 2019

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.

April 11, 2019

The parties are to advise the court re the status of the execution of the settlement agreement.

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

Thursday, April 11, 2019

Hearing Room 5A

2:00 PM

CONT... Robert Boyajian

Chapter 11

If the signature of Layla Boyajian remains an issue, Debtor to advise the court why Mrs. Boyajian is not able to sign the settlement agreement.

Party Information

Debtor(s):

Robert Boyajian

Represented By
Michael G Spector
Vicki L Schenum
Jessica G McKinlay

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, April 11, 2019

Hearing Room 5A

2:00 PM

8:14-10918 Robert Boyajian

Chapter 11

Adv#: 8:17-01098 Boyajian v. Ascher & Associates

#29.00 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 **(Holding Date)**

FR: 11-2-17; 5-31-18; 6-21-18; 7-31-18; 10-25-18; 1-17-19; 1-31-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

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.

April 11, 2019

Take matter off calendar in light of settlement.

Party Information

Debtor(s):

Robert Boyajian

Represented By

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

Thursday, April 11, 2019

Hearing Room 5A

2:00 PM

CONT... Robert Boyajian

Chapter 11

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**

Tuesday, April 16, 2019

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., et al

#1.00 ORAL RULING RE: Defendants and SNCR California, Inc. and John Creamer's Motion to Dismiss First Amended Complaint for: 1. Failure to Obtain Leave of Court to Add New Parties and Claims; and 2. Failure to State a Claim Upon Which Relief Can Be Granted

FR: 4-4-19

Docket 62

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Represented By
Michael G Spector

Kirk Nelson

Pro Se

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**

Tuesday, April 16, 2019

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**

Tuesday, April 16, 2019

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., et al

#2.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19; 3-12-19; 4-4-19

Docket 55

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Pro Se

Kirk Nelson

Pro Se

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**

Tuesday, April 16, 2019

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**

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 9:30 A.M.,
PER ORDER ENTERED 4/4/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 6/20/2019 at 9:30 a.m., Per
Order Entered 4/4/2019 (XX) - td (4/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

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

Thursday, April 18, 2019

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

#2.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-6-18; 11-15-18; 12-20-18; 3-19-19

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
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Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, April 18, 2019

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. (XX)

Note: Appearance at today's hearing is not required.

April 18, 2019

Updated status report not filed by April 11, 2019 pursuant to this court's March 8, 2019 Order [docket #15].

Plaintiff to appear and advise the court re the status of negotiations with Defendant.

Party Information

Debtor(s):

Rubin J Skipper	Pro Se
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Defendant(s):

United States Department of	Pro Se
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Plaintiff(s):

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Rubin J Skipper

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, April 18, 2019

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; 12-6-18; 1-31-19; 3-12-19

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.

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III
January 31, 2019

Chapter 7

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

April 18, 2019

In light of pending mediation, continue status conference to June 20, 2019 at 9:30 a.m.; updated status report must be filed by June 6, 2019.

Note: Appearance at this status conference is not required; Plaintiff to serve notice of the continued hearing date/time.

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

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III
Kimberly Amaral

Pro Se

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, April 18, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#4.00 CONT'D STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

(Another Summons Issued 1/31/19)
FR: 1-31-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Impose sanctions in the amount of \$100 against attorney for Plaintiff for failing to timely file a status report. In addition, no proof of service has been filed showing proper service to defendants. Continue hearing to March 21, 2019 at 9:30 a.m. Court to issue OSC re Dismissal for Failure to Prosecute which will be heard on the same date/time as the continued hearing.

Note: Appearance at this hearing is required.

April 18, 2019

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

Continue hearing to May 16, 2019 at 9:30 a.m.; updated status report must be filed by May 2, 2019.

Note: Appearance at this hearing is required. Plaintiff to serve notice of the continued hearing date/time

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

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, April 18, 2019

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; 9-20-18; 12-6-18

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

Continue status conference to December 6, 2018 at 9:30 a.m.; updated status report must be filed by November 29, 2018. (XX)

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Todd Leroy Hinker

Chapter 7

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. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

April 18, 2019

In light of pending state court litigation, continue status conference to September 19, 2019 at 9:30 a.m.; updated status report must be filed by September 5, 2019.

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

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

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... Todd Leroy Hinker

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 18, 2019

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#6.00 CONT'D 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))

FR: 12-6-18; 1-24-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 9:30 AM,
PER ORDER ENTERED 4/5/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 6/20/2019 at 9:30 a.m., Per
Order Entered 4/5/2019 (XX) - td (4/5/2019)**

Tentative Ruling:

Party Information

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

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

Thursday, April 18, 2019

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Kevin Meek

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, April 18, 2019

Hearing Room 5A

9:30 AM

8:19-10009 Future Income Payment LLC

Chapter 7

#7.00 CON'TD STATUS CONFERENCE RE: Chapter 7 Involuntary Petition

FR: 3-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Trail status conference to the 10:30 a.m. calendar, same time as the hearing on the motion to dismiss the involuntary petition.

March 12, 2019

Trail status conference to the 10:30 a.m. calendar, same time as the hearing on the motion to dismiss.

April 18, 2019

Off Calendar. See tentative ruling for #29.

Party Information

Debtor(s):

Future Income Payment LLC

Pro Se

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

8:16-12869 William Waller and Sandra Waller

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTORS

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

William Waller

Represented By
Andrew Moher

Joint Debtor(s):

Sandra Waller

Represented By
Andrew Moher

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... William Waller and Sandra Waller

Chapter 13

Movant(s):

U.S. Bank National Association

Represented By
April Harriott
Keith Labell
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, April 18, 2019

Hearing Room 5A

10:00 AM

8:17-11275 Peter Sean Peralta

Chapter 13

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

MATRIX FINANCIAL SERVICES CORPORATION

VS.

DEBTOR

Docket 27

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 4/12/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 4/12/2019 - td (4/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Sean Peralta

Represented By
Heather J Canning

Movant(s):

Matrix Financial Services

Represented By
Mark S Krause
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, April 18, 2019

Hearing Room 5A

10:00 AM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#10.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTORS

FR: 1-31-19; 3-12-19

Docket 94

***** VACATED *** REASON: OFF CALENDAR: Stipulation Resolving Motion for Relief from Stay filed 4/5/2019; Notice of Voluntary Dismissal of a Contested Matter filed 4/5/2019**

Courtroom Deputy:

OFF CALENDAR: Stipulation Resolving Motion for Relief from Stay filed 4/5/2019; Notice of Voluntary Dismissal of a Contested Matter filed 4/5/2019 - td (4/5/2019)

Tentative Ruling:

January 31, 2019

Grant motion without 4001(a)(3) waiver if Debtors are not post-confirmation current with payments.

Debtors' opposition re to the Motion based on standing and other non-monetary grounds is overruled for the following reasons:

1. None of Debtors' standing arguments or authority are persuasive -- the court is surprised that Counsel is raising stale standing/"free house" issues that are not supported by applicable California law.

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

Thursday, April 18, 2019

Hearing Room

5A

10:00 AM

CONT... **Julio Cesar Torres and Norma Giselle Torres**

Chapter 13

2. More importantly, Debtors voluntarily entered into a postpetition loan modification agreement with Movant's servicer Ocwen and even sought and obtained an order from this court approving the same. See motion requesting approval of the loan modification [docket #33] and order approving the same [docket #49]. According to the "permanent" loan modification more than \$254,000 in prepetition arrears were deemed cured and added to principal. DO DEBTORS NOW WISH TO UNDUE THE LOAN MODIFICATION AGREEMENT?!

3. Debtors mentioned nothing about standing issues re either the loan modification agreement or re their claim objection to Claim #12 -- the objection to the claim was based solely on the fact that prepetition arrearages has been removed via the loan modification agreement. [docket #36]. This court sustained that portion of the claim objection. See Order at docket #54. Debtors' arguments in their opposition to the instant Motion would effectively render moot this court's prior rulings regarding the loan modification and claims objection. IS THIS WHAT DEBTORS' REALLY WANT?

4. In light of the court's comments 2 and 3 above, Debtors are judicially estopped from raising any standing issues.

Note: Unless the parties are able to reach a stipulation, appearances at this hearing are required. If the parties need more time to work out an agreement, they may request a continuance to March 12, 2019 or March 19, 2019 at 10:00 a.m. during the the Clerk's calendar roll call.

March 12, 2019

Movant to advise the court re the status of this matter. If more time is needed, the hearing may be continued to April 11, 2019 or April 18 at 10:00 a.m. by requesting a continuance during the Clerk's calendar roll call.

Party Information

Debtor(s):

Julio Cesar Torres

Represented By

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Julio Cesar Torres and Norma Giselle Torres
Anthony B Vigil

Chapter 13

Joint Debtor(s):

Norma Giselle Torres

Represented By
Anthony B Vigil

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry
Theron S Covey

Trustee(s):

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 18, 2019

Hearing Room 5A

10:00 AM

8:18-12186 Thanh Van Nguyen

Chapter 13

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

BANK OF AMERICA, N.A.

VS.

DEBTOR

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

Grant with 4001(a)(3) waiver and co-debtor stay relief unless the parties are able to agree to the terms of an adequate protection order .

Note: If both parties believe that the hearing should be continued to allow time to negotiate the terms of an adequate protection order, the hearing may be continued by requesting the same at the time of the calendar roll call just prior to the hearing. Available continued dates: May 7, 2019, May 9, 2019 and May 16, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Thanh Van Nguyen

Represented By
Seema N Sood

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Thanh Van Nguyen

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 18, 2019

Hearing Room 5A

10:00 AM

8:18-14435 Otis Buchanan, Jr.

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
PORSCHE LEASING LTD. AND PORSCHE FINANCIAL SERVICES, INC.
VS.
DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

Otis Buchanan Jr.

Represented By
Nicholas M Wajda

Movant(s):

Porsche Financial Services, Inc.

Represented By
Stacey A Miller

Porsche Leasing Ltd.

Represented By
Stacey A Miller

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Otis Buchanan, Jr.

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 18, 2019

Hearing Room 5A

10:00 AM

8:18-14619 Matthew Oscar Storman

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
BARRET PULVER
VS.
DEBTOR

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

Grant motion with 4001(a)(3) waiver -- order shall become effective immediately upon its entry on the court docket.

Overrule Debtor's late-filed opposition for the following reasons:

1. Debtor's tenancy in the property located at 8088 Santa Inez Way, Buena Park CA terminated before the filing of this bankruptcy case on December 19, 2019 and the filing of the bankruptcy did not restore Debtor's tenancy in the property.
2. Barret Pulver is the court-appointed executor of the estate of the deceased Thomas Mazibrook and has full authority over the subject property. See Exhibit C to the Motion.
3. Debtor was present at the Unlawful Detainer trial held on November 26, 2019 in Superior Court before Commissioner Glenn Mondo where Commissioner Mondo granted the right of possession to the property to Moving Party Barret Pulver. See Exhibit D to the Motion.

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Matthew Oscar Storman

Chapter 7

4. On December 4, 2018, the Superior Court issued an Unlawful Detainer Judgment for possession of the property in favor of Moving Party Barret Pulver and against Debtor. See Exhibit D to the Motion.

4. On December 4, 2018, the Superior Court issued a Writ of Possession in favor of Barret Pulver

5. The filing of this bankruptcy case has no legal effect whatsoever on order of the Superior Court granting possession of the property to Moving Party Barret Pulver.

6. If Debtor disputes the validity of the Unlawful Detainer Judgment or the Writ of Possession issued by the Superior Court, he will have to present such dispute directly in Superior Court. This court has no authority to set aside either the Unlawful Detainer Judgment or the Writ of Possession.

Party Information

Debtor(s):

Matthew Oscar Storman	Pro Se
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Movant(s):

Barret Pulver	Represented By Paul E Gold
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

8:18-14677 Stacey White Kinney

Chapter 7

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

U.S. BANK N.A.

VS.

DEBTOR

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

Stacey White Kinney

Represented By
Richard G Heston

Movant(s):

U.S. BANK NATIONAL

Represented By
Sean C Ferry

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Stacey White Kinney

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 18, 2019

Hearing Room 5A

10:00 AM

8:19-11141 Douglas Robert Redding and Dana Marie Redding

Chapter 13

#15.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

Douglas Robert Redding

Represented By
Sunita N Sood

Joint Debtor(s):

Dana Marie Redding

Represented By
Sunita N Sood

Movant(s):

Douglas Robert Redding

Represented By
Sunita N Sood
Sunita N Sood
Sunita N Sood

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

Thursday, April 18, 2019

Hearing Room 5A

10:00 AM

CONT... Douglas Robert Redding and Dana Marie Redding Chapter 13

Sunita N Sood
Sunita N Sood
Sunita N Sood

Dana Marie Redding

Represented By
Sunita N Sood
Sunita N Sood
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

Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

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

[EDWARD WOLKOWITZ, CHAPTER 7 TRUSTEE]

Docket 986

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

Approve fees and expenses as requested.

Special Note: Congratulations, Mr. Wolkowitz!

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

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

Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

CONT... Imperial Credit Industries Inc

Chapter 7

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, April 18, 2019

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#17.00 Hearing RE: Final Fee Application for Payment of Fees and Reimbursement of Expenses

[IRELL & MANELLA, COUNSEL TO EDWARD M. WOLKOWITZ, CHAPTER 7 TRUSTEE]

Docket 982

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

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, April 18, 2019

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, April 18, 2019

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#18.00 Hearing RE: Application for Final Compensation

[GURSEY / SCHNEIDER LLP, ACCOUNTANTS FOR THE TRUSTEE]

Docket 981

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

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):

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
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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
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#19.00 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; 12-13-18; 2-7-19

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

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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.

April 18, 2019

Grant the motion, subject to overbid. The sale will take place outside the courtroom.

Overrule Debtors' objection to the sale.

Party Information

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
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#20.00 Hearing RE: Motion by Defendant Chad Paul Delannoy to Compel Plaintiff Woodlawn Colonial, L.P. to Produce Documents and for an Award of Attorney's Fees and Expenses against Woodlawn Colonial, L.P., filed by Counter-Claimant Chad Paul Delannoy

Docket 67

***** VACATED *** REASON: CONTINUED TO 5/9/2019 AT 2:00 P.M.,
PER ORDER ENTERED 4/15/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 5/9/2019 at 2:00 p.m., Per Order
Entered 4/15/2019 (XX) - td (4/15/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Plaintiff(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

Trustee(s):

Thomas H Casey (TR)

Represented By

**United States Bankruptcy Court
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CONT... Chad Paul Delannoy

Thomas H Casey
Kathleen J McCarthy

Chapter 7

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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#21.00 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; 12-13-18

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

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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

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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. (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

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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.

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).

April 18, 2019

Dismiss case.

This case has now been pending for nearly two years with no contemplated plan of reorganization. Debtor wishes to continue to prop up this empty case up for the sole purpose of executing an agreement with an apparently reluctant IRS. The IRS apparently seems to have no sense of urgency regarding this case. Counsel for the IRS represented to the court on November 13, 2018 that approval from D.C. of the settlement should be obtained within 60-90 days. However, five months later, there is no approval in sight. Debtor will need to resolve its issues with the IRS outside bankruptcy.

Party Information

Debtor(s):

C.B.S.A. Family Partnership

Represented By

**United States Bankruptcy Court
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10:30 AM

CONT... C.B.S.A. Family Partnership

Jerome Bennett Friedman

Chapter 11

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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#22.00 Hearing RE: Motion to Determine Fees Expenses and Charges Claimed by Premier Home Solutions, Inc.

Docket 66

*** VACATED *** REASON: CONTINUED TO 5/16/2019 AT 10:30 A.M.,
PER ORDER ENTERED 4/16/2019 (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 5/16/2019 at 10:30 a.m., Per Order Entered 4/16/2019 (XX) - td (4/16/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daphne Alt

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#23.00 Post-Confirmation Status Conference

(Set Per Order Entered 10/15/18)

Docket 81

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
in Chapter 11 Case for the Entry of an Order Closing Case on Interim Basis;
Case Closed 2/28/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion in Chapter 11 Case for the
Entry of an Order Closing Case on Interim Basis; Case Closed
2/28/2019 - td (2/28/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Elizabeth Schaffer

Represented By
Andrew S Bisom

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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#24.00 Hearing RE: Debtors' First Amended Chapter 11 Disclosure Statement

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

The First Amended Disclosure Statement appears to be just as inadequate as the original. The court is leaning toward denying approval of this one as well.

Comments re the First Amended Disclosure Statement (DS)

1. An order granting relief from stay to BNYM was entered on April 15, 2019. Debtors need to address the impact of the RFS Order on the pending plan and disclosure statement.
2. DS, pg 5: Debtor lists FMV as \$2.7M. Is this realistic in light of a) The bank's appraisal of \$2.2M and b) the impending foreclosure?
3. DS, pg. 6:lines 3-13: Needs to be revised to reflect RFS being granted. See also pp. 8, 10, 11 and 13 and Exhibit A.
4. DS, pg. 6: Debtors need to describe the Fresno commercial property owned by their LLC, as well as its value and liens against it. Does the property operate at a profit or must Debtors contribute from their own funds to maintain it each month?
5. DS, pg. 7: Debtors need to describe the litigation with US Bank pending in state court and how/when the litigation will be prosecuted. How will Debtors fund the litigation?

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10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11

6. DS, pg. 12: Debtors indicate that if the Lemon Heights property is surrendered (or presumably lost through foreclosure), they will make the Tustin property their principal residence. Such a move has 1123(b)(5) implications (prohibition against modifying the terms of a loan securing a debtor's principal residence) which would be inconsistent with the treatment of Class 5.

7. DS, pp.13-14: Re Means of Effectuating the Plan, no financial information is provided whatsoever re Debtors' monthly income Social Security and Pensions. There is a reference on page 14, lines 11-12 to an Exhibit 1 but there is no Exhibit 1 attached to the DS. Exhibit A provides gross rental income but does not provide net rental income or any information regarding monthly expenses necessary to maintain the rental properties.

8. No motion to employ a real estate broker has been filed re the Camino Santa Elise property though the plan provides for a sale prior to the effective date.

9. No mention of the \$2,000 postpetition retainer paid to Debtors' counsel

10. The County of Orange has filed a secured claim in the amount of \$37,900.50 that is not treated in the Plan. POC 4-1.

11. Is Debtor postpetition current on the properties that are being retained under the Plan?

Party Information

Debtor(s):

Amir Keivan Hedayat

Represented By
J Scott Williams

Joint Debtor(s):

Minou M. Hedayat

Represented By
J Scott Williams

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Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#25.00 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; 12-20-18; 1-31-19; 3-21-19

Docket 1

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)

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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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

March 21, 2019

Continue chapter 11 status conference to April 18, 2019 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required. (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.

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CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

April 18, 2019

No tentative ruling; outcome will depend upon the disposition of #24 on today's calendar.

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
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-12681 Graciela Garcia

Chapter 13

#26.00 Hearing RE: Debtor's Objection to Proof of Claim #4-1 (McIntyre Law Group and Sutter Creek Homeowner's Association)

Docket 43

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Proof of Claim filed 3/25/2019 by Attorney for Creditor Sutter Creek Homeowners Association; Debtor's Notice of Voluntary Withdrawal of Objection to Proof of Claim #4-1 filed 3/27/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Proof of Claim filed 3/25/2019 by Attorney for Creditor Sutter Creek Homeowners Association; Debtor's Notice of Voluntary Withdrawal of Objection to Proof of Claim # 4-1 filed 3/27/2019 - td (3/27/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graciela Garcia

Represented By
Joseph Arthur Roberts

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-14471 Heriberto Moreno

Chapter 13

#27.00 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 22

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to 11 U.S.C. Section 329 Entered 4/8/2019**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to 11 U.S.C. Section 329 Entered 4/8/2019 - td (4/8/2019)

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
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Thursday, April 18, 2019

Hearing Room 5A

10:30 AM

8:18-14661 Kristy Lorraine Haffar and Mark S Haffar

Chapter 13

#28.00 CON'TD Hearing RE: Debtors' Motion Objecting to Proof of Claim Filed by JPMorgan Chase Bank N.A.

FR: 3-12-19

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Continue hearing to April 18, 2019 at 10:30 a.m. to allow Debtor correct service issue -- JPMorgan Chase Bank not served per FRBP 7004(h) as required by FRBP 3007(a)(2) for insured depository institutions. (XX)

Tentative ruling for 4/18/19 hearing (if unopposed): Grant

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

April 18, 2019

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.

Party Information

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CONT... Kristy Lorraine Haffar and Mark S Haffar

Chapter 13

Debtor(s):

Kristy Lorraine Haffar

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Mark S Haffar

Represented By
Brian J Soo-Hoo

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-10009 Future Income Payment LLC

Chapter 7

#29.00 Hearing RE: Order to Show Cause Why Involuntary Chapter 7 Petition Should Not Be Dismissed for Failure to File Schedules (OSC Issued 3/25/2019)

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

Dismiss the involuntary petition under Section 305(a)(1) in light of the fact that this court is enjoined from taking any action in this bankruptcy case per the District Court's Order entered in the US District Court for the District of South Carolina, Greenville Division, CR No. 6:19-239 on or about April 12, 2019 ("District Court Receivership Order")

Basis for Tentative Ruling:

The District Court Receivership Order specifically stays all "civil legal proceedings of any nature, including, but not limited to, *bankruptcy proceedings*, arbitration proceedings, . . ." involving any of the "Receivership Entities" [defined as including Debtor]. Supplemental Declaration of Michael Hauser Regarding Attached Supplemental Declaration of William J. Watkins, Jr., Exhibit A at p. 6. (emphasis added).

The stay alone is grounds for dismissal of this bankruptcy case. Abstention accomplishes nothing as the assets of Debtor will be administered by the Federal Receiver in due course.

Additional Comments regarding the OSC:

1. The court previously declined to fully grant the Motion to Dismiss filed by the Peiffer/Rikard claimants, primarily on the ground that the motion was

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10:30 AM

CONT... Future Income Payment LLC

Chapter 7

unsupported by evidence. The court did, however, dismiss the various "AKAs" which are separate and independent business entities (the Bankruptcy Code does not permit joint petitions by affiliated business entities).

2. While the court declined to dismiss the named debtor, Future Income Payment LLC ("Debtor"), at the March 12, 2019 hearing, the court was concerned about the sustainability of the case in light of the federal indictment of Debtor and its principal Scott Kohn. More specifically, it was unclear to the court how accurate schedules could be filed in order to permit the case to be viably administered.

3. Rather than blindly issue a Rule 1007(k) order directing either the interim chapter 7 trustee or a petitioning creditor, the court determined that the best course of action would be to issue an OSC regarding the issue of the schedules. Indeed, the interim trustee indicated at the March 12 hearing that she did not have access to any of Debtor's books and records as the same had been seized by federal authorities as part of a pending criminal investigation.

4. Having reviewed all of the responses to the OSC by the various parties, the court finds the declaration and supplemental declaration of Assistant U.S. Attorney William J. Watkins, Jr. ("Watkins") to be informative, compelling and enlightening. Among other things, Watkins advises that a) the Government has seized virtually all, if not all, of Debtor's books and records and has the best information/documentation of Debtor's financial records; b) the records seizure was part of a federal grand jury investigation and, as such, cannot be shared with the interim bankruptcy trustee or any other party; c) since the March 12 hearing, a Federal Receiver has been appointed by the District Court in South Carolina and such Receiver has wide-ranging access to seized books and records as well as the authority to collect, marshal and take custody and control of assets of Debtor [see Exhibit A to the Supplemental Declaration of William J. Watkins, Jr. -- Docket 66]; d) the FBI has already seized \$2.3M in assets of Debtor and/or its principal Scott Kohn; and e) the Receivership proceeding includes oversight re restitution to victims.

5. It is apparent that the Petitioning Creditors cannot file schedules that

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10:30 AM

CONT... Future Income Payment LLC

Chapter 7

provide reliable information concerning Debtor's true and extensive financial affairs given the investigatory action already taken by the FBI without access to the seized records.

6. In light of all the foregoing circumstances, there is no continuing need or point to the continuation of this involuntary case, even on an abstention basis. Dismissal is appropriate. See, *In re Michael S. Starbuck, Inc., Inc.*, 14 B.R. 134, 135 (Bankr. S.D.N.Y. 1981) (the court dismissed an involuntary case where there was a pending SEC receivership, finding that "there is no need to invoke the machinery of the bankruptcy process if there is an alternative means of achieving the equitable distribution of assets"). The court agrees with the reasoning and application of *Starbuck* to the matter at hand.

Party Information

Debtor(s):

Future Income Payment LLC	Pro Se
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Trustee(s):

Karen S Naylor (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, April 18, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#30.00 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19; 2-12-19

Docket 24

***** VACATED *** REASON: CONTINUED TO 7/11/19 AT 2:00PM, PER ORDER ENTERED 4/15/19 (XX)**

Courtroom Deputy:

CONTINUED: Hearing continued to 7/11/19 at 2:00pm, per order entered 4/15/19 (XX) - td (4/15/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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

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2:00 PM

CONT... Stuart Moore (USA) Ltd.

Jeffrey S Shinbrot
Jeffrey I Golden

Chapter 7

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

Thursday, April 18, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#31.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19; 3-12-19

Docket 3

***** VACATED *** REASON: CONTINUED TO 7/11/19 AT 2:00PM, PER ORDER ENTERED 4/15/19 (XX)**

Courtroom Deputy:

CONTINUED: Status conference continued to 7/11/19 at 2:00pm, per order entered 4/15/19 (XX) - td (4/15/2019)

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required. (XX)

Note: If all parties accept the foregoing tentative ruling, 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

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

Thursday, April 18, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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**

Tuesday, April 23, 2019

Hearing Room 5A

10:00 AM

8:19-10893 SPN Investments Inc

Chapter 11

#1.00 FINAL Hearing RE: Debtor's Emergency Motion for Order Authorizing: (1) Use of Cash Collateral on an Interim Basis; (2) Approving Interim Order Fulfillment Agreement; and (3) Setting Final Hearing on Use of Cash Collateral and Hearing on Section 363 Sale

FR: 3-26-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Tuesday, April 23, 2019

Hearing Room 5A

10:00 AM

8:19-10893 SPN Investments Inc

Chapter 11

#2.00 Hearing RE: Motion For An Order: 1. Approving Asset Purchase Agreement and Authorizing The Sale of Property Free and Clear of Liens, Claims and Interests 2. Approving Overbid Procedures 3. Approving Buyer, Successful Bidder and Backup Bidder As Good-Faith Purchasers 4. Approving Break-up Fee and 5. Authorizing The Assumption and Assignment of Contracts

Docket 26

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Tuesday, April 23, 2019

Hearing Room 5A

10:00 AM

8:19-11377 Siamak Iravantchi

Chapter 7

#3.00 Hearing RE: Emergency Motion to Dismiss Involuntary Petition, or, in the Alternative to Abstain and Authorize the Debtor to Continue to Operate, Use, Acquire, or Dispose of Property; and Reservation of Rights Under 11 U.S.C. Section 303(i)

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Siamak Iravantchi

Represented By
Misty A Perry Isaacson

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

Tuesday, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10426 Adrian Elizarraras

Chapter 13

#1.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 20

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Elizarraras

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10412 Christine H Chung

Chapter 13

#2.00 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 2/8/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 2/8/2019 - td (2/8/2019)**

Party Information

Debtor(s):

Christine H Chung

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10298 Robert W Hickman

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert W Hickman

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10272 John Henry Jarrett

Chapter 13

#4.00 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 2/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 2/15/2019 - td (4/5/2019)**

Party Information

Debtor(s):

John Henry Jarrett

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10271 Herminigilda Garcia Manalo

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Herminigilda Garcia Manalo

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10247 Loren Tramontano and Monique Chevalier

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Loren Tramontano

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Chevalier

Represented By
Paul Y 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**

Tuesday, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10236 Dawn Marie Baker

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Marie Baker

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10234 Maria De La Cruz Flores

Chapter 13

#8.00 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 1/28/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 1/28/2019 - td (1/28/2019)**

Party Information

Debtor(s):

Maria De La Cruz 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, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10229 Tracey Trang Vu

Chapter 13

#9.00 Hearing RE: Confirmation of Second Amended Chapter 13 Plan

Docket 15

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Tracey Trang Vu

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10201 Robert Lynn McEwen

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lynn McEwen

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10177 Doo M Ko

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Voluntary Dismissal of Chapter 13 Entered 1/17/2019;
Case Closed 3/27/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Voluntary
Dismissal of Chapter 13 Entered 1/17/2019; Case Closed 3/27/2019 - td
(4/4/2019)**

Party Information

Debtor(s):

Doo M Ko

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10166 Barbara Jean Bausch

Chapter 13

#12.00 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 2/20/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 2/20/2019 - td (4/4/2019)**

Party Information

Debtor(s):

Barbara Jean Bausch

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10146 Laura Rivera

Chapter 13

#13.00 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 1/22/2019

Courtroom Deputy:

OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 1/22/2019 - td (1/22/2019)

Party Information

Debtor(s):

Laura Rivera

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:19-10141 Jose Manuel Perez Dominguez

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 7

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jose Manuel Perez Dominguez

Represented By
Sam Benevento

Trustee(s):

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10099 Tricia Burke

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 5

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 1/28/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 1/28/2019 - td (1/28/2019)**

Party Information

Debtor(s):

Tricia Burke

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 23, 2019

Hearing Room 5A

1:30 PM

8:19-10067 Jesus Lugo

Chapter 13

#16.00 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 1/28/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 1/28/2019 - td (1/28/2019)**

Party Information

Debtor(s):

Jesus Lugo

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 23, 2019

Hearing Room 5A

1:30 PM

8:18-14661 Kristy Lorraine Haffar and Mark S Haffar

Chapter 13

#17.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 3-26-19

Docket 14

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Kristy Lorraine Haffar

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Mark S Haffar

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:18-14640 Pejman Pirmoradi

Chapter 13

#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Pejman Pirmoradi

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:18-14558 Cathy Marie Estrella

Chapter 13

#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Marie Estrella

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, April 23, 2019

Hearing Room 5A

1:30 PM

8:18-13583 Eric Michael Webber and Celena Renee Webber

Chapter 13

#20.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19; 3-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

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**

Tuesday, April 23, 2019

Hearing Room 5A

1:30 PM

8:18-13521 Jose F. Lopez

Chapter 13

#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 3-26-19

Docket 8

Courtroom Deputy:

- 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**

Tuesday, April 23, 2019

Hearing Room 5A

1:30 PM

8:18-13396 Eric R. Kretzschmar

Chapter 13

#22.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18; 1-22-19

Docket 22

Courtroom Deputy:

- NONE LISTED -

Party Information

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**

Tuesday, April 23, 2019

Hearing Room 5A

2:30 PM

8:14-10354 Brian Lee Head

Chapter 13

#23.00 CONT'D Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 10-23-18; 1-22-19; 3-26-19

Docket 51

Courtroom Deputy:

- 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, April 23, 2019

Hearing Room 5A

2:30 PM

8:14-15270 Nguyen D. Uong

Chapter 13

#24.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19

Docket 84

Courtroom Deputy:

- 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, April 23, 2019

Hearing Room 5A

2:30 PM

8:14-16259 Justin William Mize and Heather Ann Mize

Chapter 13

#25.00 Hearing RE: Chapter 13 Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 111

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Justin William Mize

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Heather Ann Mize

Represented By
Misty A Perry Isaacson

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:15-13895 Rocio Lopez Namdar

Chapter 13

#26.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding) for Failure to Make Plan Payments

JFR: 3-26-19

Docket 80

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Rocio Lopez Namdar

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 23, 2019

Hearing Room 5A

2:30 PM

8:15-13987 Catherina D. Salazar

Chapter 13

#27.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Payments

FR: 3-26-19

Docket 110

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Catherina D. Salazar

Represented By
Michael Jay Berger

Trustee(s):

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 23, 2019

Hearing Room 5A

2:30 PM

8:15-14636 Eric Anthony Perez

Chapter 13

#28.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 88

Courtroom Deputy:

- 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, April 23, 2019

Hearing Room 5A

2:30 PM

8:16-11218 Gary Snavely

Chapter 13

#29.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Gary Snavely

Represented By
Thomas B Ure

Trustee(s):

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 23, 2019

Hearing Room 5A

2:30 PM

8:16-12869 William Waller and Sandra Waller

Chapter 13

#30.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19

Docket 54

Courtroom Deputy:

SPECIAL NOTE: Debtors' Notice of Withdrawal of Opposition to Trustee's Motion to Dismiss and Request for Hearing filed 3/20/2019 - td (3/21/2019)

Party Information

Debtor(s):

William Waller

Represented By
Andrew Moher

Joint Debtor(s):

Sandra Waller

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 23, 2019

Hearing Room 5A

2:30 PM

8:16-12882 Juanita Torres

Chapter 13

#31.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 48

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Juanita Torres

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:16-14243 Daryl John Parks

Chapter 13

#32.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to make plan payments

FR: 3-26-19

Docket 54

Courtroom Deputy:

- 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, April 23, 2019

Hearing Room 5A

2:30 PM

8:17-10572 Imelda Macedo

Chapter 13

#33.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 32

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Imelda Macedo

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**

Tuesday, April 23, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#34.00 CON'TD Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

FR: 3-26-19

Docket 51

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#35.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19; 3-26-19

Docket 48

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#36.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 113

Courtroom Deputy:

- 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**

Tuesday, April 23, 2019

Hearing Room 5A

2:30 PM

8:17-14817 Hildegard Katharina Brandt

Chapter 13

#37.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Party Information

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:18-12186 Thanh Van Nguyen

Chapter 13

#38.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 34

Courtroom Deputy:

- NONE LISTED -

Party Information

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#39.00 CO N'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-26-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, April 23, 2019

Hearing Room 5A

2:30 PM

8:18-12950 Michael Patrick Rupp and Rogedola Geraldina Ajike Rupp Chapter 13

#40.00 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

Docket 34

Courtroom Deputy:

- 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**

Wednesday, April 24, 2019

Hearing Room 5A

10:30 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 **ORAL RULING** 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

FR: 12-20-18; 1-29-19; 3-13-19

Docket 623

***** VACATED *** REASON: CONTINUED TO 5/10/2019 AT 2:00 P.M.
(Announced at Hearing Held on 3/19/2019 (XX))**

Courtroom Deputy:

**CONTINUED: HEARING CONTINUED TO MAY 10, 2019 AT 2:00 PM
(ANNOUNCED AT HEARING HELD ON MARCH 19, 2019) (XX) - es/td
(3/20/2019)**

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**

Thursday, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 400

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 355

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 357

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 330

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton
Brianna L Frazier
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 326

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton
Brianna L Frazier
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 339

Courtroom Deputy:

- 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
R Grace Rodriguez
Lei Lei Wang Ekvall
Mike D Neue

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Evan C Borges
Mike D Neue
William N Lobel
Gary A Pemberton
Brianna L Frazier
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 326

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 612

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 513

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 501

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 501

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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, April 25, 2019

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 Hearing RE: The Trustee's Omnibus Motion to Strike Argent Management, LLC's: (1) New evidence and testimony submitted with reply papers; (2) Evidence not identified or produced in discovery; (3) Portions of statement of genuine issues, and (4) Reply statement of uncontroverted facts

Docket 505

Courtroom Deputy:

- 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
R Grace Rodriguez

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

Thursday, April 25, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
Shane M Biornstad

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**

Friday, April 26, 2019

Hearing Room 5A

9:00 AM

8:17-12188 Farhad Naderi

Chapter 7

Adv#: 8:17-01100 Hao v. Naderi

#1.00 TRIAL RE: Complaint for: 1. Determination of Non-Dischargeability of Debt Under 11 U.S.C. Section 523(a)(2)

(Reserved at PTC Held 10-25-18; Set at PTC held 1-31-19)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Settlement Agreement was Signed, Per Vivian of Plaintiff's Attorney's Office**

Courtroom Deputy:

OFF CALENDAR: Settlement Agreement was Signed, Per Vivian of Plaintiff's Attorney's Office - td (4/25/2019)

Phone call with Vivian from Plaintiff's attorney's office. Settlement agreement is being circulated that fully resolves the adversary proceeding. - sb (4/3/2019 4:58 PM)

Phone call from Viviann from Plaintiff's attorney's office. Settlement agreement was signed so trial can be taken off-calendar. - sb (4/4/2019 5:08 PM).

Party Information

Debtor(s):

Farhad Naderi

Represented By
Halli B Heston

Defendant(s):

Farhad Naderi

Pro Se

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**

Friday, April 26, 2019

Hearing Room 5A

9:00 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**

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan [Dissemination Version]

(Set at SC held 9-20-18)
FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19

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. Merrell 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.*
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*

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

Tuesday, April 30, 2019

Hearing Room

5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

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

<u>Objection No.</u>	<u>Ruling:</u>
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 legal conclusion. Beyond scope of expert review under Rule 701 is appropriate.
opinion/ testimony so	
34	Sustained as to "Accordingly . . . to the end of paragraph
37.	
expert	Improper opinion/ legal conclusion. Beyond scope of 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
39.	
expert appropriate.	Improper opinion/ legal conclusion.Beyond scope of testimony so review under Rule 701 is

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

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

- 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.
-

April 30, 2019

Comments re the Confirmation Hearing:

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

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

CONT... John Jean Bral

Chapter 11

A. Live Testimony

1. Live Testimony will be limited to the cross examination of Adam Meislik and Debtor John Bral. The scope of examination will be limited to the Declarations submitted by each gentleman in support of plan confirmation. As to Mr. Meislik's declaration, the court's tentative ruling re the evidentiary objections are as set forth above re the December 11, 2018 hearing.

2. Cross examination will be limited to a total of one hour per witness, inclusive of initial and follow-up questions.

3. Re-direct examination will be limited to 30 minutes.

B. Class 3 - Claim of Michelle Easton

Based upon the court's review of the evidence and argument submitted, the court's tentative ruling is as follows.

1. The court sees nothing improper about the treatment of Ms. Easton's claim under the plan. Simply put, in early February 2017, Ms. Easton loaned Debtor \$35,000 shortly before the bankruptcy filing later that month to allow Debtor to pay a retainer for a bankruptcy attorney to handle his chapter 11 case. She received as security for the loan, a junior lien on Debtor's Irvine residence as well as a lien on Debtor's interest in one of his businesses. The note provided for monthly interest payments with the principal becoming all due and payable in December 2019. Accordingly to deposition testimony highlighted by the objecting Beitler creditors, Ms. Easton was less concerned with the maturity date than she was with receiving a security interest. The loan proceeds were, in fact, used to pay a retainer to Debtor's bankruptcy counsel. Approximately 5 months into the case, Debtor negotiated with Ms. Easton to extend the maturity date by four years. Debtor has stated that the extension was necessary because, due to the amount of litigation in the bankruptcy case, he didn't think he could pay the entire \$35,000 by December 2019. The fact that Ms. Easton was a friend of Debtor's who did not perform "due diligence" that a commercial lender would perform is no moment. As for the timing of the sale of the Irvine property, the Plan provides first for the liquidation of Debtor's interest in the Mission and Westcliff LLCs,

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

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

which will be determined by arbitration proceedings. If the liquidation of Debtor's interest is insufficient to pay creditors in full, Debtor intends to liquidate other nonexempt property, which could include the Irvine property.

C. 1129(a)(5)

Section 1129(a)(5) does not apply to individual debtors. In any event, objecting creditors have not provided evidence sufficient for the court to make a finding that Debtor is incapable of administering the estate postconfirmation, especially in light of the fact that the liquidation of Mission and Westcliff will occur through arbitration proceedings.

D. Professional Fee Claim Lien

The confirmation order to specify that the Professional Fee Claim Lien is not priming any secured claims existing on the effective date of the Plan and the Professional Fee Claim Lien will be paid after the secured claims, unless the secured claims are determined to be unsecured at a later date.

E. Closing Statements

Debtor will make initial closing statements -- not more than 30 minutes

Objecting Creditors will make responsive closing statements -- not more than 30 minutes

Debtor will make final closing statements -- not more than 15 minutes

Party Information

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

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

CONT... John Jean Bral

Chapter 11

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, April 30, 2019

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)

FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19

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

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

Tuesday, April 30, 2019

Hearing Room 5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

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, May 2, 2019

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 CON'TD 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; 12-20-18

Docket 47

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; SEE COURT'S NOTICE FILED
11/29/2018, DOCUMENT # 111 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 5/7/2019 at 9:30 a.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
111 (XX) - td (12/7/2018)**

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

1Network.Com

Pro Se

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

Thursday, May 2, 2019

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, May 2, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#2.00 CON'TD PRE-TRIAL 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)

FR: 6-21-18; 1-31-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION; SEE COURT'S NOTICE FILED 11/29/2018
(XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 5/7/2019 at 9:30 a.m. on
Court's Own Motion; See Court's Notice filed 11/29/2018, Document #111
(XX) - td (12/7/2018)**

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
Bradley D Blakeley

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 2, 2019

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

#3.00 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; 12-20-18

Docket 6

***** VACATED *** REASON: CONTINUED TO 7/11/19 AT 9:30 A.M,
PER ORDER ENTERED 10/23/18 (XX)**

Courtroom Deputy:

SPECIAL NOTE: 1) Order Approving Stip. for Discharge of Educational Loan Debt, Dismissal of Certain Defendants, and to Add Educational Credit Mgmt Corp. as a Defendant in this Adv. Proceeding Entered 4/24/2018 - td (5/8/2018). 2) Order Approving Stip. RE: Determination that Student Loan is Dischargeable Pursuant to 11 U.S.C. §523(a)(8) as Between Plaintiff Jacqueline R. Escolar-Chua and Defendant Wells Fargo Bank, N.A. Only Entered 9/19/18. Judgment Entered 9/19/18. Two Defendants Remaining - td (9/19/2018)

CONTINUED: Pre-trial Conference Continued to 7/11/19 at 9:30 a.m., Per Order Entered 10/23/18 (XX) - td (10/23/2018)

Party Information

Debtor(s):

John Paul Marc Z. Escolar-Chua

Represented By
Christine A Kingston

Defendant(s):

United States Department of

Represented By
Elan S Levey

University of Southern California

Pro Se

Wells Fargo Education Financial

Pro Se

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

Thursday, May 2, 2019

Hearing Room 5A

9:30 AM

CONT... John Paul Marc Z. Escolar-Chua Chapter 7

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, May 2, 2019

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

#4.00 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; 9-11-18

Docket 95

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M. ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018, Document #383 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on Court's Own Motion; See Court's Notice Filed 11/29/2018, Document # 383 (XX) - td (12/7/2018)

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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

Thursday, May 2, 2019

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

#5.00 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; 9-11-18

Docket 327

*** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #338 (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on Court's Own Motion; See Court's Notice Filed 11/29/2018, Document # 338 (XX) - td (12/7/2018)

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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

Thursday, May 2, 2019

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

#6.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal PSV, LLC]**

FR: 8-1-18; 9-11-18

Docket 329

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M. ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018, Document #340 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on Court's Own Motion; See Court's Notice Filed 11/29/2018, Document # 340 (XX) - td (12/7/2018)

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**

Thursday, May 2, 2019

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**

Thursday, May 2, 2019

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

#7.00 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; 9-11-18

Docket 298

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #309 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
309 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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

Thursday, May 2, 2019

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

#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; and (4) To Avoid and Recover Fraudulent Transfers [Debtor: SunCal Summit Valley, LLC]

FR: 8-1-18; 9-11-18

Docket 68

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M. ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018, Document #306 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on Court's Own Motion; See Court's Notice Filed 11/29/2018, Document # 306 (XX) - td (12/7/2018)

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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**

Thursday, May 2, 2019

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

#9.00 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; 9-11-18

Docket 77

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #318 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
318 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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**

Thursday, May 2, 2019

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

#10.00 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; 9-11-18

Docket 69

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #306 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
306 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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**

Thursday, May 2, 2019

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

#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; (4) To Avoid and Recover Fradudulent Transfers; and (5) To Avoid and Recover Preferential Transfers
[Debtor: SunCal Marblehead, LLC]

FR: 8-1-18; 9-11-18

Docket 105

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #592 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
592 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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**

Thursday, May 2, 2019

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

#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: SunCal Heartland, LLC]

FR: 8-1-18; 9-11-18

Docket 99

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #496 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
496 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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, May 2, 2019

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

#13.00 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; 9-11-18

Docket 98

*** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M. ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018, Document #484 (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on Court's Own Motion; See Court's Notice Filed 11/29/2018, Document # 484 (XX) - td (12/7/2018)

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, May 2, 2019

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

#14.00 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; 9-11-18

Docket 98

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #484 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
484 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, May 2, 2019

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

#15.00 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; 9-11-18

Docket 100

***** VACATED *** REASON: CONTINUED TO 5/7/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION; See Court's Notice Filed 11/29/2018,
Document #488 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 5/7/2019 at 2:00 p.m. on
Court's Own Motion; See Court's Notice Filed 11/29/2018, Document #
488 (XX) - td (12/7/2018)**

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

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

Thursday, May 2, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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, May 7, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#1.00 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; 9-13-18; 1-17-19; 1-31-19; 2-12-19

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

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

Nastaran Maboud to appear in court to be sworn in by the court clerk; the 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.

January 31, 2019

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

February 12, 2019

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

May 7, 2019

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

No tentative ruling; Judgment creditor's attorney to 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

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**

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#2.00 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; 9-13-18; 1-31-19;
2-12-19

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

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the 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.

January 31, 2019

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

February 12, 2019

Mir Mohammad Motamed to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

May 7, 2019

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

No tentative ruling; Judgment creditor's attorney to 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

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**

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#3.00 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; 9-13-18; 1-17-19; 1-31-19; 2-12-19

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.

January 31, 2019

Ms. Maboud's request to vacate the court's ruling requiring payment of \$1,000 for failure to appear at a prior examination is denied as none of the reasons she cites constitute grounds for not compensating Plaintiff's counsel for appearing for her examination or for excusing Ms. Maboud from appearing at the examination. The amount must be paid within 30 days. **CONTINUED TO FEBRUARY 12, 2019 AT 9:30 A.M. (XX)**

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

Special note: Plaintiff has not lodged an order re the September 13, 2018 ruling and needs to do so promptly.

1. The motion was not properly noticed and, therefore, does not appear on the court's formal calendar;
2. The motion is not supported by a sworn statement under penalty of perjury as required by Local Bankruptcy Rule 9013-1.
3. Even if the unsworn statement is accepted, it does not state grounds sufficient to warrant setting aside the court's September 13, 2018 ruling re the imposition of sanctions. This amount must be paid.

February 12, 2019

No tentative ruling

May 7, 2019

No tentative ruling; Judgment creditor's attorney to 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

Plaintiff(s):

Smelli, Inc

Represented By
Marvin Maurice Oliver

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Mir Mohammad Motamed

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, May 7, 2019

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 CON'TD 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; 12-20-18; 5-2-19

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.	(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.

May 7, 2019

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.
3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?
4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.
5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

Note: Appearances at this hearing are required.

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

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#5.00 CON'TD PRE-TRIAL 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)

FR: 6-21-18; 1-31-19; 5-2-19

Docket 1

*** VACATED *** REASON: CONTINUED TO 8/8/2019 AT 9:30 A.M.,
PER ORDER ENTERED 12/27/2018 (XX)

Courtroom Deputy:

CONTINUED: Pre-trial Conference Continued to 8/8/2019 at 9:30 a.m., Per Order Entered 12/27/2018 (XX) - td (12/27/2018)

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.
	(XX)
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

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

Tuesday, May 7, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

Chapter 7

Defendant(s):

Maria H. Helton-Rehburg Pro Se

Plaintiff(s):

Lisa M. Rehburg
Represented By
Bradley D Blakeley

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

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

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

Docket 113

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 4/29/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 4/29/2019 - td (4/29/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bert Ranelycke-Svensson

Represented By
Scott Dicus

Movant(s):

JPMorgan Chase Bank, National

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

8:17-12643 Vu Ngoc Nguyen and Quynh-Trang T. Nguyen

Chapter 13

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

CALIFORNIA STATE TEACHERS' RETIREMENT SYSTEM

VS.

DEBTOR

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Vu Ngoc Nguyen and Quynh-Trang T. Nguyen

Chapter 13

Movant(s):

California State Teachers Retirement

Represented By
Gilbert R Yabes
Jennifer C Wong
Nancy L Lee
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**

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10201 Robert Lynn McEwen

Chapter 13

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

DEUTSCHE BANK TRUST COMPANY AMERICAS

VS.

DEBTOR

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

If Debtor is now current through April 2019, the court will grant a standard adequate protection order in favor of Movant. The parties are encouraged to discuss the terms of such an order prior to the hearing. If more time is needed, the parties may request a continuance of today's hearing at the time of the calendar roll call by the clerk prior to the hearing. Available continued dates are May 16, 2019, May 30, 2019 and June 13, 2019.

Party Information

Debtor(s):

Robert Lynn McEwen

Represented By
Jacqueline D Serrao

Movant(s):

DEUTSCHE BANK TRUST

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Robert Lynn McEwen

Chapter 13

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10219 Richard G Dobbs and Alexandra C Dobbs

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BANK OF AMERICA, N.A.
VS.
DEBTORS

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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):

Richard G Dobbs

Represented By
Tate C Casey

Joint Debtor(s):

Alexandra C Dobbs

Represented By
Tate C Casey

Movant(s):

Bank of America, N.A.

Represented By

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Richard G Dobbs and Alexandra C Dobbs
Megan E Lees

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10483 Emil Peter Joros

Chapter 13

#10.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
UDR HARBOR GREENS L.P.
VS.
DEBTOR

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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

Special note: As this Debtor had a prior bankruptcy case that was dismissed on 2/5/19, the automatic stay expired 30 days after the 2/11/19 filing date or 3/13/19 (no motion to extend the stay was timely filed). Accordingly, action taken by Movant on 3/26/19 technically did not violate the automatic stay so annulment would not be needed. That said, the court is willing to approve an order with annulment in it, especially since Debtor failed to list Movant as a creditor. Debtor's objection to annulment is overruled.

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

Party Information

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Emil Peter Joros

Chapter 13

Debtor(s):

Emil Peter Joros

Represented By
Christopher J Langley

Movant(s):

UDR Harbor Greens L.P.

Represented By
James Edward McDaniel

Trustee(s):

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-10609 Criss Tina Lenhart

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

TERRY MARTIN

VS.

DEBTOR

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Continue hearing to June 6, 2019 at 10:00 a.m. to allow moving party to provide evidence of his ownership interest in the subject property.

Basis for Tentative Ruling

The moving party states in the Motion that he is the "owner" of the subject property. However, the lease identifies the landlord as "ExInt Property Management Co." At a minimum, movant needs to provide a sworn statement as to when he acquired title to the subject property. Relief from stay is appropriate if the moving party can establish "colorable" title to the property, which is a fairly low standard. However, no information is provided regarding moving party Terry Martin's interest in the property. If such information can be provided, the motion will be granted.

Party Information

Debtor(s):

Criss Tina Lenhart

Pro Se

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Criss Tina Lenhart

Chapter 7

Movant(s):

Terry Martin

Represented By
Barry L O'Connor

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10811 Frederic Nathaniel Topping and Victoria Jan Topping

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
JAY HUTCHISON, KELLEY HUTCHISON
VS.
DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Grant with 4001(a)(3) waiver and annulment. Deny request for "co-debtor stay" relief as such relief is not relevant in a chapter 7 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):

Frederic Nathaniel Topping

Represented By
Joseph M Tosti

Joint Debtor(s):

Victoria Jan Topping

Represented By
Joseph M Tosti

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Frederic Nathaniel Topping and Victoria Jan Topping

Chapter 7

Movant(s):

Jay, Kelley Hutchison

Represented By
Barry L O'Connor

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10891 Martin Garcia and Brenda Jo Garcia

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BMW BANK OF NORTH AMERICA
VS.
DEBTORS

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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 Garcia

Represented By
Gregory E Nassar

Joint Debtor(s):

Brenda Jo Garcia

Represented By
Gregory E Nassar

Movant(s):

BMW Bank of North America

Represented By

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Martin Garcia and Brenda Jo Garcia

Chapter 7

Cheryl A Skigin

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10891 Martin Garcia and Brenda Jo Garcia

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
LOGIX FEDERAL CREDIT UNION
VS.
DEBTORS

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Grant with 4001(a)(3) waiver.

Special note: The court is granting this motion even though Movant's use of the "Suggested List Price" of \$56,888 for the value of the vehicle, results in "equity" of \$5,000. The face of the NADA Guides Value Report [Exhibit 3 to the Motion] expressly states that the "Suggested List" price "reflects the approximate price of the unit when it is brand new." (emphasis added). The court notes that the vehicle, purchased in June 2017 per the purchase agreement [Exhibit 1 to the Motion], is nearly two years old and not brand new. Accordingly, the court doubts the value is much more than the principal balance of \$51,886.14. Counsel for movant is cautioned to pay closer attention to his own evidence in future 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.

Party Information

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Martin Garcia and Brenda Jo Garcia

Chapter 7

Debtor(s):

Martin Garcia

Represented By
Gregory E Nassar

Joint Debtor(s):

Brenda Jo Garcia

Represented By
Gregory E Nassar

Movant(s):

LOGIX FEDERAL CREDIT

Represented By
Reilly D Wilkinson

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

#15.00 Hearing RE: motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

LISA WILL, TRUSTEE OF THE ZIMMERMAN LIVING TRUST DATED
DECEMBER 19, 1991

VS.

DEBTOR

Docket 10

***** VACATED *** REASON: CONTINUED TO 6/20/2019 AT 10:00 A.M.,
PER ORDER ENTERED 5/1/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/20/2019 at 10:00 a.m., Per Order
Entered 5/1/2019 (XX) - td (5/1/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice L. Madonna Zimmerman

Represented By
Leslie K Kaufman

Movant(s):

Lisa Will

Represented By
Bert Briones

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, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-11077 Emily Scott

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
KINECTA FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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):

Emily Scott

Represented By
Scott Dicus

Movant(s):

Kinecta Federal Credit Union

Represented By
Bruce P. Needleman

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, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Emily Scott

Chapter 7

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

8:19-11225 Pete Rios Sanchez

Chapter 13

#17.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

DAVID K. LEICHTFUSS; KATHLEEN W. LEICHTFUSS, TRUSTEES,
LEICHTFUSS FAMILY TRUST UTD NOVEMBER 20, 1991

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

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):

Pete Rios Sanchez

Pro Se

Movant(s):

David K. Leichtfuss; Kathleen W.

Represented By
Scott Andrews

Trustee(s):

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 7, 2019

Hearing Room 5A

10:00 AM

CONT... Pete Rios Sanchez

Chapter 13

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

8:18-12186 Thanh Van Nguyen

Chapter 13

#17.10 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

BANK OF AMERICA, N.A.

VS.

DEBTOR

FR: 4-18-19

Docket 38

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Settled by
Stipulation) Entered 4/18/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 4/18/2019 - td
(4/19/2019)**

Tentative Ruling:

April 18, 2019

Grant with 4001(a)(3) waiver and co-debtor stay relief unless the parties are able
to agree to the terms of an adequate protection order .

**Note: If both parties believe that the hearing should be continued to
allow time to negotiate the terms of an adequate protection order, the
hearing may be continued by requesting the same at the time of the
calendar roll call just prior to the hearing. Available continued dates: May
7, 2019, May 9, 2019 and May 16, 2019 at 10:00 a.m.**

Party Information

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

Tuesday, May 7, 2019

Hearing Room 5A

10:00 AM

CONT... Thanh Van Nguyen

Chapter 13

Debtor(s):

Thanh Van Nguyen

Represented By
Seema N Sood

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

Trustee(s):

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 7, 2019

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#18.00 Hearing RE: Defendant's Motion to Quash Application and Order for Appearance and Examination filed by Creditor Crystal Bergstrom

Docket 164

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

This matter is Off Calendar as Moot. See Order to Vacate Appearance entered May 1, 2019 [docket #171].

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

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**

Tuesday, May 7, 2019

Hearing Room

5A

10:30 AM

8:13-13784 Alicia Elizabeth Blackman

Chapter 11

#19.00 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; 9-6-18; 2-17-19; 3-12-19

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**

Tuesday, May 7, 2019

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**

Tuesday, May 7, 2019

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**

Tuesday, May 7, 2019

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. (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.

March 12, 2019

Continued to May 7, 2019 at 10:30 a.m. An updated status report is due April 23, 2019 unless a final decree has been entered by such date. (XX)

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

May 7, 2019

Take matter off calendar in light of pending unopposed motion for final decree.

Note: Appearance at this hearing is not required.

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

8:14-15270 Nguyen D. Uong

Chapter 13

#20.00 Hearing RE: Debtor's Motion for Hardship Discharge Pursuant to 11 USC Section 1328(b) and 1228(h)

Docket 87

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Deny motion due to insufficient grounds stated therefor.

Basis for tentative ruling:

1. Debtor was terminated from his job on September 28, 2018 and was offered severance of \$8,110 but refused the same because he wanted to reserve his rights to assert a worker's comp claim against the company -- but notably has not amended his schedules to add such a claim. The severance could have been used toward his plan payments.
2. On February 12, 2019, Debtor obtained new employment but quit after only 14 days on the job based on "rumors" that he would be let go.
3. Just two weeks after quitting his last job, he immediately filed the instant motion for a hardship discharge. Debtor states that "due to his age" of 60 it is extremely hard to find a job, yet he did obtain a job at age 59 as recently as February 2019.
4. The court agrees with the objections stated by the chapter 13 trustee and incorporates them by reference herein.
5. The circumstances do not warrant or support a finding of a basis for undue hardship,.

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

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

CONT... Nguyen D. Uong

Chapter 13

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, May 7, 2019

Hearing Room 5A

10:30 AM

8:15-11100 Mir Mohammad Motamed
Adv#: 8:15-01274 Smelli, Inc v. Motamed

Chapter 7

#21.00 CONT'D Hearing RE: Motion filed by Judgment Recovery Assistance, LLC to Attach Spousal Wages

FR: 4-4-19

Docket 167

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Continue hearing to May 7, 2019 at 10:30 a.m. to allow Movant to correct service issue: Notice of the motion does not comply with LBR 9013-1(f) which requires notice of the deadline for the responding party to file an opposition. (XX)

Note: Appearance at this hearing is not required if Movant accepts the tentative ruling.

May 7, 2019

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):

Mir Mohammad Motamed

Represented By

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

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

8:16-14714 Bryson N Nazareno

Chapter 7

#22.00 Hearing RE: Application for Interim Fees and/or Expenses

[LAW OFFICES OF WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 111

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Grant allowance of the fees and expenses requested.

Special note: as there is no evidence that there are funds in the estate to pay the claim, an award is not being made at this time.

Note: If Applicant accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

8:18-12606 Michelle Renee Gillespie

Chapter 13

#23.00 Hearing RE: Motion to Reconsider Order on Objection to Claim of Santander Consumer USA Inc. (Claim No. 2)

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

[The matter remains under review by the court. A tentative ruling may be posted before the hearing].

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**

Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#24.00 Hearing RE: Creditor Jacquelyn Mitchell's Motion to Extend Deadline to Object to discharge

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Grant the motion to extend through June 8, 2019, 60 days after the initial deadline of April 8, 2019.

Overrule Debtors' Objections

Basis for Tentative Ruling

1. The motion is timely and states sufficient cause. The party in interest, Jacquelyn Mitchell was not listed as a creditor on Debtors' mailing list, albeit because Debtors presumably were unaware that she held or asserted a claim against them. Still, the unrefuted fact is that the party in interest, Mitchell, only learned of the bankruptcy one week before the deadline for filing an adversary for nondischargeability or to object to Debtors' discharge.
2. The critical circumstance is when *Mitchell* learned of the bankruptcy, not her attorneys.
3. The court is persuaded that one week is not sufficient time to determine if a discharge action should be filed.
4. An investigation regarding a debtor's financial affairs may be relevant to a possible discharge action under Section 727(a). One week to do so is not even

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, May 7, 2019

Hearing Room 5A

10:30 AM

CONT... Farhad Nasiri and Renee C Nasiri Chapter 7

sufficient to set a 2004 examination. The case cited by Debtors, *In re Aloia* does not support denying the Motion. In *Aloia*, the creditors a) had notice of the bankruptcy case and the discharge objections deadline in time to attend multiple 341a meetings and b) were actually granted an extension of time over the debtor's objections. None of the other cases cited are persuasive because none involved the circumstances present here -- potential claimant learns of the bankruptcy case one week prior to the deadline to file an objection.

5. Creditors are not required to rely on the inquiry, or lack thereof, of the chapter 7 trustee in deciding whether or not to investigate discharge issues.

6. Debtors' argument re 727(d) re revocation of discharge is also unpersuasive as a basis for denying the Motion.

7. The court believes that 60 days from the date of the original deadline is sufficient -- Movant has already had more than 30 days from the date she first learned of the bankruptcy (i.e., approximately April 1, 2019).

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri

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, May 7, 2019

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

#25.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 385

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... **Palmdale Hills Property, LLC**
written) issued on September 26, 2019 at 2:00 p.m.

Chapter 11

Defend

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#26.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 389

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#27.00 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; 9-11-18; 5-2-18

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

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, May 7, 2019

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, May 7, 2019

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

#28.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Judgment

Docket 340

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#29.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 344

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#30.00 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; 9-11-18; 5-2-18

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

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

Tuesday, May 7, 2019

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
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, May 7, 2019

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

#31.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 342

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#32.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 346

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#33.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers [Debtor: SunCal PSV, LLC]

FR: 8-1-18; 9-11-18; 5-2-18

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, May 7, 2019

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, May 7, 2019

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

#34.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 311

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#35.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 319

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#36.00 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; 9-11-18; 5-2-18

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

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

Tuesday, May 7, 2019

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, May 7, 2019

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

#37.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 308

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#38.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 312

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#39.00 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; 9-11-18; 5-2-18

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

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

Tuesday, May 7, 2019

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, May 7, 2019

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

#40.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 320

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#41.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 328

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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, May 7, 2019

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

#42.00 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; 9-11-18; 5-2-18

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, May 7, 2019

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, May 7, 2019

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

#43.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 308

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#44.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 312

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#45.00 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; 9-11-18; 5-2-18

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, May 7, 2019

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, May 7, 2019

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

#46.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 594

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#47.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 601

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#48.00 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 Marblehead, LLC]

FR: 8-1-18; 9-11-18; 5-2-18

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, May 7, 2019

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, May 7, 2019

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

#49.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 498

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#50.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 502

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#51.00 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; 9-11-18; 5-2-18

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, May 7, 2019

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, May 7, 2019

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

#52.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 486

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#53.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 490

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#54.00 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; 9-11-18; 5-2-18

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

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

Tuesday, May 7, 2019

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, May 7, 2019

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

#55.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 486

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#56.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 490

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#57.00 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; 9-11-18; 5-2-18

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

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

Tuesday, May 7, 2019

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, May 7, 2019

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

#58.00 Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

Docket 490

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
R Grace Rodriguez
Lei Lei Wang Ekvall

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#59.00 Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

Docket 494

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
R Grace Rodriguez

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

Tuesday, May 7, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, May 7, 2019

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

#60.00 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; 9-11-18; 5-2-18

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, May 7, 2019

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, May 9, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01042 Kosmala v. Liebeck et al

#1.00 CONT'D 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; 11-15-18; 3-21-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/19/2019 AT 9:30 A.M.,
PER ORDER ENTERED 3/13/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 9/19/2019 at 9:30 a.m.,
Per Order Entered 3/13/2019 (XX) - td (3/13/2019)**

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

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

Thursday, May 9, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman
order consistent with the same.

Chapter 7

November 15, 2018

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.

Party Information

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, May 9, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

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

Thursday, May 9, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:19-01031 Bral v. Samini et al

#2.00 STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Legal Malpractice; (3) Breach of Fiduciary Duty

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 9:30 A.M.,
PER ORDER ENTERED 4/19/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/16/2019 at 9:30 a.m., Per
Order Entered 4/19/2019 (XX) - td (4/19/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl

Defendant(s):

Samini Scheinberg, APC

Pro Se

Matthew Hoesly

Pro Se

Babak Samini

Pro Se

Plaintiff(s):

John Jean Bral

Represented By
Gary A Pemberton

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

Thursday, May 9, 2019

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

#3.00 PRE-TRIAL CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18; 11-15-18; 12-20-18; 1-31-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/6/2019 AT 9:30 A.M.,
PER ORDER ENTERED 4/5/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 6/6/2019 at 9:30 a.m.,
Per Order Entered 4/5/2019 (XX) - td (4/5/2019)**

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 at 9:30 a.m. 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. (XX)

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

Thursday, May 9, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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 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.

January 31, 2019

In light of the unilateral status report filed by defendant Icon, this status conference shall be continued to March 12, 2019 at 9:30 a.m. and an updated joint status report must be filed by February 26, 2019. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed Due to Failure to Prosecute ("OSC"), which OSC shall also be set for hearing on March 12, 2019 at 9:30 a.m.

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

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Icon Owner Pool 1, LA Business	Represented By Robert S Gebhard
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Coast Huntington Business Centers	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, May 9, 2019

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, May 9, 2019

Hearing Room 5A

9:30 AM

8:19-10902 FIP, LLC

Chapter 7

#4.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

In light of the criminal matter in Case No. 6:19-239 pending before the District Court for the District of South Carolina, Greenville Division, and the receivership order entered in that case on April 12, 2019 which directly affects FIP, LLC, this involuntary petition is dismissed pursuant to 11 U.S.C. 305(a).

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

FIP, LLC

Pro Se

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

8:15-13435 Angel Patricio Monico and Margara Elizabeth Monico

Chapter 13

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

Docket 93

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Angel Patricio Monico

Represented By
James A Hayes Jr

Joint Debtor(s):

Margara Elizabeth Monico

Represented By
James A Hayes Jr

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Angel Patricio Monico and Margara Elizabeth Monico

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, May 9, 2019

Hearing Room 5A

10:00 AM

8:17-13137 Maryam Teimoori

Chapter 7

#6.00 CON'TD Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

JAY JAMSHHASB

VS.

DEBTOR

FR: 4-11-19

Docket 69

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue hearing to May 9, 2019 at 10:00 a.m. to allow Movant to correct defective service -- Debtor was not served per LBR 4001-1(c)(1)(C)(i). Service to Debtor's attorney only is insufficient. (XX)

Tentative ruling for 5/9/19 hearing: Grant the limited relief requested in the Motion, i.e. determination of marital status only (Motion at p. 6).

Note: If Movant and Trustee accept the foregoing tentative ruling, appearance at this hearing is not required.

May 9, 2019

Service issue corrected. Grant the limited relief requested in the Motion, i.e. determination of marital status only

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Maryam Teimoori

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):

Maryam Teimoori

Represented By
James D. Hornbuckle

Movant(s):

Jay Jamshhasb

Represented By
Manfredo E Lespier

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, May 9, 2019

Hearing Room 5A

10:00 AM

8:18-11993 Mario P. Guerrero and Niza B. Guerrero

Chapter 13

#7.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTORS

FR: 4-4-19

Docket 38

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 5/8/2019**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 4, 2019

Continue hearing to May 9, 2019 at 10:00 a.m. to allow Movant to file
complete declaration in support of the Motion by or before April 18, 2019.
(XX)

Basis for Tentative Ruling:

The Motion is missing pages 8-11 of Form 4001.1.RFS.RP.Motion, including
testimony regarding the number missed postpetition/postconfirmation
payments, authentication of Exhibit 3, and the declaration signature page.

**Note: If Movant accepts the foregoing tentative ruling, appearances at
today's hearing are not required.**

Party Information

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Mario P. Guerrero and Niza B. Guerrero

Chapter 13

Debtor(s):

Mario P. Guerrero

Represented By
Gary S Saunders

Joint Debtor(s):

Niza B. Guerrero

Represented By
Gary S Saunders

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

Trustee(s):

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 9, 2019

Hearing Room 5A

10:00 AM

8:18-12003 Jack G. Gaglio and Laura A. Gaglio

Chapter 7

#8.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

PACIFIC WESTERN BANK

VS.

DEBTORS

Docket 26

*** VACATED *** REASON: CONTINUED TO 5/16/19 AT 10:00 A.M.
PER ORDER ENTERED 4/26/19 (XX)

Courtroom Deputy:

**CONTINUED: Order RE Stipulation for Order Continuing Hearing on
Motion for Relief from Stay to 5/16/2019 at 10:00 a.m. Entered 4/26/19
(XX) - (liz)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck

Movant(s):

Pacific Western Bank

Represented By
Kenneth Hennesay

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Jack G. Gaglio and Laura A. Gaglio

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 9, 2019

Hearing Room

5A

10:00 AM

8:18-14422 Donna Lee Lawler

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
ELIZON MASTER PARTICIPATION TRUST I, U.S. BANK TRUST N.A.
VS.
DEBTOR

Docket 28

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 5/8/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation re RFS SIGNED 5/9/19 --
eas**

Tentative Ruling:

Party Information

Debtor(s):

Donna Lee Lawler

Represented By
Julie J Villalobos

Movant(s):

Elizon Master Participation Trust I,

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 9, 2019

Hearing Room 5A

10:00 AM

8:19-11211 Bachir Bacha

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
ADVANTAGE FUNDING COMMERCIAL CAPITAL CORP.
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Bachir Bacha

Represented By
Walter Scott

Movant(s):

ADVANTAGE FUNDING

Represented By
Raffi Khatchadourian

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Bachir Bacha

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 9, 2019

Hearing Room 5A

10:00 AM

8:19-11394 Mario Alberto Sanchez and Josefina Sanchez

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

GEORGIOS RIGAS, TRUSTEE OF THE GEORGIOS RIGAS FAMILY TRUST
DATED NOVEMBER 23, 2994

VS.

DEBTORS

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Mario Alberto Sanchez

Represented By
Randy Alexander

Joint Debtor(s):

Josefina Sanchez

Represented By
Randy Alexander

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

Thursday, May 9, 2019

Hearing Room 5A

10:00 AM

CONT... Mario Alberto Sanchez and Josefina Sanchez

Chapter 7

Movant(s):

Georgios Rigas

Represented By
Theresa A Jones

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 9, 2019

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#12.00 Judgment Debtor Examination of Luis Savastano RE: Enforcement of Judgment

Docket 161

***** VACATED *** REASON: OFF CALENDAR: Order to Vacate Order
for Appearance and Examination of Luis Savastano Entered 5/1/2019**

Courtroom Deputy:

**OFF CALENDAR: Order to Vacate Order for Appearance and
Examination of Luis Savastano Entered 5/1/2019 - td (5/1/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

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, May 9, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#13.00 Hearing RE: Defendants' Joint Motion to Dismiss or in the Alternative, to Quash Service of Plaintiff's Adversary Action, Pursuant to FRCP 12(b)(5)

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

Out of an abundance of caution and in order to save the time and expenses of an evidentiary hearing, the court will grant the motion to quash and require that the complaint be served by certified mail on or before May 23, 2019 and that a responsive pleading be filed by defendants no later than June 20, 2019. The request to dismiss the adversary is denied.

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Pro Se

Kaufman Related Mamageent

Pro Se

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

CONT... EQD Corporation

Chapter 7

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#14.00 CON'TD STATUS CONFERENCE RE: First Amended Complaint Against Steve Woo; Jolnne Woo; Kelsey Woo; Related Management; and Kaufman Wu, Manager for Related Management for (1) Avoidance of Fraudulent Transfers Pursuant to 11 USC 548

FR: 4-11-19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 9, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required. (XX)

Note: Appearances at this hearing are not required.

May 9, 2019

Status conference continued to August 1, 2019 at 9:30 a.m.; updated joint status report must be filed by July 16, 2019. (XX)

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

CONT... EQD Corporation

Chapter 7

Defendant(s):

Jolynne Woo	Pro Se
Kelsey Woo	Pro Se
Steve Woo	Pro Se
Kaufman Wu	Pro Se
Kaufman Related Management	Pro Se

Plaintiff(s):

EQD Corporation	Represented By Walter David Channels
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Christopher J Green Reem J Bello Beth Gaschen
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:15-14519 NuVal EMS, Inc.

Chapter 7

#15.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 84

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

NuVal EMS, Inc.

Represented By
Thomas J Polis

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Leonard M Shulman
Elyza P Eshaghi

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:15-14519 NuVal EMS, Inc.

Chapter 7

#16.00 Hearing RE: First and Final Application for Approval of Fees and Reimbursement of Expenses

[SHULMAN HODGES & BASTIAN LLP, ATTORNEYS FOR THE CHAPTER 7 TRUSTEE]

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

NuVal EMS, Inc.

Represented By
Thomas J Polis

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Leonard M Shulman
Elyza P Eshaghi

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:16-10779 Jason H Hong

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 137

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

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 9, 2019

Hearing Room 5A

10:30 AM

8:16-10779 Jason H Hong

Chapter 7

#18.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR JEFFREY I.
GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 136

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

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 9, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#19.00 Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Authorizing Sale of Real Property Free and Clear of Liens, Claim, and Interests Pursuant to 11 U.S.C. Sections 363(b) and (f); (2) Approving Buyers as Good-Faith Purchaser Pursuant to 11 U.S.C. Section 363(m); and (3) Authorizing Payment of Real Estate Broker's Commissions and Other Ordinary Costs of Sale

Docket 134

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

Grant motion subject to 1) overbid and 2) trustee providing proof the dismissal of the state court actions relating to the 2 lis pendens on the title report.

If there are overbids, the sale shall take place outside the courtroom

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#20.00 Hearing RE: Trustee's Motion for Order: Authorizing Sale of Real Property Located at 54 Ballantree, Rancho Santa Margarita, CA; (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens, Claims, and Encumbrances; (C) Subject to Overbid; and (D) For Determination of Good Faith Purchaser Under 11 U.S.C. Section 363(M)

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

Grant motion subject to overbid.

If there are overbids, the sale shall take place outside the courtroom

Party Information

Debtor(s):

Maryam Teimoori

Represented By
James D. Hornbuckle

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:18-12003 Jack G. Gaglio

Chapter 7

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

#21.00 Hearing RE: Pacific Western Bank's Motion to Stay Proceedings

Docket 12

***** VACATED *** REASON: CONTINUED TO 5/16/19 AT 10:30 A.M.
PER ORDER ENTERED 34/26/19 (XX)**

Courtroom Deputy:

**CONTINUED: Order RE Stipulation for Order Continuing Hearing RE
Motion to Stay Proceedings to 5/16/2019 at 10:30 a.m. Entered 4/26/19
(XX) - (liz)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck

Defendant(s):

Jack G. Gaglio

Represented By
Thomas J Eastmond

Laura A. Gaglio

Represented By
Thomas J Eastmond

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck

Plaintiff(s):

Pacific Western Bank

Represented By
Kenneth Hennesay

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

CONT... Jack G. Gaglio

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 9, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#22.00 Hearing RE: Trustee's Motion to Approve Use, Sale or Lease of Estate Property Under Section 363

Docket 151

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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

Thursday, May 9, 2019

Hearing Room 5A

10:30 AM

8:19-10298 Robert W Hickman

Chapter 13

#23.00 Hearing RE: Debtor's Motion to Avoid Junior Lien [Creditor Holding Junior Lien: on Principal Residence Deutsche Bank National Trust Company: C/O Servicer Ocwen Loan Servicing LLC]

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Robert W Hickman

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 9, 2019

Hearing Room 5A

10:30 AM

8:19-10298 Robert W Hickman

Chapter 13

#24.00 Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence
[Creditor Holding Junior Lien: VCM Financial Services]

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Robert W Hickman

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 9, 2019

Hearing Room 5A

10:30 AM

8:19-10449 Luis Miguel Cruz Rodriguez and Jacqueline Cruz

Chapter 7

#25.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to Section 727(a)(8)

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Luis Miguel Cruz Rodriguez

Represented By
Mike Sethi

Joint Debtor(s):

Jacqueline Cruz

Represented By
Mike Sethi

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 9, 2019

Hearing Room 5A

10:30 AM

8:19-10449 Luis Miguel Cruz Rodriguez and Jacqueline Cruz

Chapter 7

#26.00 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 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

Deny motion as moot.

Declaration filed by Debtors' counsel indicates that he has returned the \$1200 in fees as well as the filing fee. Per the 2016 statement, no further fees are due.

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

Party Information

Debtor(s):

Luis Miguel Cruz Rodriguez

Represented By
Mike Sethi

Joint Debtor(s):

Jacqueline Cruz

Represented By
Mike Sethi

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 9, 2019

Hearing Room 5A

10:30 AM

8:19-10589 Artemisa Stush

Chapter 7

#27.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 9, 2019

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):

Artemisa Stush

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, May 9, 2019

Hearing Room 5A

2:00 PM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#28.00 Hearing RE: Plaintiff Woodlawn Colonial L.P.'s Motion For Summary Judgment and Summary Adjudication

Docket 61

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Movant(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

Woodlawn Colonial, L P

Represented By
Evan Rothman

Plaintiff(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

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

Thursday, May 9, 2019

Hearing Room 5A

2:00 PM

CONT... Chad Paul Delannoy

Chapter 7

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, May 9, 2019

Hearing Room 5A

2:00 PM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#29.00 CONT'D Hearing RE: Motion by Defendant Chad Paul Delannoy to Compel Plaintiff Woodlawn Colonial, L.P. to Produce Documents and for an Award of Attorney's Fees and Expenses against Woodlawn Colonial, L.P., filed by Counter-Claimant Chad Paul Delannoy

FR: 4-18-19

Docket 67

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Plaintiff(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

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 9, 2019

Hearing Room 5A

2:00 PM

CONT...

Chad Paul Delannoy

Kathleen J McCarthy

Chapter 7

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

Thursday, May 9, 2019

Hearing Room 5A

2:00 PM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#30.00 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; 12-6-18; 3-21-19

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, May 9, 2019

Hearing Room

5A

2:00 PM

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 (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

March 21, 2019

Continue status conference to May 9, 2019 at 2:00 p.m., same date/time as hearing on Plaintiff's motion for summary judgment; updated status report not

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

Thursday, May 9, 2019

Hearing Room 5A

2:00 PM

CONT... Chad Paul Delannoy
required. (XX)

Chapter 7

Note: Appearances at the March 21, 2019 status conference are not required.

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**

Friday, May 10, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD ORAL RULING 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

FR: 12-20-18; 1-29-19; 3-13-19; 4-24-19

Docket 623

***** VACATED *** REASON: OFF CALENDAR: Per Confirmation
Hearing Held 4/30/2019**

Courtroom Deputy:

OFF CALENDAR: Per Confirmation Hearing Held 4/30/2019 - td (5/9/2019)

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**

Wednesday, May 15, 2019

Hearing Room 5A

9:30 AM

8:18-14627 Richard Alvarez and Alexandra Jane Alvarez

Chapter 7

#1.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Capital One Auto Finance, a division of Capital One, N.A.
(RE: 2017 KIA Sorento Utility 4D SX Limited 2WD - \$20,932.33) **(TA CASE)**

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Alvarez	Pro Se
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Joint Debtor(s):

Alexandra Jane Alvarez	Pro Se
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Wednesday, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10035 Ronald Lyle Pearce

Chapter 7

**#2.00 Hearing RE: Reaffirmation Agreement Between Debtor and Ally Bank
[RE: 2011 Land Rover Range Rover - \$15,254.86]**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Lyle Pearce

Represented By
Brian J Soo-Hoo

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10367 Leland White

Chapter 7

#3.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor And Wells Fargo Bank N.A., d/b/a Wells Fargo Auto (RE: 2009 BMW 3 Series - Amount: \$11,355.00)
[SC CASE]

Docket 23

***** VACATED *** REASON: OFF CALENDAR - NOTICE OF
RECISSION OF REAFFIRMATION AGREEMENT FILED 5-8-19
(DOCKET NO. [27])**

Courtroom Deputy:

**OFF CALENDAR: Notice of Rescission of Reaffirmation Agreement filed
5/15/2019 - nb/td (5/9/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leland White

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**

Wednesday, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10386 Jack D. Parisi

Chapter 7

#4.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor And SchoolsFirst Federal Credit Union (aka OCTFCU) (RE: 2011 Honda Ridgeline - Amount: \$12,282.20)
[SC CASE]

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack D. Parisi

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10388 Robin C. Orcholski and Christine E. Orcholski

Chapter 7

#5.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Wells Fargo Auto (RE: 2008 Ford Truck Edge-V6 - \$1,774.96)

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robin C. Orcholski

Represented By
Christine A Kingston

Joint Debtor(s):

Christine E. Orcholski

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10419 Bach Tuyet Tran

Chapter 7

#6.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. (2013 Mercedes-Benz - GLK Class - \$3,076.86) **(TA CASE)**

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bach Tuyet Tran

Represented By
Tina H Trinh

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10532 Daniel Hoksiang Phang

Chapter 7

#7.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation (2016 Nissan Altima - \$10,182.97) **(TA CASE)**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Hoksiang Phang

Represented By
Maria W Tam

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10607 Bruce Walter Gardner and Kathy Denise Gardner

Chapter 7

#8.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor And SchoolsFirst Federal Credit Union (aka OCTFCU) (RE: 2012 Hyundai Sonata - Amount: \$4,785.98)
[SC CASE]

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Walter Gardner	Pro Se
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Joint Debtor(s):

Kathy Denise Gardner	Pro Se
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Trustee(s):

Thomas H Casey (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Wednesday, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10622 Julio Antonio Ponce Orbe

Chapter 7

#9.00 Hearing RE: Reaffirmation Agreement Between Debtor and Wescom Central Credit Union (RE: 2017 Hyundai Sonata - \$17,028.36) **(TA CASE)**

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Antonio Ponce Orbe

Represented By
Bryn C Deb

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10622 Julio Antonio Ponce Orbe

Chapter 7

#10.00 Hearing RE: Reaffirmation Agreement Between Debtor and Wescom Central Credit Union (RE: Personal Line of Credit - \$1,000.00) **(TA CASE)**

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Antonio Ponce Orbe

Represented By
Bryn C Deb

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10746 Franz B. Kamovski

Chapter 7

#11.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Eagle Community Credit Union (RE: 2009 Porsche Cayenne - \$10,275.73) **(TA CASE)**

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Franz B. Kamovski

Represented By
Bert Briones

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, May 15, 2019

Hearing Room 5A

9:30 AM

8:19-10987 Christina Costa

Chapter 7

#12.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Cab West, LLC c/o Ford Motor Credit Company LLC (RE 2018 Ford Explorer - \$15,080.00) **(TA CASE)**.

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Costa

Represented By
Todd J Roberts

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, May 15, 2019

Hearing Room 5A

10:30 AM

8:19-11830 Mesko Restaurant Group II, Inc., a California corp

Chapter 11

#13.00 Hearing RE: Debtors and Debtors-in-Possession's Emergency Motion for Order Pursuant to 11 U.S.C. Section 366: (A) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Service, (B) Deeming Utilities Adequately Assured of Future Performance, and (C) Establishing Procedures for Resolving Requests for Additional Adequate Assurance of Payment

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 15, 2019

Debtors to address the following issues:

1. The identification of utility accounts that were in default as of the petition date and the amount of such default. The Motion vaguely refers to some defaults but without specificity.
2. Why the adequate protection for utility accounts that are current should be the same as those that were in default as of the petition date.

Party Information

Debtor(s):

Mesko Restaurant Group II, Inc., a

Represented By
Richard A Marshack
David Wood

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

Wednesday, May 15, 2019

Hearing Room 5A

10:30 AM

8:19-11830 Mesko Restaurant Group II, Inc., a California corp

Chapter 11

#14.00 Hearing RE: Debtors and Debtors-in-Possession's Emergency Motion for Order:
Authorizing Debtor to Honor and Comply with Customer Obligations and Deposits

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 15, 2019

If notice is proper, grant motion.

Party Information

Debtor(s):

Mesko Restaurant Group II, Inc., a

Represented By
Richard A Marshack
David Wood

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

Wednesday, May 15, 2019

Hearing Room 5A

10:30 AM

8:19-11830 Mesko Restaurant Group II, Inc., a California corp

Chapter 11

#15.00 Hearing RE: Debtors and Debtors-in-Possession's Emergency Motion for Order: (1) Honoring Pre-Petition Payroll Obligations Which Were Authorized, Issued, and Deposited Pre-Petition; and (2) Authority to Continue Employee Compensation and Payroll Obligations in the Ordinary Course of Business

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 15, 2019

Debtors to address the following issues:

1. Why there is no list of the employees for which Debtors seek to pay prepetition wages along with the amount to be paid to each. Presumably, no single employee will receive more than \$12,850.00, the maximum priority amount allowed under 11 U.S.C. 507(a)(4)(A) for wages, salaries, commissions, vacation, severance and sick leave pay.
 2. The Motion mentions both 507(a)(4)(A) AND 507(a)(5), the latter of which covers contributions to an employee benefit plan. Are Debtors seeking permission to pay contributions to an employee benefit plan?
 3. In addition to paying priority payroll-related obligations under 507(a)(4) [and 507(a)(5)], on page 8 of the Motion, Debtors seek permission to pay "other miscellaneous business expenses in its ordinary course of business." What specific business expenses and how do they fall under 507(a)?
2. Total, in dollar amount, of the prepetition wage obligations to be paid.

Party Information

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

Wednesday, May 15, 2019

Hearing Room 5A

10:30 AM

CONT... Mesko Restaurant Group II, Inc., a California corp

Chapter 11

Debtor(s):

Mesko Restaurant Group II, Inc., a

Represented By
Richard A Marshack
David Wood

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

Wednesday, May 15, 2019

Hearing Room 5A

10:30 AM

8:19-11830 Mesko Restaurant Group II, Inc., a California corp

Chapter 11

#16.00 Hearing RE: Debtors and Debtors-in-Possession's Emergency Motion for Order Authorizing Use of Cash Collateral and Authorizing Continued Maintenance of Existing Bank Accounts for a Limited Period Pursuant to 11 U.S.C. Sections 105,345,and 363

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 15, 2019

Debtor only lists three secured creditors, Bank of Hope, American Express and Sysco. Are there any PACA-type creditors that might assert liens on produce inventory?

Party Information

Debtor(s):

Mesko Restaurant Group II, Inc., a

Represented By
Richard A Marshack
David Wood

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

Wednesday, May 15, 2019

Hearing Room 5A

10:30 AM

8:19-11830 Mesko Restaurant Group II, Inc., a California corp

Chapter 11

#17.00 Hearing RE: Debtors and Debtors-in-Possession's Emergency Motion for Order; Authorizing Debtor to Obtain Post-Petition Loan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 15, 2019

Debtors to address the following issues:

1. Is the security interest to be extended re the postpetition financing non-priming? That is, junior to the prepetition liens of Bank of Hope, American Express, Sysco and any PACA liens?
2. What happens if there is no sale 13 weeks after the Effective Date?

Party Information

Debtor(s):

Mesko Restaurant Group II, Inc., a

Represented By
Richard A Marshack
David Wood

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#1.00 CONT'D STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

(Another Summons Issued 1/31/19)
FR: 1-31-19; 4-18-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Impose sanctions in the amount of \$100 against attorney for Plaintiff for failing to timely file a status report. In addition, no proof of service has been filed showing proper service to defendants. Continue hearing to March 21, 2019 at 9:30 a.m. Court to issue OSC re Dismissal for Failure to Prosecute which will be heard on the same date/time as the continued hearing.

Note: Appearance at this hearing is required.

April 18, 2019

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

Continue hearing to May 16, 2019 at 9:30 a.m.; updated status report must be filed by May 2, 2019. (XX)

Note: Appearance at this hearing is required. Plaintiff to serve notice of the continued hearing date/time

May 16, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated status report required by August 1, 2019 if the settlement has not been approved by such date.

Note: Appearances at this hearing is not required. Plaintiff to serve notice of the continued hearing date/time

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

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

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

CONT...

Denny Roy Steelman

Faye C Rasch

Chapter 7

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

Thursday, May 16, 2019

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

#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; 8-3-18; 11-1-18
(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.

May 16, 2019

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

CONT... Koller Coatings Corporation

Chapter 7

Continue status conference to August 15, 2019 at 9:30 a.m.; updated status report required by August 1, 2019.

Note: Appearances at this hearing is not required. Plaintiff to serve notice of the continued hearing date/time

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

8:17-13073 Aileen Merrill Schlissel

Chapter 7

Adv#: 8:17-01160 Schlissel v. Educational Credit Management Corporation

#3.00 CON'TD PRE-TRIAL CONFERENCE RE: Amended Adversary Complaint to Discharge Student Loan

FR: 5-31-18; 12-20-18; 3-7-19; 3-19-19

Docket 16

*** VACATED *** REASON: OFF CALENDAR: Judgment Pursuant to Stipulation for Entry of Judgment Entered 2/28/2019

Courtroom Deputy:

OFF CALENDAR: Judgment Pursuant to Stipulation for Entry of Judgment Entered 2/28/2019 - td (2/28/2019)

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. (XX)
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

Defendant(s):

Educational Credit Management

Represented By

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

CONT... Aileen Merrill Schlissel

Scott A Schiff

Chapter 7

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, May 16, 2019

Hearing Room 5A

9:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

Adv#: 8:19-01032 Ismodes, Sr v. Pariscari

- #4.00** STATUS CONFERENCE RE: Complaint: 1) Fraud; 2) Fraudulent Concealment; 3) Fraudulent Misrepresentation; 4) Negligence; 5) Breach of Fiduciary Duty; 6) Constructive Fraud; 7) CA Code 2923.55; 8) Conversion; 9) B&P 17200; And Objection to Claim Pursuant to 11 USC Section 502

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

As a preliminary matter, plaintiff's counsel must appear and advise the court re the legal basis for Debtor's standing to prosecute this action for fraud, negligence, breach of fiduciary duty, etc. as such claims are property the estate over which the chapter 7 trustee has exclusive control over. The court is not aware of any abandonment of such claims by the chapter 7 trustee. Importantly, this is not simply an objection to claim.

If Plaintiff's counsel can satisfactorily explain standing, then the following schedule will apply:

Deadline to complete discovery:	Oct. 1, 2019
Deadline to attend mediation:	Nov. 1, 2019
Deadline to file joint pretrial stipulation:	Dec. 5, 2019
Pretrial conference:	Dec. 19, 2019 at 9:30 a.m.

Note: Appearances at this status conference are required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By

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

Thursday, May 16, 2019

Hearing Room 5A

9:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Anerio V Altman

Defendant(s):

Brian Pariscari

Pro Se

Plaintiff(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

8:18-10566 Eugene Martin Huapaya

Chapter 7

#5.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
NISSAN MOTOR ACCEPTANCE CORPORATION
VS.
DEBTOR

Docket 86

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 4/23/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 4/23/2019 - td (4/23/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugene Martin Huapaya

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Nissan Motor Acceptance

Represented By
Michael D Vanlochem

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 16, 2019

Hearing Room 5A

10:00 AM

8:18-12003 Jack G. Gaglio and Laura A. Gaglio

Chapter 7

#6.00 CONT'D Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

PACIFIC WESTERN BANK

VS.

DEBTORS

FR:5/9/19

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Grant relief for the limited purpose of permitting Movant to seek recovery of postpetition wages of Debtors, which wages are not property of the chapter 7 estate. Deny motion as to any claim asserting Debtors' interest in property other than postpetition wages as, if there are any such interests they are property of the bankruptcy estate pursuant to 11 USC 541(a) and Movant has not standing to seek recovery of estate property absent abandonment under Section 554.

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

CONT... Jack G. Gaglio and Laura A. Gaglio

Chapter 7

Movant(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, May 16, 2019

Hearing Room 5A

10:00 AM

8:19-11180 Ritual Hot Yoga LLC

Chapter 7

#7.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
VBAS P ROPERTIES, INC.
VS.
DEBTOR

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Grant with 4001(a)(3) waiver; grant relief requested in request #s 7 and 8 (recording of order required); grant relief #10; deny relief set forth in request # 11.

This court does not grant *in rem* relief in perpetuity as provided for in request # 11.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Ritual Hot Yoga LLC

Represented By
James D. Hornbuckle

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

CONT... Ritual Hot Yoga LLC

Chapter 7

Movant(s):

VBAS Properties, Inc

Represented By

Michael R Asatourian

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11217 Elizabeth Le Nguyen Tran

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

ORCHARD TRUST #9945, SOUTHLAND HOMES REAL ESTATE AND
INVESTMENT LLC AS TRUSTEE

VS.

DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Grant with 4001(a)(3) waiver; grant relief requested in request #s 7 and 8
(recordation of order required); deny relief set forth in request #11.

This court does not grant *in rem* relief in perpetuity as provided for in request #
11.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party 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 Le Nguyen Tran

Pro Se

Movant(s):

Orchard Trust #9945, Southland

Represented By

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

CONT... Elizabeth Le Nguyen Tran

Barry L O'Connor

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, May 16, 2019

Hearing Room 5A

10:00 AM

8:19-11234 Victor Ramon Carlos

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

THE GIBBONS FAMILY TRUST, COLIN GIBBONS AND LEE M. GUSTIN-
GIBBONS AS CO-TRUSTEES

VS.

DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

Victor Ramon Carlos

Represented By
Christine A Kingston

Movant(s):

The Gibbons Family Trust, Colin

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 16, 2019

Hearing Room 5A

10:00 AM

CONT... Victor Ramon Carlos

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, May 16, 2019

Hearing Room 5A

10:00 AM

8:19-11307 Harvey A Fleisher and Angela C Fleisher

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
NING WANG
VS.
DEBTORS

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Grant with 4001(a)(3) waiver; deny all other relief requested due to insufficient grounds stated therefor.

Special Note: The court does not grant prospective or *in rem* relief without strong evidence of bad faith such as multiple filings or transfers of interest in the subject property. The court rarely, if ever, grants *in rem* relief in perpetuity as set forth in relief request #11.

Re Debtors' Response:

1. Any defenses Debtors' wish to raise to the unlawful detainer action must be presented in the state court unlawful detainer case, not this court;
2. Any counterclaim Debtors' assert against Ning Wang is property of the bankruptcy estate and can only be pursued by the chapter 7 trustee unless the trustee abandons the claim back to Debtors, which she has not done.

Party Information

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

CONT... Harvey A Fleisher and Angela C Fleisher

Chapter 7

Debtor(s):

Harvey A Fleisher Pro Se

Joint Debtor(s):

Angela C Fleisher Pro Se

Movant(s):

Ning Wang Represented By
Michael C OYoung

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11526 Richard Price Alexander and Donna Jean Alexander

Chapter 13

#11.00 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:

May 16, 2019 [TENTATIVE RULING MODIFIED SINCE ORIGINAL POSTING]

Grant motion on the following conditions: a) stay is extended through October 24, 2019 only; b) stay extended only so long as Debtors remain postpetition current with i) both mortgage payments on the residential real property and ii) plan payments. If Debtor fails to stay current with mortgages and plan payments, the court will terminate extension of the stay upon the filing of a declaration by either Polycomp Trust or US Bank or the chapter 13 trustee. Upon the filing of any such declaration re nonpayment, Debtor shall have 10 days from the date of the filing of the declaration to provide proof of payment. Absent such proof, the court will thereafter enter an order terminating the extension of the stay.

Basis for Modified Tentative Ruling:

-- The court has re-reviewed the pleadings/docket in this case as well as the prior chapter 13 case and has determined that an indefinite extension of the stay is not warranted as it appears Debtors are buying time to accomplish a sale of the property that was not possible in the prior chapter 13 case. Debtors will not be permitted to park themselves in a chapter 13 without making either current mortgage payments or plan payments while they attempt to sell the property.

-- Though the court has reviewed the late-filed opposition filed by Polycomp Trust (due May 2, 2019, filed May 13, 2019), counsel for Polycomp Trust will not be permitted to present oral argument at the hearing due to the tardiness of the opposition.

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

Thursday, May 16, 2019

Hearing Room 5A

10:00 AM

CONT... Richard Price Alexander and Donna Jean Alexander

Chapter 13

Party Information

Debtor(s):

Richard Price Alexander

Represented By
Christopher J Langley

Joint Debtor(s):

Donna Jean Alexander

Represented By
Christopher J Langley

Movant(s):

Richard Price Alexander

Represented By
Christopher J Langley

Donna Jean Alexander

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 16, 2019

Hearing Room 5A

10:30 AM

8:08-10671 Cody A Ranslem and Nancy Spino

Chapter 7

#12.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

Cody A Ranslem	Pro Se
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Joint Debtor(s):

Nancy Spino	Pro Se
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Trustee(s):

James J Joseph (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

8:09-20845 Commercial Services Building Inc

Chapter 7

#13.00 Hearing RE: Third Interim Application for Fees and Reimbursement of Expenses

[PAGTER AND PERRY ISAACSON, APLC, COUNSEL FOR THE CHAPTER 7 TRUSTEE]

Docket 399

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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
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Thursday, May 16, 2019

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#14.00 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; 12-13-18; 2-7-19; 4-18-19

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
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Thursday, May 16, 2019

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.

April 18, 2019

Grant the motion, subject to overbid. The sale will take place outside the courtroom.

Overrule Debtors' objection to the sale.

May 16, 2019

Trustee to advise the court re the status of this matter.

Party Information

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#15.00 Hearing RE: Joint Debtors' Motion to Convert Case Under 11 U.S.C. Sections 706(a) or 1112(a)

Docket 65

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Deny motion due to lack of evidence of ability of Debtors to fund a viable chapter 13 plan.

Party Information

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:13-13712 Tracy Mark Longest and Macy Maddelena Collins

Chapter 7

#16.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

Tracy Mark Longest

Represented By
Rachelle Shakoori

Joint Debtor(s):

Macy Maddelena Collins

Represented By
Rachelle Shakoori

Trustee(s):

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 16, 2019

Hearing Room 5A

10:30 AM

8:14-10508 Aviiir, Inc.

Chapter 7

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

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 250

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:14-10508 Aviiir, Inc.

Chapter 7

#18.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[CALLAHAN & BLAINE, APLC, ATTORNEY FOR KAREN SUE NAYLOR,
CHAPTER 7 TRUSTEE]**

Docket 229

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:14-10508 Aviiir, Inc.

Chapter 7

#19.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[RINGSTAD & SANDERS LLP, ATTORNEY FOR KAREN SUE NAYLOR,
CHAPTER 7 TRUSTEE]**

Docket 245

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:14-10508 Aviiir, Inc.

Chapter 7

#20.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From October 19, 2015 Through December 17, 2018

[HAHN FIFE & COMPANY LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 246

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#21.00 Hearing RE: Application for an Order Authorizing the Employment of Kalfayan Merjanian as Special Litigation Counsel Nunc Pro Tunc to July 15, 2016 and Granting Final Allowance of Compensation and Reimbursement of Expenses

Docket 165

***** VACATED *** REASON: CONTINUED TO 5/30/2019 AT 10:30 A.M.,
PER ORDER ENTERED 5/1/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 5/30/2019 at 10:30 a.m., Per Order
Entered 5/1/2019 (XX) - td (5/1/2019)**

Tentative Ruling:

- NONE LISTED -

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#22.00 Hearing RE: Debtor's Motion to Approve Compromise Pursuant to
Fed.R.Bankr.Proc. 9019

Docket 169

***** VACATED *** REASON: CONTINUED TO 5/30/2019 AT 10:30 A.M.,
PER ORDER ENTERED 5/1/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 5/30/2019 at 10:30 a.m., Per Order
Entered 5/1/2019 (XX) - td (5/1/2019)**

Tentative Ruling:

- NONE LISTED -

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:17-13894 Gregory A Moore and Edith A Moore

Chapter 11

#23.00 Post-Confirmation Status Conference RE: Amended Chapter 11 Plan of Reorganization

(Set at Ch 11 Plan hrg. held 11-15-18)

Docket 93

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion in Chapter 11 Case for the Entry of an Order Closing Case on Interim Basis Entered 1/7/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion in Chapter 11 Case for the Entry of an Order Closing Case on Interim Basis Entered 1/7/2019 - td (1/9/2019)

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 16, 2019

Hearing Room

5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#24.00 Hearing RE: Debtor's Omnibus Objection to the Proof of Claim of:

Claim #3	Calvary SPV I	\$1,926.81
Claim #6	Resurgent Capital Services	\$1,229.27
Claim #7	Pinnacle Credit Services	\$752.66
Claim #8	Alliance Environmental Group	\$4,692.10
Claim #9	Universal Carpet	\$2,340.00

Docket 214

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Overrule Objections without prejudice due to procedural deficiencies.

Basis for Tentative Ruling:

The court overrules all objections for the reasons stated in the Comments filed the chapter 7 trustee which are well-taken and incorporated by reference herein, to wit: noncompliance with FRBP 3007(d) and (e), noncompliance with LBR 3007-1(c)(2), 3007-1(c)(4)(C), failure to address possibility of surplus case which would allow tardily filed claims to be paid, etc.

Because of the numerous procedural/evidentiary deficiencies, the court need not address the substance of certain objections, such as Claims 3, 6, and 7.

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

The court notes that the proof of service re Universal Carpet includes a zip code different from that in the proof of claim.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

8:18-10006 Tri-Star Construction and Restoration Services, In

Chapter 11

#25.00 Post-Confirmation Status Conference RE: First Amended Chapter 11 Plan of Reorganization

(Set at Ch 11 Plan hrg. held 11-15-18)

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to Sept. 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019.

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the US Trustee; it is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.

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 16, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#26.00 CON'TD Hearing RE: Motion to Determine Fees Expenses and Charges Claimed by Premier Home Solutions, Inc.

FR: 4-18-18

Docket 66

*** VACATED *** REASON: CONTINUED TO JUNE 20, 2019 AT 10:30 A.M. PER ORDER ENTERED 5/15/19 (XX)

Courtroom Deputy:

CONTINUED: Order Approving Stipulation to Continue Hearing on Motion to Determine Fees, Expenses and Charges Claimed by Premier Home Solutions, Inc. Entered 5/15/19 (liz) (5/15/2019)

Tentative Ruling:

Party Information

Debtor(s):

Daphne Alt

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 16, 2019

Hearing Room 5A

10:30 AM

8:18-12003 Jack G. Gaglio

Chapter 7

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

#27.00 CONT'D Hearing RE: Pacific Western Bank's Motion to Stay Proceedings

FR: 5/9/19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Deny motion to stay proceedings.

There is no legitimate reason why the nondischargeability complaint cannot proceed under 523(a)(6) and 727. As noted in connection with the motion for relief from stay, Movant has no standing to assert control over any bankruptcy estate property interests.

Though not framed as such, the state court action is in the nature of a fraudulent transfer action, i.e., that Defendants allegedly transferred the dairy business and its assets to their son in order to avoid enforcement of Movant's judgment against the same.

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck

Defendant(s):

Jack G. Gaglio

Represented By
Thomas J Eastmond

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

CONT... Jack G. Gaglio
Laura A. Gaglio

Represented By
Thomas J Eastmond

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#28.00 Hearing RE: Debtor in Possession's Motion to Value Collateral of BB&T Commercial Equipment Capital Corp That is Listed in Claim 16

Docket 102

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#29.00 Hearing RE: Debtor in Possession's Motion to Value Collateral of BB&T
Commercial Equipment Capital Corp That is Listed in Claim 18

Docket 104

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#30.00 Hearing RE: Debtor in Possession's Motion to Value Collateral of BB&T Commercial Equipment Capital Corp that is Listed in Claim 17

Docket 108

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

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):

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, May 16, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#31.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#32.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Debtor's counsel will need to address the following issues:

1. The projected adequate protection payments listed on Exhibit A requires explanation:
 - a. The projection provides for monthly adequate protection payments for *all three* properties of only \$1700, yet the debt service on the Norwalk property alone is \$3300 per month (1st and 2nd).
 - b. The artificially low adequate protection payments skews the projections -- in reality, Debtor will be operating at a significant deficit for all 6 months, especially after property taxes, insurance, maintenance and management fees are added.
 - c. It is not clear from the projections whether Debtor is paying \$100 in management fees per month for one, two or all three properties. Who is the property manager?
 - d. The projections include rent for the Burchfield property of \$1300 but there is no evidence that Debtor has procured a tenant for that property.
 - e. The monthly operating report for March shows no income and no

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing
expenses for any property.

Chapter 11

2. Debtor does not plan to file a cash collateral motion. So, how will the projected expenses for the properties be paid?

Claims Bar Date: July 30, 2019 (notice to creditors by 5/30/19; declaration re non-opp must be filed by 5/23)

Deadline to file Plan/Discl St.: Aug. 1, 2019

Continued status conference: July 16, 2019 at 10:30 a.m.; updated report must be filed by July 9, 2019.

Special Note: The continued chapter 11 status conference is being continued less than 60 days to allow the court to monitor the progress of this case, including a review of the April and May MORs.

Note: Appearance at this status conference is required.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

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

Thursday, May 16, 2019

Hearing Room 5A

10:30 AM

8:19-10944 SPN IP LLC

Chapter 11

#33.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

SPN IP LLC

Represented By
Christopher J Langley

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

Thursday, May 16, 2019

Hearing Room 5A

2:00 PM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

Adv#: 8:18-01095 Albert-Sheridan v. Icon Owner Pool 1, LA Business Parks, LLC

#34.00 Hearing RE: Icon Owner Pool I's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment

Docket 35

Courtroom Deputy:

**SPECIAL NOTE: Plaintiff's Notice of Dismissal Without Prejudice filed
5/6/2019 - td (5/14/2019)**

Tentative Ruling:

May 16, 2019

The court is inclined to deny the motion as moot in light of Plaintiff's notice of voluntary dismissal.

Basis for Tentative Ruling:

Federal Rules of Bankruptcy Procedure 41

This adversary was commenced with the filing of the Complaint on May 29, 2018. Defendant filed its answer on June 29, 2019 [docket #6]. The instant motion for summary judgment ("Motion") was filed on March 8, 2019 [docket #35] and was properly served upon Plaintiff. Pursuant to LBR 7056-1, a responsive pleading had to be filed within 21 days of today's hearing or April 25, 2019. Plaintiff did not file a responsive pleading by April 25, 2019. Instead, on May 6, 2019, Plaintiff filed Notice of [Voluntary] Dismissal Without Prejudice [docket # 48] ("Dismissal Notice"). Though Plaintiff cited no rule or other legal authority in the Dismissal Notice, the applicable rule is Federal Rules of Civil Procedure 41, which applies to bankruptcy adversary proceedings pursuant to Federal Rules of Bankruptcy Procedure 7041.

Voluntary Dismissal of Action Without Court Order

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

Thursday, May 16, 2019

Hearing Room 5A

2:00 PM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Rule 41 permits a plaintiff the right to voluntarily dismiss an action without court order or consent of the defendant under certain circumstances. Specifically Rule 41(a)(1)(i) provides that plaintiff "dismiss an action without a court order by filing . . . a notice of dismissal *before the opposing party serves either an answer or a motion for summary judgment*". (emphasis added)

Here, because Plaintiff filed the notice of dismissal *after* both the filing of an answer and a motion for summary judgment, the Dismissal Notice is ineffective under Rule 41(a)(1).

Voluntary Dismissal of Action With Court Order

Rule 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."

The Ninth Circuit has long held that the decision to grant a voluntary dismissal under Rule 41(a)(2) is addressed to the sound discretion of the District Court, and its order will not be reversed unless the District Court has abused its discretion." *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982). Under FRCP 41(a)(2), "If a notice of summary judgment has been filed, the court can grant a dismissal at its discretion." *Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988). "When a plaintiff seeks to avoid an adverse decision on a motion for summary judgment, dismissal is inappropriate." *LeFer v. Murry*, 978 F. Supp. 2d 1177, 1186 (D. Mont. 2013)(citations omitted).

"In ruling on a motion for voluntary dismissal, the District Court must consider whether the defendant will suffer some plain legal prejudice as a result of the dismissal... Plain legal prejudice, however, does not result simply when defendant faces the prospect of a second lawsuit or when plaintiff merely gains some tactical advantage." *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982). Plain legal prejudice "means 'prejudice to some legal interest, some legal claim, some legal argument.'" *Smith v. Lenches*, 263 F.3d 972, 976 (9th Cir. 2001).

The Ninth Circuit plainly stated the standard for the application of Rule

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

Thursday, May 16, 2019

Hearing Room 5A

2:00 PM

CONT... **Lenore LuAnn Albert-Sheridan**

Chapter 7

41(a)(2) as follows:

"A district court should grant a motion for voluntary dismissal under Rule 41(a)(2)4 unless a defendant can show that it will suffer some plain legal prejudice as a result. *Waller v. Fin. Corp. of Am.*, 828 F.2d 579, 583 (9th Cir.1987); see also *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145–46 (9th Cir.1982).

We have previously held that 'legal prejudice' means 'prejudice to some legal interest, some legal claim, some legal argument.' *Westlands*, 100 F.3d at 97. In so holding, we also explained that '[u]ncertainty because a dispute remains unresolved' or because "the threat of future litigation ... causes uncertainty' does not result in plain legal prejudice. *Id.* at 96–97. Also, plain legal prejudice does not result merely because the defendant will be inconvenienced by having to defend in another forum or where a plaintiff would gain a tactical advantage by that dismissal. *Hamilton*, 679 F.2d at 145." 263 F.3d at 976.

Applying the foregoing standard to the circumstances here, the court can discern no plain legal prejudice that would be suffered by Defendant by the dismissal of the complaint without prejudice. The fact that Defendant could face a second lawsuit or incur fees in connection therewith is insufficient.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Defendant(s):

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, May 16, 2019

Hearing Room 5A

2:00 PM

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**

Tuesday, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11550 Alain Azoulay

Chapter 7

#0.01 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 327 Salta Verde Pt., Long Beach 90803 (OST Entered 5/14/2019)
(TA CASE)

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Alain Azoulay

Represented By
Dana M Douglas

Movant(s):

Alain Azoulay

Represented By
Dana M Douglas
Dana M Douglas
Dana M Douglas
Dana M Douglas
Dana M Douglas
Dana M Douglas

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11081 Cheryl Wolter

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Cheryl Wolter

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11071 Lan Anh Hoang

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 4/23/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 4/23/2019 - td (5/3/2019)**

Party Information

Debtor(s):

Lan Anh Hoang

Represented By
Thinh V 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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11062 Katherine Elizabeth Gaskill

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Katherine Elizabeth Gaskill	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11015 Elizabeth Ann Durand

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 4/08/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 4/08/2019 - td (4/8/2019)**

Party Information

Debtor(s):

Elizabeth Ann Durand

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-11002 Gloria Azarraga Burns

Chapter 13

#5.00 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
Entered 4/10/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 4/10/2019 - td (4/10/2019)**

Party Information

Debtor(s):

Gloria Azarraga Burns

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10948 Antonio Munos and Cinthia Renee Munos

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Antonio Munos

Represented By
Matthew D. Resnik

Joint Debtor(s):

Cinthia Renee Munos

Represented By
Matthew D. Resnik

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10898 Alicia K Pipitone

Chapter 13

#7.00 Hearing RE: Confirmation of 3rd Amended Chapter 13 Plan

Docket 24

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10863 James Ray Peterson

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 5

Courtroom Deputy:

- 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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10812 Tamara Salow

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Tamara Salow

Represented By
Christopher P Walker

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10796 Mario Jonathan Saldivar and Alicia Marie Braddock

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Mario Jonathan Saldivar

Represented By
Joshua L Sternberg

Joint Debtor(s):

Alicia Marie Braddock

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10794 Fernando Serrano

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Serrano

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10787 Juliette Laura Smith

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing
Chapter 13 Case for Failure to File Schedules, Statements, and/or Plan
Entered 3/25/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Chapter 13 Case for Failure to File
Schedules, Statements, and/or Plan Entered 3/25/2019 - td (5/3/2019)**

Party Information

Debtor(s):

Juliette Laura Smith

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10770 Frankie Manuel Gonzales, Jr. and Jacqueline Gonzales

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Frankie Manuel Gonzales Jr.

Represented By
David Lozano

Joint Debtor(s):

Jacqueline Gonzales

Represented By
David Lozano

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10751 Nien T Fraser

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nien T Fraser

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10723 Hilda Camarena

Chapter 7

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Conversion to Chapter 7 Filed 3/13/2019; Case Converted to Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion to Chapter 7 Filed
3/13/2019; Case Converted to Chapter 7 - td (3/14/2019)**

Party Information

Debtor(s):

Hilda Camarena

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**

Tuesday, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10690 Nicole Nolan

Chapter 13

#16.00 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 3/18/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 3/18/2019 - td (5/2/2019)**

Party Information

Debtor(s):

Nicole Nolan

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10678 Fernando Contreras

Chapter 13

#17.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 20

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Contreras

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10640 Alejandro M. Martinez and Chalea R. Woods

Chapter 7

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Conversion to Chapter 7 Filed 3/2/2019; Case Converted to Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion to Chapter 7 Filed
3/2/2019; Case Converted to Chapter 7 - td (5/2/2019)**

Party Information

Debtor(s):

Alejandro M. Martinez

Represented By
Kevin Tang

Joint Debtor(s):

Chalea R. Woods

Represented By
Kevin Tang

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10609 Criss Tina Lenhart

Chapter 7

#19.00 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 3/7/2019;
Case Converted to Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case
from Chapter 13 to Chapter 7 filed 3/7/2019; Case Converted to Chapter
7 - td (3/8/2019)**

Party Information

Debtor(s):

Criss Tina Lenhart

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10606 Sima Hakami

Chapter 13

#20.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 24

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Sima Hakami

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10604 Jessica Trof Kodrich

Chapter 13

#21.00 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 3/11/2019

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 3/11/2019 - td (3/11/2019)**

Party Information

Debtor(s):

Jessica Trof Kodrich

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10598 Maria Elidia Cerda

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 3/11/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 3/11/2019 - td (3/11/2019)**

Party Information

Debtor(s):

Maria Elidia Cerda

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10597 Lydia Cerda

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 3/11/2019

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 3/11/2019 - td (3/11/2019)

Party Information

Debtor(s):

Lydia Cerda

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10579 Maria Faith Burks

Chapter 13

#24.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#25.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10553 Christine Martinez

Chapter 13

#26.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 21

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Christine Martinez

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10533 Quynh Thuy Lu

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 3/1/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 3/1/2019 - td (5/2/2019)**

Party Information

Debtor(s):

Quynh Thuy Lu

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10516 Fidelina Ochoa

Chapter 13

#28.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 24

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Requet for Voluntary Dismissal of Chapter 13 Entered
5/21/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 5/21/2019 - td (5/21/2019)**

Party Information

Debtor(s):

Fidelina Ochoa

Represented By
Sunjay Bhatia

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10509 Gilbert D Garcia

Chapter 13

#29.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 27

*** 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 4/29/2019

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 4/29/2019 - td (5/2/2019)**

Party Information

Debtor(s):

Gilbert D Garcia

Represented By
Dale F Hardeman

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10483 Emil Peter Joros

Chapter 13

#30.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Emil Peter Joros

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10443 Juan Mendoza

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 2/25/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 2/25/2019 - td (5/2/2019)**

Party Information

Debtor(s):

Juan Mendoza

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10432 Manuel C. Adame

Chapter 13

#32.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Manuel C. Adame

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10426 Adrian Elizarraras

Chapter 13

#33.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR: 4--23-19

Docket 20

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Elizarraras

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10271 Herminigilda Garcia Manalo

Chapter 13

Telephonic Hearing

#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Herminigilda Garcia Manalo

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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10247 Loren Tramontano and Monique Chevalier

Chapter 13

#35.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Loren Tramontano

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Chevalier

Represented By
Paul Y 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**

Tuesday, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10201 Robert Lynn McEwen

Chapter 13

#36.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lynn McEwen

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:19-10037 Ryan Phillip Jones and Sandy Gee Yung Kim

Chapter 13

#37.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Phillip Jones Pro Se

Joint Debtor(s):

Sandy Gee Yung Kim 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 21, 2019

Hearing Room 5A

1:30 PM

8:19-10002 Viet Duc Bui

Chapter 13

#38.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR: 3-26-19

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Viet Duc Bui

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 21, 2019

Hearing Room 5A

1:30 PM

8:18-14641 Richard Thomas McPhee

Chapter 13

#39.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Richard Thomas McPhee

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 21, 2019

Hearing Room 5A

1:30 PM

8:18-14640 Pejman Pirmoradi

Chapter 13

#40.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 4-23-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Pejman Pirmoradi

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:18-14558 Cathy Marie Estrella

Chapter 13

#41.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 4-23-19

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Marie Estrella

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:18-14422 Donna Lee Lawler

Chapter 13

#42.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Donna Lee Lawler

Represented By
Peter Rasla

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:18-14252 Kayleen R Hittesdorf

Chapter 13

#43.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-22-19; 3-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Kayleen R Hittesdorf

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 21, 2019

Hearing Room 5A

1:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#44.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 1-22-19; 3-26-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 21, 2019

Hearing Room 5A

1:30 PM

8:18-13746 Michael P Monroe and Deborah J. Monroe

Chapter 13

#45.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19; 3-26-19

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

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, May 21, 2019

Hearing Room 5A

1:30 PM

8:18-13650 J. Guadalupe Zepeda Dimas

Chapter 13

#46.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18; 3-26-19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Party Information

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**

Tuesday, May 21, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#47.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19; 3-26-19

Docket 10

Courtroom Deputy:

- 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, May 21, 2019

Hearing Room 5A

2:30 PM

8:18-13315 Laurel Lee Linton

Chapter 13

#48.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding failure to make plan payments

Docket 34

Courtroom Deputy:

- 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**

Tuesday, May 21, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#49.00 Hearing RE: Debtors' Modify Under LBR 3015-1(n) and (3) to Modify Plan or Suspend Plan Payments

Docket 30

Courtroom Deputy:

- NONE LISTED -

Party Information

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, May 21, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#50.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-26-19; 4-23-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, May 21, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#51.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19

Docket 113

Courtroom Deputy:

- 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**

Tuesday, May 21, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#52.00 CON'TD Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

FR: 3-26-19; 4-23-19

Docket 51

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, May 21, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#53.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19; 3-26-19; 4-23-19

Docket 48

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, May 21, 2019

Hearing Room 5A

2:30 PM

8:17-10572 Imelda Macedo

Chapter 13

#54.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19

Docket 32

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Imelda Macedo

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**

Tuesday, May 21, 2019

Hearing Room 5A

2:30 PM

8:16-14243 Daryl John Parks

Chapter 13

#55.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to make plan payments

FR: 3-26-19; 4-23-19

Docket 54

Courtroom Deputy:

- 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, May 21, 2019

Hearing Room 5A

2:30 PM

8:16-12882 Juanita Torres

Chapter 13

#56.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 4-23-19

Docket 48

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Juanita Torres

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, May 21, 2019

Hearing Room 5A

2:30 PM

8:15-12052 Joe Blake

Chapter 13

#57.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 49

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joe Blake

Represented By
Arlene M Tokarz

Trustee(s):

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 21, 2019

Hearing Room 5A

2:30 PM

8:14-15270 Nguyen D. Uong

Chapter 13

#57.10 Hearing RE: Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Docket 98

Courtroom Deputy:

- 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, May 21, 2019

Hearing Room 5A

2:30 PM

8:14-15270 Nguyen D. Uong

Chapter 13

#58.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19; 4-23-19

Docket 84

Courtroom Deputy:

- 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, May 21, 2019

Hearing Room 5A

2:30 PM

8:14-12887 Chad G Spates

Chapter 13

#59.00 CONT'D Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 3-26-19

Docket 45

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Chad G Spates

Represented By
James D Zhou

Trustee(s):

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 21, 2019

Hearing Room 5A

2:30 PM

8:14-12166 Roxana Martha Kargl

Chapter 13

#60.00 CONT'D Hearing RE: Chapter 13 Trustee's Verified Motion for Order Modifying the Chapter 13 Plan

FR: 3-26-19

Docket 141

Courtroom Deputy:

- NONE LISTED -

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**

Tuesday, May 21, 2019

Hearing Room 5A

2:30 PM

8:16-14474 Christine Chi Kim Luu

Chapter 13

#61.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to make plan payments.

Docket 70

Courtroom Deputy:

- 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**

Wednesday, May 22, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#1.00 **CON'TD FINAL ORAL ARGUMENT RE:** Motion Seeking: (1) Disallowance of Claims 14 and 16; and (2) Striking Claims Alleged in Adversary Nos. 8:17-ap-01094 and 8:17-ap-01092 on the Grounds the Same Were Filed Base Upon Falsified Evidence, filed by Debtor John Jean Bral

(Set at SC held 9-20-18 ; See Statement/Doc. #603)
FR: 1-10-19; 3-19-19

Docket 219

***** VACATED *** REASON: OFF CALENDAR: Per Confirmation
Hearing Held 4/30/2019**

Courtroom Deputy:

**OFF CALENDAR: Per Confirmation Hearing Held 4/30/2019 - td
(5/21/2019)**

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**

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

8:16-13488 Rubin J Skipper

Chapter 7

Adv#: 8:19-01036 Skipper v. US Department of Education

#1.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loan

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Plaintiff needs to appear and explain why he has filed an identical complaint re nondischargeability of student loan debt as in adversary #18-0111. Neither complaint has been properly served on Defendant. The court is inclined to dismiss this adversary proceeding for failure to prosecute.

Note: Appearance at this status conference is required.

Party Information

Debtor(s):

Rubin J Skipper Pro Se

Defendant(s):

US Department of Education 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, May 30, 2019

Hearing Room 5A

9:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

Adv#: 8:18-01143 Marshack v. Nguyen

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18; 12-6-18; 1-24-19; 3-21-19

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, (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 24, 2019

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status report must be filed by March 7, 2019 if the settlement has not been approved by such date. (XX)

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

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

CONT... AA-TEK Machining, Inc.

Chapter 7

Note: Appearances at this hearing are not required.

March 21, 2019

In light of pending settlement, continue Status Conference to May 30, 2019 at 9:30 a.m.; updated status report must be filed by May 16, 2019 if the settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required.

May 30, 2019

In light of pending settlement continue hearing one final time to August 15, 2019 at 9:30 a.m.; updated status report must be filed by August 8, 2019 if the settlement agreement has not been approved by such date.

Note: Appearances at this status conference 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

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, May 30, 2019

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, May 30, 2019

Hearing Room 5A

9:30 AM

8:18-10053 William S. Stewart

Chapter 7

Adv#: 8:19-01038 Naylor v. Advanced Innovative Recovery Technologies, Inc.

#3.00 STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) For Money; and (3) Common Count (Quantum Meruit - Services Rendered)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

In light of pending settlement, continue status conference to October 10, 2019 at 9:30 a.m.; updated status report must be filed by October 3, 2019 if the settlement has not been approved by the Court by such date.

Note: Appearances at this status conference are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

William S. Stewart Pro Se

Defendant(s):

Advanced Innovative Recovery Pro Se

Joint Debtor(s):

Barbara E. Stewart Pro Se

Plaintiff(s):

Karen Sue Naylor Represented By
Christopher Minier

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

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

CONT... William S. Stewart

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

8:18-14259 Raj Malhotra

Chapter 7

Adv#: 8:19-01039 Chokshi v. Malhotra et al

#4.00 STATUS CONFERENCE RE: Complaint for: Non Dischargeability of Debt Pursuant to 11 U.S.C. 523(A)(2) and 523(A)(6)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Discovery Cut-off Date:	7/30/19
Deadline to Attend Mediation:	8/30/19
Pretrial Conference Date:	10/3/19 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	9/19/19

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):

Raj Malhotra

Represented By
Leslie K Kaufman

Defendant(s):

Raj Malhotra

Pro Se

Nayana Malhotra

Pro Se

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

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

CONT... Raj Malhotra

Chapter 7

Joint Debtor(s):

Nayana Malhotra

Represented By
Leslie K Kaufman

Plaintiff(s):

Manisha Chokshi

Represented By
Onyinye N Anyama
Vithlani Dilip

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 30, 2019

Hearing Room 5A

9:30 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

Adv#: 8:19-01035 SJO Investments, LLC v. Gilbert-Bonnaire

#5.00 STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Under 11 U.S.C. §543(A)(2)(a), and, if Applicable, Allowance Pursuant to 11 U.S.C. §1502

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Discovery Cut-off Date:	8/2/19
Deadline to Attend Mediation:	9/13/19
Pretrial Conference Date:	10/17/19 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	10/3/19

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):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

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, May 30, 2019

Hearing Room 5A

9:30 AM

CONT... Paula Gilbert-Bonnaire

Chapter 7

Plaintiff(s):

SJO Investments, LLC

Represented By
Jon Alan Enochs

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 30, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01040 Lee v. Phong

#6.00 STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. x21523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. §727(a)(4)(A)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: New Status Conference
Set For 7/11/2019 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: New Status Conference Set For 7/11/2019 at 9:30 a.m.
(xx) - td (4/15/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Benjamin Lee

Represented By
Jason K Boss

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 30, 2019

Hearing Room 5A

9:30 AM

8:18-14372 Narendra Mohan

Chapter 7

Adv#: 8:19-01037 Last Chance Funding, Inc. v. Mohan et al

#7.00 STATUS CONFERENCE RE: Complaint to Determine the Dischargeability of a Debt and Objection to Discharge of the Debtors

Docket 1

***** VACATED *** REASON: CONTINUED TO OCTOBER 17, 2019 AT
9:30 A.M., PER ORDER ENTERED 5/16/19 (XX)**

Courtroom Deputy:

**CONTINUED: Continued to 10/17/2019 at 9:30 a.m., Per Order on
Stipulation to Continue Status Conference Entered 5/16/19 (XX) - (liz)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narendra Mohan

Represented By
Harlene Miller

Defendant(s):

Narendra Mohan

Pro Se

Anshu Mohan

Pro Se

Joint Debtor(s):

Anshu Mohan

Represented By
Harlene Miller

Plaintiff(s):

Last Chance Funding, Inc.

Represented By
Robert L Rentto

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 30, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#8.00 Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 4/4/2019)

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

No response to the OSC has been filed. Dismiss adversary proceeding due to lack of prosecution.

Party Information

Debtor(s):

Carissa Louise Clemens	Pro Se
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Defendant(s):

US Dept of Education	Pro Se
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Plaintiff(s):

Carissa Clemens	Pro Se
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Trustee(s):

Karen S Naylor (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#9.00 CON'TD STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

FR: 4-4-19

Docket 1

***** VACATED *** REASON: ANOTHER SUMMONS ISSUED 4/8/2019.
STATUS CONFERENCE SET FOR 7/11/2019 AT 9:30 A.M. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 4/8/2019. Status Conference
Set for 7/11/2019 at 9:30 a.m. (xx) - td (4/8/2019)**

Tentative Ruling:

April 4, 2019

Plaintiff has failed to file a proof of service showing timely and proper service the summons and complaint on Defendant US Department of Education in accordance with Federal Rules of Bankruptcy Procedure 7004(b)(4). Continue status conference to May 30, 2019 at 9:30 a.m. The court will issue and order to show cause why this adversary proceeding should not be dismissed for failure to prosecute -- a hearing on the order to show cause shall also be held on May 30, 2019 at 9:30 a.m. (XX)

If Plaintiff has not properly served Defendant as of the date of the hearing , she must obtain another summons from the Clerk's Office and serve the same by or before April 18, 2019.

Party Information

Debtor(s):

Carissa Louise Clemens

Pro Se

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

Thursday, May 30, 2019

Hearing Room 5A

9:30 AM

CONT... Carissa Louise Clemens

Chapter 7

Defendant(s):

US Dept of Education Pro Se

Plaintiff(s):

Carissa Clemens 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 30, 2019

Hearing Room 5A

10:00 AM

8:15-14425 Jose P. Hurtado

Chapter 13

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

BAYVIEW LOAN SERVICING LLC

VS.

DEBTOR

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

The parties are ordered to meet and confer re a possible resolution prior to the hearing. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are June 13, 2019 and June 20, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Jose P. Hurtado

Represented By
Richard G Heston

Movant(s):

BAYVIEW LOAN SERVICING

Represented By
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, May 30, 2019

Hearing Room 5A

10:00 AM

8:16-11744 Derrick Anthony Moreno, Sr. and Rose Estrada Moreno

Chapter 13

#11.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
WELLS FARGO BANK, N.A.
VS.
DEBTORS

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Derrick Anthony Moreno Sr.

Represented By
Cynthia Grande

Joint Debtor(s):

Rose Estrada Moreno

Represented By
Cynthia Grande

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

Thursday, May 30, 2019

Hearing Room 5A

10:00 AM

CONT... Derrick Anthony Moreno, Sr. and Rose Estrada Moreno

Chapter 13

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

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 30, 2019

Hearing Room 5A

10:00 AM

8:18-14603 Sean Pate

Chapter 7

#12.00 Hearing RE: Motion for Relief from Stay
[ACTION IN NONBANKRUPTCY FORUM]

YUBA CITY PACIFIC ASSOCIATES

VS.

DEBTOR

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Grant in part; deny in part. Grant as to all causes of action in the state court action except deny as to breach of contract, negligence, constructive trust, fraudulent transfers and injunctive relief. Grant request for waiver of 4001(a) (3).

The excepted causes of action are either dischargeable (breach of contract, negligence, constructive trust) or are causes of action belonging to the bankruptcy estate (fraudulent transfer, injunctive relief). Notably, the deadline for filing objections to discharge or determination of dischargeability have not expired due to extension stipulations.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the 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**

Thursday, May 30, 2019

Hearing Room 5A

10:00 AM

CONT... Sean Pate

Chapter 7

Debtor(s):

Sean Pate

Represented By
Anerio V Altman

Movant(s):

Yuba City Pacific Associates

Represented By
Aaron J Malo

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 30, 2019

Hearing Room 5A

10:00 AM

8:19-10201 Robert Lynn McEwen

Chapter 13

#13.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

DEUTSCHE BANK TRUST COMPANY AMERICAS

VS.

DEBTOR

FR: 5-7-19

Docket 20

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary
Dismissal of Motion, filed 5/13/2019**

Courtroom Deputy:

**OFF CALENDAR: Notice of Voluntary Dismissal of Motion, filed
5/13/2019 - td (5/14/2019)**

Tentative Ruling:

May 7, 2019

If Debtor is now current through April 2019, the court will grant a standard adequate protection order in favor of Movant. The parties are encouraged to discuss the terms of such an order prior to the hearing. If more time is needed, the parties may request a continuance of today's hearing at the time of the calendar roll call by the clerk prior to the hearing. Available continued dates are May 16, 2019, May 30, 2019 and June 13, 2019.

Party Information

Debtor(s):

Robert Lynn McEwen

Represented By
Jacqueline D Serrao

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

Thursday, May 30, 2019

Hearing Room 5A

10:00 AM

CONT... Robert Lynn McEwen

Chapter 13

Movant(s):

DEUTSCHE BANK TRUST

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, May 30, 2019

Hearing Room 5A

10:00 AM

8:19-11139 Chirag Shewa

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
ACAR LEASGIN LTD.
VS.
DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Chirag Shewa

Represented By
Leonard M Shulman

Movant(s):

ACAR Leasing LTD d/b/a GM

Represented By
Jennifer H Wang

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

Thursday, May 30, 2019

Hearing Room 5A

10:00 AM

CONT... Chirag Shewa

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 30, 2019

Hearing Room 5A

10:00 AM

8:19-11704 Brian D. Thaler

Chapter 13

#14.10 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:

May 30, 2019

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):

Brian D. Thaler

Represented By
James D. Hornbuckle

Movant(s):

Brian D. Thaler

Represented By
James D. Hornbuckle
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 30, 2019

Hearing Room 5A

10:30 AM

8:01-16577 California Power Exchange Corp

Chapter 11

#15.00 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; 5-31-18

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.

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 30, 2019

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

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

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.

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

Thursday, May 30, 2019

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.

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)

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 30, 2019

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp
April 17, 2008

Chapter 11

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 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.

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

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

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:

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... **California Power Exchange Corp** **Chapter 11**

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

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.

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... California Power Exchange Corp

Chapter 11

May 31, 2018

Continue status conference to May 30, 2019 at 10:30 a.m.; updated report to be filed by May 16, 2019 (XX)

Note: Appearance at today's hearing is not required.

May 30, 2019

Continue status conference to May 21, 2020 at 10:30 a.m.; updated report to be filed by May 7, 2020

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 Belezuoli
Alicia Clough

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:03-19407 Imperial Credit Industries Inc

Chapter 7

#16.00 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;
11-15-18

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

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Imperial Credit Industries Inc

Chapter 7

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.

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.

May 30, 2019

Take status conference off calendar.

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Imperial Credit Industries Inc

Chapter 7

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
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 30, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

#17.00 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; 11-15-18

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, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Note: Appearance at this hearing is not required.

May 30, 2019

Continue status conference to November 21, 2019 at 10:30 a.m.; updated status report must be filed by November 7, 2019, 2019 unless a final decree has been entered by such date.

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

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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 30, 2019

Hearing Room 5A

10:30 AM

8:11-23627 Michael James Sumrall, Sr. and Rosanna Lynne Sumrall

Chapter 7

#18.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee

Docket 84

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Michael James Sumrall Sr.

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Rosanna Lynne Sumrall

Represented By
Misty A Perry Isaacson

Trustee(s):

Karen S Naylor (TR)

Represented By
Karen Sue Naylor
William M Burd

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:12-13270 Aileen Patricia Angel

Chapter 7

#19.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Aileen Patricia Angel

Represented By
Brian J Soo-Hoo

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#20.00 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; 12-6-18; 3-21-19

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, May 30, 2019

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, May 30, 2019

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, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla 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.

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). (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 21, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m.; An updated status report must be filed by May 16, 2019 and such report shall address the following: 1) the amount of arrears for each class that is not current as of May 1, 2019, and 2) the status of her employment. (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, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

May 30, 2019

Continue status conference to September 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019.

Special note: The court is concerned about Debtor's continuing plan default 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

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#21.00 CON'TD Hearing RE: Application for an Order Authorizing the Employment of Kalfayan Merjanian as Special Litigation Counsel Nunc Pro Tunc to July 15, 2016 and Granting Final Allowance of Compensation and Reimbursement of Expenses

FR: 5-16-19

Docket 165

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee Fees Resulting from Settlement Agreement and Resolving Chapter 13 Trustee's Comments on or Objections to Employment and Fee Application and 9019 Motion filed 5/29/19; Order Approving Stipulation Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)

Tentative Ruling:

May 30, 2019

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):

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#22.00 CON'TD Hearing RE: Debtor's Motion to Approve Compromise Pursuant to Fed.R.Bankr.Proc. 9019

FR: 5-16-19

Docket 169

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee Fees Resulting from Settlement Agreement and Resolving Chapter 13 Trustee's Comments on or Objections to Employment and Fee Application and 9019 Motion filed 5/29/19; Order Approving Stipulation Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)

Tentative Ruling:

May 30, 2019

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):

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#23.00 Hearing RE: Chapter 13 Trustee's Motion for Return of Property to the Bankruptcy Estate

Docket 164

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee Fees Resulting from Settlement Agreement and Resolving Chapter 13 Trustee's Comments on or Objections to Employment and Fee Application and 9019 Motion filed 5/29/19; Order Approving Stipulation Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)

Tentative Ruling:

May 30, 2019

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):

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:14-13836 Filiberto Sanchez and Regina Fragoso

Chapter 7

#24.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 16

***** VACATED *** REASON: OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion for Order Reopening Chapter 7 Case to Administer Assets and Appoint a Chapter 7 Trustee Pursuant to 11 U.S.C. §350(b), filed 5/1/2019**

Courtroom Deputy:

OFF CALENDAR: Voluntary Dismissal of U.S. Trustee's Motion for Order Reopening Chapter 7 Case to Administer Assets and Appoint a Chapter 7 Trustee Pursuant to 11 U.S.C. §350(b), filed 5/1/2019 - td (5/1/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Filiberto Sanchez

Represented By
Michael H Colmenares

Joint Debtor(s):

Regina Fragoso

Represented By
Michael H Colmenares

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, May 30, 2019

Hearing Room 5A

10:30 AM

8:16-11326 Luis A. Olivarez and Maritza J. Olivarez

Chapter 7

#25.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 55

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Luis A. Olivarez

Represented By
Peter Recchia

Joint Debtor(s):

Maritza J. Olivarez

Represented By
Peter Recchia

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 30, 2019

Hearing Room 5A

10:30 AM

CONT... Luis A. Olivarez and Maritza J. Olivarez

Chapter 7

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:16-11326 Luis A. Olivarez and Maritza J. Olivarez

Chapter 7

#26.00 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 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Luis A. Olivarez

Represented By
Peter Recchia

Joint Debtor(s):

Maritza J. Olivarez

Represented By
Peter Recchia

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 30, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#27.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim Pursuant to 11 U.S.C. Section 502:

Claim 1-1 American Express Bank, FSB

Docket 140

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Grant in part; deny in part. Grant to disallow claim in the amount of \$97,632.47. Deny motion as to the remaining \$15,579.03.

Basis for Tentative Ruling

1. Per the analysis of the 9th Circuit in *In re Sterba*, 852 F.3d 1175 (9th Cir. 2017), the Ohio statute of limitations applies. Factually, this case is indistinguishable from *Sterba*. In *Sterba*, as in this case, the California 4-year statute of limitations expired prior to the filing of the bankruptcy petition. Nevertheless, the Court held that based upon its interpretation of the 2nd Restatement, the filing of the bankruptcy created a special exception. The court does not find the existence of Action bankruptcy to be a significant distinguishing factor.

2. The creditor always has the ultimate burden of proof. Here, American Express has only provided a copy of credit agreement that was sent to Debtor in June 2011 but cannot produce a copy of the original agreement. The court does not find persuasive the testimony of an assistant custodian that the agreement sent in 2011 was identical to the one provided to Debtor *twenty-nine years* earlier. Accordingly, the June 2011 contract only applies to the charges made after it was sent to debtor. This is consistent with Utah statutory law -- Utah Code Section 25-5-4(2)(e) which provides that a credit

**United States Bankruptcy Court
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CONT... Denny Roy Steelman Chapter 7

agreement is binding and enforceable without any signature by the party to be charged if (i) "*the debtor is provided with a written copy of the terms of the agreement*" and (iii) *after the debtor receives the agreement*, the debtor, or a person authorized by the debtor . . . *uses the credit card.*" (emphasis added)

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:17-11110 Braulio Ivan Arling and Elizabeth Ann Arling

Chapter 7

#28.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

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):

Braulio Ivan Arling

Represented By
Rex Tran

Joint Debtor(s):

Elizabeth Ann Arling

Represented By
Rex Tran

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 30, 2019

Hearing Room 5A

10:30 AM

8:17-14406 Kirk M. Nelson

Chapter 7

Adv#: 8:19-01016 Marshack v. Nelson

#29.00 CON'TD STATUS CONFERENCE RE: Complaint: 1. To Determine Non-Dischargeability Of Debt Pursuant to 11 U.S.C. Section 523(a)(3)(B)

FR: 4-11-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required. (XX)

Note: Appearances at this hearing are not required.

May 30, 2019

No tentative ruling -- trail matter to the 2:00pm calendar

Party Information

Debtor(s):

Kirk M. Nelson

Represented By
J Scott Williams

Defendant(s):

Kirk M Nelson

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... Kirk M. Nelson

Chapter 7

Plaintiff(s):

Richard A Marshack

Represented By
Robert P Goe
Thomas J Eastmond

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 30, 2019

Hearing Room 5A

10:30 AM

8:18-11322 Edward Jae Whang and Sophia Kyunghwa Whang

Chapter 7

#30.00 Hearing RE: Motion by Green Cycle Technology, Inc. to for a Modified Order to Correct Existing Order Avoiding its Lien

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Grant motion to correct the Lien Avoidance Order as follows: 1) Page 3, section 4(b)(4) is corrected to remove the Green Cycle Lien in the amount of \$136,492.05 from the calculation; 2) Page 3 , section 4(c), subtotal is corrected to \$289,653.17; 3) Page 3, section 4(e) is corrected to \$122,346.83.

Basis for Tentative Ruling

Section §522(b) allows a debtor to exempt: "(1) property under the federal exemptions contained in [s]ection 522(d), unless state law does not so authorize, or (2) property [] under state or local law, or other federal law." *In re Higgins*, 201 B.R. 965, 966 (BAP 9th Cir. 1996).

In pertinent part, § 522(f)(1) provides that a debtor "[m]ay avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is—(A) a judicial lien...." See *Owen v. Owen*, 500 U.S. 305, 309 (1991). Under § 101(36), a "judicial lien" includes one "obtained by judgment..." *Yerrington v. Yerrington (In re Yerrington)*, 144 B.R. 96, 98–99 (BAP 9th Cir. 1992).

Interpreting § 522(f)(1), the BAP summarized and restated the statutory requirements to avoid a lien:

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT...

Edward Jae Whang and Sophia Kyunghwa Whang

Chapter 7

There are four basic elements to avoiding a lien under §522(f)(1)(A): "First, there must be an exemption to which the debtor 'would have been entitled under subsection (b) of this section.' 11 U.S.C. §522(f). Second, the property must be listed on the debtor's schedules and claimed as exempt. Third, the lien must impair that exemption. Fourth, the lien must be ... a judicial lien."

In re Goswami, 304 B.R. 386, 390-1 (BAP 9th Cir. 2003)(citation omitted).

Guidance on how to calculate the impairment and the extent of the impairment on a debtor's exemption for § 522(f)(1) purposes is provided in *In re Hanger*, 217 B.R. 592, 595 (BAP 9th Cir. 1997), *aff'd* 196 F.3d 1292 (9th Cir. 1999).

In *Hanger*, the BAP reversed and remanded the bankruptcy court's order avoiding a bank's judicial lien in its entirety when the bank's judicial lien only partially impaired the debtor's homestead exemption. *Id.* at 595. The BAP used a two-step process to calculate the amount of the bank's lien to be avoided.

First, the BAP applied the formula found in § 522(f)(2)(A) which dictates that:

a lien shall be considered to impair an exemption to the extent the sum of – (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens.

Section §522(b) allows a debtor to exempt: "(1) property under the federal exemptions contained in [s]ection 522(d), unless state law does not so authorize, or (2) property [] under state or local law, or other federal law." *In re Higgins*, 201 B.R. 965, 966 (BAP 9th Cir. 1996).

In pertinent part, § 522(f)(1) provides that a debtor "[m]ay avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor would have been

**United States Bankruptcy Court
Central District of California
Santa Ana
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CONT... Edward Jae Whang and Sophia Kyunghwa Whang Chapter 7

entitled under subsection (b) of this section, if such lien is—(A) a judicial lien...." *See Owen v. Owen*, 500 U.S. 305, 309 (1991). Under § 101(36), a "judicial lien" includes one "obtained by judgment..." *Yerrington v. Yerrington (In re Yerrington)*, 144 B.R. 96, 98–99 (BAP 9th Cir. 1992).

Interpreting § 522(f)(1), the BAP summarized and restated the statutory requirements to avoid a lien:

There are four basic elements to avoiding a lien under §522(f)(1)(A): "First, there must be an exemption to which the debtor 'would have been entitled under subsection (b) of this section.' 11 U.S.C. §522(f). Second, the property must be listed on the debtor's schedules and claimed as exempt. Third, the lien must impair that exemption. Fourth, the lien must be ... a judicial lien."

In re Goswami, 304 B.R. 386, 390-1 (BAP 9th Cir. 2003)(citation omitted).

Guidance on how to calculate the impairment and the extent of the impairment on a debtor's exemption for § 522(f)(1) purposes is provided in *In re Hanger*, 217 B.R. 592, 595 (BAP 9th Cir. 1997), *aff'd* 196 F.3d 1292 (9th Cir. 1999).

In *Hanger*, the BAP reversed and remanded the bankruptcy court's order avoiding a bank's judicial lien in its entirety when the bank's judicial lien only partially impaired the debtor's homestead exemption. *Id.* at 595. The BAP used a two-step process to calculate the amount of the bank's lien to be avoided.

First, the BAP applied the formula found in § 522(f)(2)(A) which dictates that:

a lien shall be considered to impair an exemption to the extent the sum of – (i) the lien; (ii) all other liens on the property; and (iii) the amount of the exemption that the debtor could claim if there were no liens on the property; exceeds the value that the debtor's interest in the property would have in the absence of any liens.

**United States Bankruptcy Court
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CONT... Edward Jae Whang and Sophia Kyunghwa Whang Chapter 7

Hanger, 217 B.R. at 595. Moreover, in "the case of a property subject to more than 1 [lien](#), a [lien](#) that has been avoided shall not be considered in making the calculation under subparagraph (A) with respect to other [liens](#)." 11 U.S.C. § 522(f)(2)(B). Thus, "Applying the formula requires that liens be subtracted in order of reverse priority and that those which are avoided not be included in the calculation." *Hanger*, 217 B.R. at 595.

Next to determine "*to what extent* the lien impairs the exemption and must be avoided," the BAP utilized the following calculation:

the amount of the impairment [i.e., the lien to be avoided +all other liens+ exemption] minus the amount of the debtor's interest in the property absent any liens.

See, id. The *Hanger* BAP decision was affirmed and adopted by the Ninth Circuit Court of Appeals, so the *Hanger* BAP decision "became binding Ninth Circuit precedent." *In re Chiu*, 2017 WL 1149076, at *3 (BAP 9th Cir. Mar. 27, 2017), *aff'd*, 742 F. App'x 345 (9th Cir. 2018).

In this case, Debtor has satisfied the elements for partial avoidance of the Green Cycle Lien. Debtors claimed a homestead exemption in Debtor's Residence in the amount of \$100,000 pursuant to California Code of Civil Procedure §704.730, and Debtor is entitled to the exemption because no objection has been made. *See*, Lien Avoidance Mot., Item 11a. The Green Cycle Lien is a judicial lien, arising from Green Cycle's recorded abstract of judgment. *See*, Lien Avoidance Mot., Item 11d. Finally, the Green Cycle Lien impairs Debtors' homestead exemption as follows:

Fair Market Value

The fair market value of Debtors' Residence is \$412,000 per the appraisal attached to the Lien Avoidance Motion. *See*, Lien Avoidance Mot., Item 11b.

Calculation for Impairment

The two liens junior to the Green Cycle Lien were also avoided per

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10:30 AM

CONT... **Edward Jae Whang and Sophia Kyunghwa Whang** Chapter 7

orders entered on March 18, 2019, so they are not included in the calculation. Thus, using the \$412,000 fair market value of Debtors' Residence, the math is as follows:

Lien to be avoided + [All other liens] + Exemption amount > Value of property

\$136,492.05 + [\$162,705.66 + \$15,776.65 + \$11,170.86] + \$100,000 > \$412,000

= \$426,445.22 > \$412,000

As shown by the calculations, Debtors' exemption is impaired because the amount of the impairment [i.e., the sum of the Green Cycle Lien, all other liens on Debtor's Residence, and the amount of Debtors' homestead exemption] exceeds Debtor's interest in Debtors' Residence absent any liens [i.e., the fair market value of Debtor's Residence per the appraisal].

Next, to determine the extent of the impairment, and the amount that may therefore be avoided, the following calculation is used:

the amount of the impairment [i.e., the lien to be avoided + all other liens + exemption] minus the amount of the debtor's interest in the property absent any liens.

See, Hanger, 217 B.R. at 595. Thus, the amount of the impairment and the amount to be avoided in this case is:

[the Green Cycle Lien, all other liens, and Debtor's homestead exemption] – [the fair market value]

\$426,445.22 - \$412,000 = \$14,445.22

The Green Cycle Lien therefore impairs Debtor's homestead exemption in the amount of \$14,445.22 and the Green Cycle Lien may be avoided in this amount. Since the amount of the Green Cycle Lien is \$136,492.05, the amount of Green Cycle's lien after subtracting \$14,445.22 is:

**United States Bankruptcy Court
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Thursday, May 30, 2019

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10:30 AM

CONT... Edward Jae Whang and Sophia Kyunghwa Whang

Chapter 7

\$136,492.05 - \$14,445.22 = \$122,046.83.

Party Information

Debtor(s):

Edward Jae Whang

Represented By
Andrew S Cho

Joint Debtor(s):

Sophia Kyunghwa Whang

Represented By
Andrew S Cho

Movant(s):

Geen Cycle Technology, Inc.

Represented By
Richard Floyd Weiner

Trustee(s):

Karen S Naylor (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:18-13042 Jane Kim

Chapter 13

#31.00 Hearing RE: Motion by Debtor's Counsel to Reconsider the Order Granting Motion by United States Trustee to Disgorge Compensation Paid to Debtor's Counsel Under 11 U.S.C. Sec. 329 and F.R.B.P. 2017

Docket 45

***** VACATED *** REASON: OFF CALENDAR; ORDER APPROVING STIPULATION TO RESOLVE MOTION BY DEBTOR'S COUNSEL TO RECONSIDER THE ORDER GRANTING THE MOTION BY UNITED STATES TRUSTEE TO DISGORGE COMPENSATION PAID TO DEBTOR'S COUNSEL UNDER 11 U.S.C. SECTION 329 AND F.R.B.P. 2017**

Courtroom Deputy:

OFF CALENDAR: Per Order Approving Stipulation to Resolve Motion
Entered 5-16-19 (liz)

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
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:19-10146 Laura Rivera

Chapter 13

#32.00 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 19

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under U.S.C. §329 Entered 5/17/2019**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation Regarding Counsel's Fees Pursuant to U.S. Trustee's Motion Under U.S.C. §329 Entered 5/17/2019 - td (5/20/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Rivera

Represented By
A Mina Tran

Movant(s):

United States Trustee (SA)

Represented By
Michael J Hauser

Trustee(s):

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 30, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#33.00 CONT'D FINAL Hearing RE: Debtor's Emergency Motion for Order Authorizing: (1) Use of Cash Collateral on an Interim Basis; (2) Approving Interim Order Fulfillment Agreement; and (3) Setting Final Hearing on Use of Cash Collateral and Hearing on Section 363 Sale

FR: 3-26-19; 4-23-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 26, 2019

The court is inclined to grant the motion. However, Debtor will need to address the following:

1. The Motion asks that this court approve the "Interim Order Fulfillment Agreement" ("Fulfillment Agreement") between Debtor and SUMMIT on the one hand, and on the other hand requests that the court set a hearing on Debtor's proposed sale motion. However, as far as the court can tell, there is no separate Fulfillment Agreement for this court to approve. Instead, there is a provision in the Purchase Agreement, Article 10, entitled "Fulfillment Agreement." Is Debtor asking the court to approve a single provision of an otherwise unapproved Purchase Agreement? Or is there a separate document memorializing the Fulfillment Agreement that is not attached to the Motion?
2. Will SUMMIT continue to process and fulfill orders after the sale hearing but before closing if it is not the successful bidder?

Final hearing date: May 16, 2019 at 10:30 a.m.

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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT... SPN Investments Inc

Chapter 11

April 23, 2019

No tentative ruling. Continue use of cash collateral will likely not be required following hearing on motion to approve asset purchase agreement.

Debtor to advise the court re the status of fulfillment orders and any issues arising since April 16, 2019.

Wells Fargo to advise the court of any issues re the accounting it received from Summit

May 30, 2019

Debtor to advise the court re the status of this matter.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:19-11225 Pete Rios Sanchez

Chapter 13

#34.00 Hearing RE: ORDER to Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -installments (\$150.00 Installment Due 4/23/2019) (OSC Issued 4/30/2019)

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Delinquent payment(s) not made. Dismiss case

Party Information

Debtor(s):

Pete Rios 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**

Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#34.10 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 [holding date]

FR: 10-11-18; 11-8-18; 12-13-18; 2-7-19; 4-18-19; 5-16-19

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

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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.

April 18, 2019

Grant the motion, subject to overbid. The sale will take place outside the courtroom.

Overrule Debtors' objection to the sale.

May 16, 2019

Trustee to advise the court re the status of this matter.

May 30, 2019

Grant motion to sell to Bank of America

Party Information

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

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, May 30, 2019

Hearing Room 5A

10:30 AM

CONT...

James E. Case and Laura M. Case

Reem J Bello

Chapter 7

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

Thursday, May 30, 2019

Hearing Room 5A

2:00 PM

8:17-14406 Kirk M. Nelson

Chapter 7

Adv#: 8:19-01016 Marshack v. Nelson

#35.00 Hearing RE: Defendant's Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Grant in part; deny in part. Grant with prejudice as to 1) the claims re breach of fiduciary duty (Complaint at paragraphs 21, 22, 23, 24) and 2) the reference to "oppression" in paragraph 29 of the Complaint; Grant without prejudice to require Plaintiff to file an amended complaint that clearly alleges claims under 523(a)(4) (embezzlement) and 523(a)(6). Deny as to the allegations re 523(a)(3). Plaintiff must file an amended Complaint by or before June 27, 2019; Defendant must file a responsive pleading by or before July 25, 2019. Status conference will be set for September 12, 2019 at 9:30 a.m.; joint status report must be filed by August 29, 2019.

Basis for Tentative Ruling

FRCP 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). Under a FRCP 12 motion, all factual allegations in the complaint are accepted as true and construing them in the light most favorable to the nonmoving party. *Skilstaf, Inc. v. CVS Caremark Corp.*, 669 F.3d 1005, 1014 (9th Cir. 2012). 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

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, May 30, 2019

Hearing Room 5A

2:00 PM

CONT...

Kirk M. Nelson

Chapter 7

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. In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. *Iqbal, supra*, at 1950. While legal conclusions can provide 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.*

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." *Twombly* overruled the more liberal *Conley v. Gibson* standard, which held that a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. With the new standard in *Twombly*, the Supreme Court has said that the facts asserted in support of the claim need to cross the line "from conceivable to plausible."

Nondischargeability of Debt Under § 523(a)(3)

"Section 523(a)(3)(B) provides that a discharge under § 727 does not discharge a debtor from a debt of the kind specified under § 523(a)(2), (4) or (6) that was not scheduled in time to permit the timely filing of a proof of claim or a timely request for a determination of dischargeability, unless the creditor has notice or actual knowledge of the case in time for such timely filing and request." *In re Staffer*, 262 B.R. 80, 82 (BAP 9th Cir. 2001), *aff'd*, 306 F.3d 967 (9th Cir. 2002). "The time for filing a complaint to determine the dischargeability of a debt under § 523(a)(3)(B) is governed by Rule 4007(b)" so a complaint under § 523(a)(3)(B) may be filed at any time. *Id.*

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Thursday, May 30, 2019

Hearing Room 5A

2:00 PM

CONT...

Kirk M. Nelson

Chapter 7

The Complaint Pleads a Plausible Claim That Defendant Did Not Have Notice Defendant's Bankruptcy and the Filing Deadline for a Nondischargeability Complaint

As a preliminary matter, the Complaint alleges sufficient fact to demonstrate that Trustee did not receive notice of Defendant' bankruptcy, or the deadline to file a § 523 complaint, because Defendant did not name Trustee anywhere in his petition or schedules until December 26, 2018 when Defendant filed amended schedules. See, Compl., ¶¶33 and 36-37.

Notwithstanding the allegations in the Complaint, Defendant argues that Trustee cannot invoke § 523(a)(3)(B) because Plaintiff had constructive notice of the Defendant's bankruptcy filing. Defendant argues that Defendant listed Team Business' bankruptcy his petition and statement of related cases, so Plaintiff claims are now barred. See, Mot., p. 8:13-16. This argument is unpersuasive.

While Defendant did list Team Business' bankruptcy in his petition and statement of related case, Defendant provides no legal authority, or practical explanation, of how this provided constructive notice to Plaintiff. Again, the name "Richard A. Marshack" and in his capacity as trustee of Team Business' bankruptcy estate does not appear anywhere in Defendant's petition and related documents. See *generally*, Defendant's Petition and Related Documents [Dkt. #1]. Again, the Court may take judicial notice of matters subject to judicial notice, in this case, its own records.

Second, Defendant's bankruptcy petition and statement of related cases are not synonymous with the creditor mailing matrix. Only creditors who are listed on the mailing matrix receive notice from the court of of the bankruptcy and the deadline for filing nondischargeability complaints. Here, Defendant's creditors mailing matrix does not include Plaintiff, so no notices would have been mailed to Plaintiff by the Court. See, Defendant's Creditors Mailing Matrix, p. 8-11 of Petition and Related Documents [Dkt. #1].

Third, the BNC Notice of Defendant's bankruptcy confirms that Plaintiff did not receive notice of the deadline to file a nondischargeability complaint because the notice was not mailed to Plaintiff or Plaintiff's counsel. See, BNC Notice of Chapter 7 Bankruptcy Case [Dkt. #9]. Plaintiff has stated a

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Chapter 7

plausible claim on this point.

§ 523(a)(4)

Certain allegations in the Complaint appear to be asserting, for 523(a)(3)(B) purposes, that Defendant engaged in fraud or defalcation while acting in a fiduciary capacity. See, e.g., paragraphs 21, 22, 23, and 24 of the Complaint. Notwithstanding such allegations, Plaintiff now appears to be disavowing any intent to invoke the same. Accordingly, paragraphs 21, 22, 23, and 24 should be dismissed (or stricken),

In his opposition, Plaintiff asserts that he is asserting nondischargeability under 523(a)(4) based on embezzlement only. In order to satisfy 523(a)(3), Plaintiff must plead facts addressing the elements of embezzlement.

Embezzlement is defined as "the fraudulent appropriation of property by a person to whom such property has been entrusted or into whose hands it has lawfully come." *First Del. Life Ins. Co. v. Wada (In re Wada)*, 210 B.R. 572, 576 (9th Cir. BAP 1997) (citation omitted). "In the context of non-dischargeability, embezzlement requires three elements: (1) property rightfully in the possession of a nonowner, (2) nonowner's appropriation of the property to a use other than which it was entrusted, and (3) circumstances indicating fraud." *Id.* (citation omitted). A "a debt can be nondischargeable for embezzlement under 523(a)(4) without the existence of a fiduciary relationship." *In re Littleton*, 942 F.2d 551, 555 (9th Cir. 1991).

The Complaint does not clearly allege a claim for embezzlement, making only a passing reference to the claim in paragraph 32.

Willful and Malicious Injury Under § 523(a)(6)

Under § 523(a)(6), any debt arising from "willful and malicious injury by the debtor to another entity or to the property of another entity" is nondischargeable. Types of debts excluded from discharge under §523(a)(6) are limited to intentional tort debts. *Kawaauhau v. Geiger*, 523 U.S. 57, 61-62 (1998). Debts arising from recklessness or negligence are not within the

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Chapter 7

scope of §523(a)(6). *Id.* at 64. For the purposes of § 523(a)(6), the court must find the injury inflicted by the debtor was both willful and malicious. *In re Ormsby*, 591 F.3d 11199, 1206 (9th Cir. 2010).

The "willful injury" requirement is met when the creditor shows that: (1) the debtor had a subjective motive to inflict the injury; or (2) the debtor believed the injury was substantially certain to occur as a result of his or her conduct. *In re Jercich*, 238 F.3d 1202, 1208 (9th Cir. 2001). This section is limited "to those situations in which the debtor possesses subjective intent to cause harm or knowledge that harm is substantially certain to result from his actions." *In re Su*, 290 F.3d 1140, 1145, fn 3 (9th Cir. 2002). The subject intent to harm, however, does not require a creditor to show that the debtor acted with an intent to harm the creditor, only that the "act must necessarily cause harm to the creditor." *Littleton*, 942 F.2d at 555.

A "malicious injury" involves: (1) a wrongful act; (2) done intentionally; (3) that necessarily causes injury; and (4) that is committed without just cause or excuse. *In re Jercich*, 238 F.3d 1202, 1209 (9th Cir. 2001). "Maliciousness may be implied from circumstances surrounding debtor's conduct, even without proof that debtor acted with spite, hatred, or ill will toward the victim." *In re Ormsby*, 591 F.3d at 1207.

Here, the allegations re 523(a)(6) are vague and inartfully pled. In addition, Plaintiff muddies the waters by including language that falls outside willful and malicious injury, to wit: "In performing the acts herein alleged, Nelson acted with *oppression*, fraud and malice, or in the alternative acted in such conscious disregard of Team Business's rights." Complaint at paragraph 29. "Oppression" does not satisfy the subjective standard of 523(a)(6). See *In re Plyam*, 530 B.R. 456, 470 (9th Cir. BAP 2015).

Many of the core allegations are presented in the context of breach of fiduciary duty. (Complaint at paragraphs 21, 22, 23, 24). However, breach of fiduciary duty does not satisfy the requirements of 523(a)(6). *Id.* at 471

Defendant's Arguments re Transfer of Assets

Defendant appears to present arguments identical to that raised in the

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SNCR adversary concerning the transfer of assets of Team Business -- arguments which this court rejected. There is no legal authority preventing Plaintiff from alleging, at the pleading stage, the transfer of contracts, customer lists, goodwill, etc. in the context of 523(a)(4) (embezzlement) and 523(a)(6). Accordingly, the Complaint is not being dismissed on this basis.

Party Information

Debtor(s):

Kirk M. Nelson

Represented By
J Scott Williams

Defendant(s):

Kirk M Nelson

Represented By
J Scott Williams

Plaintiff(s):

Richard A Marshack

Represented By
Robert P Goe
Thomas J Eastmond

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

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Thursday, June 6, 2019

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

#1.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18; 11-15-18; 12-20-18; 1-31-19; 5-9-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Plaintiff's Notice of Dismissal Without Prejudice filed 5/6/2019 - td (5/14/2019)

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 at 9:30 a.m. 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. (XX)

As Plaintiff asserts actions against her or her property in violation of her

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CONT... **Lenore LuAnn Albert-Sheridan** **Chapter 7**

automatic stay, the trustee has no standing. Even if he did, he has 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.

January 31, 2019

In light of the unilateral status report filed by defendant Icon, this status conference shall be continued to March 12, 2019 at 9:30 a.m. and an updated joint status report must be filed by February 26, 2019. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed Due to Failure to Prosecute ("OSC"), which OSC shall also be set for hearing on March 12, 2019 at 9:30 a.m.

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

June 6, 2019

Continue pretrial conference to June 13, 2019 at 10:30 a.m., same date/time as the continued hearing on Defendant's motion for summary judgment.

Note: Appearances at today's hearing are not required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

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CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
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Thursday, June 6, 2019

Hearing Room 5A

9:30 AM

8:19-11377 Siamak Iravantchi

Chapter 7

#2.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Granting
Emergency Motion to Dismiss Involuntary Petition Entered 4/23/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Emergency Motion to Dismiss
Involuntary Petition Entered 4/23/2019 - td (4/23/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Siamak Iravantchi

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:17-11542 Thomas John Snodgrass and Kristina Renee Snodgrass

Chapter 13

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

SCHOOLS FIRST FEDERAL CREDIT UNION

VS.

DEBTORS

Docket 74

*** VACATED *** REASON: OFF CALENDAR: Settled by Stipulation-
Order Entered 5-31-19

Courtroom Deputy:

**OFF CALENDAR -- Adequate Protection Stipulation filed 5/31/19 --eas
Order Granting Motion for Relief from the Automatic Stay Settled by
Stipulation Entered 5/31/19 - (iz) (5/31/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Thomas John Snodgrass

Represented By

Misty A Perry Isaacson

Joint Debtor(s):

Kristina Renee Snodgrass

Represented By

Misty A Perry Isaacson

Movant(s):

SchoolsFirst Federal Credit Union

Represented By

Nancy L Lee

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-10141 Jose Manuel Perez Dominguez

Chapter 13

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

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Jose Manuel Perez Dominguez

Represented By
Sam Benevento

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

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Hearing Room 5A

10:00 AM

CONT... Jose Manuel Perez Dominguez

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-10609 Criss Tina Lenhart

Chapter 7

#5.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[UNLAWFUL DETAINER]

TERRY MARTIN

VS.

DEBTOR

FR: 5-7-19

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 7, 2019

Continue hearing to June 6, 2019 at 10:00 a.m. to allow moving party to provide evidence of his ownership interest in the subject property. (XX)

Basis for Tentative Ruling

The moving party states in the Motion that he is the "owner" of the subject property. However, the lease identifies the landlord as "ExInt Property Management Co." At a minimum, movant needs to provide a sworn statement as to when he acquired title to the subject property. Relief from stay is appropriate if the moving party can establish "colorable" title to the property, which is a fairly low standard. However, no information is provided regarding moving party Terry Martin's interest in the property. If such information can be provided, the motion will be granted.

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10:00 AM

CONT... Criss Tina Lenhart

Chapter 7

June 6, 2019

Grant motion with waiver of the 4001(a)(3) 14-day stay.

Movant's supplemental pleading filed May 3, 2019 establishes colorable title to the property in question. Overrule Debtor's objections. This unlawful detainer matter needs to be resolved in state court.

Party Information

Debtor(s):

Criss Tina Lenhart

Pro Se

Movant(s):

Terry Martin

Represented By
Barry L O'Connor

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-11151 Mohamed Najathnick Ahmed Jamaldeen

Chapter 7

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

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Mohamed Najathnick Ahmed

Represented By
Christopher J Langley

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

Trustee(s):

Thomas H Casey (TR)

Pro Se

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CONT... Mohamed Najathnick Ahmed Jamaldeen

Chapter 7

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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-11388 Rosa E. Hernandez

Chapter 7

#7.00 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:

June 6, 2019

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):

Rosa E. Hernandez

Represented By
Kevin Tang

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Thomas H Casey (TR)

Pro Se

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10:00 AM

CONT... Rosa E. Hernandez

Chapter 7

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Hearing Room 5A

10:00 AM

8:19-11508 Kim Le

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

WHITLEY TRUT #8561, SOUTHLAND HOMES REAL ESTATE AND
INVESTMENT LLC AS TRUSTEE

VS.

DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Kim Le

Pro Se

Movant(s):

Whitley Trust #8561, Southland

Represented By
Barry L O'Connor

Trustee(s):

Richard A Marshack (TR)

Pro Se

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10:00 AM

CONT... Kim Le

Chapter 7

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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-11549 Lan Anh Hoang

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

VAN D. NGUYEN

VS.

DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Lan Anh Hoang

Represented By
Thinh V Doan

Movant(s):

Van D. Nguyen

Represented By
Jackson F Quan

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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CONT... Lan Anh Hoang

Chapter 13

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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-11702 Martha Contreras

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
THE GOLDEN 1 CREDIT UNION
VS.
DEBTOR

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Martha Contreras

Represented By
Erika Luna

Movant(s):

Golden 1 Credit Union

Represented By
Mirco J Haag

Trustee(s):

Karen S Naylor (TR)

Pro Se

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CONT... Martha Contreras

Chapter 7

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10:00 AM

8:19-11726 Patricia Annette Evans

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

ALFRED BURIN & BARBARA BURIN, TRUSTEES OF THE BURIN FAMILY TRUST

VS.

DEBTOR

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

Grant motion with 4001(a)(3) waiver.

Overrule Debtor's opposition as unpersuasive.

Party Information

Debtor(s):

Patricia Annette Evans

Represented By
Edward T Weber

Movant(s):

ALFRED ALFRED BURIN &

Represented By
Stephen C Duringer

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:00 AM

8:19-11780 David Vargas Carrillo, Jr

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
KENNETH D. CLAUSEN; LOUIE B. CLAUSEN, TRUSTEES
VS.
DEBTOR

Docket 11

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 5/28/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 5/28/2019 - td (5/28/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Vargas Carrillo Jr

Pro Se

Movant(s):

Kenneth D. Clausen; Louie B.

Represented By
Scott Andrews

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#13.00 Hearing RE: Debtor's Motion to Disallow Proof of Claim Number 7 Filed by The Nourmand Law Firm, APC

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

Continue hearing to July 16, 2019 at 10:30 a.m., same date/time as hearing on Debtor's Motion to Reconsider the Compromise Motion Order.

Tentative Ruling for July 16, 2019 hearing:

Based upon the court's review of the Motion to Disallow Proof of Claim #7, as well as the related Motion for Approval of the Compromise between the trustee and the defendant in the state court action, the court would be inclined to deny this Motion on the basis of lack of standing:

1. Debtor was properly served with notice of the motion for approval of the compromise and the opportunity to object. In fact, it is not uncommon for debtors to object to state court settlements. Here, Debtor did not object.

2. The Compromise Motion makes clear that the intent of the parties was to reach a settlement that would solely cover the costs of administering the chapter 7 case (trustee fees, trustee's attorneys fees, proofs of claim). The \$200,000 amount was an estimate designed for that purpose -- which is why it included a provision for the return of any amount not necessary to pay the costs of the bankruptcy estate. The unopposed settlement was not intended to fund a surplus for Debtor. Accordingly, even if the Nourmand fees are reduced to \$0.00, under the Compromise, the Trustee would be required to return

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Thursday, June 6, 2019

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10:30 AM

CONT... Claudia Michel Estrada Chapter 7

\$125,997.50 plus \$1707.58 to the Defendant. Consequently, there would be no return of a surplus to Debtor (exclusive of her exemption).

Special Note: The foregoing tentative ruling does not take into account Debtor's Reconsideration Motion or any opposition thereto as the court has not yet reviewed the same. The court is continuing this matter in order to review this Motion and the Reconsideration Motion together.

Note: No oral argument will be entertained at today's hearing in light of the continuance of the hearing to July 16, 2019.

Note:

Party Information

Debtor(s):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

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Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#14.00 Hearing RE: Motion by United States Trustee to Dismiss or Convert Case to One Under Chapter 7 Pursuant to 11 U.S.C. §1112(B)

Docket 133

*** 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 5/22/2019

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 5/22/2019 - td (5/22/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

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 6, 2019

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

#15.00 CON'TD STATUS CONFERENCE 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
(Status Conference re status of compliance)

FR: 12-20-18; 3-21-19

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:

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

Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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.

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.

March 21, 2019

The parties are ordered to meet and confer outside the courtroom prior to the hearing to determine the scope of any remaining discovery issues. The matter will be placed at the end of the 10:30am calendar.

June 6, 2019

Defendant/Movant to advise the court re the status of this matter

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan

Pro Se

Defendant(s):

Education Credit Management

Represented By

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

Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

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, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#16.00 CONT'D Hearing RE: Debtors' First Amended Chapter 11 Disclosure Statement

FR: 4-18-19

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 18, 2019

The First Amended Disclosure Statement appears to be just as inadequate as the original. The court is leaning toward denying approval of this one as well.

Comments re the First Amended Disclosure Statement (DS)

1. An order granting relief from stay to BNYM was entered on April 15, 2019. Debtors need to address the impact of the RFS Order on the pending plan and disclosure statement.
2. DS, pg 5: Debtor lists FMV as \$2.7M. Is this realistic in light of a) The bank's appraisal of \$2.2M and b) the impending foreclosure?
3. DS, pg. 6:lines 3-13: Needs to be revised to reflect RFS being granted. See also pp. 8, 10, 11 and 13 and Exhibit A.
4. DS, pg. 6: Debtors need to describe the Fresno commercial property owned by their LLC, as well as its value and liens against it. Does the property operate at a profit or must Debtors contribute from their own funds to maintain it each month?
5. DS, pg. 7: Debtors need to describe the litigation with US Bank pending in

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

Thursday, June 6, 2019

Hearing Room

5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

state court and how/when the litigation will be prosecuted. How will Debtors fund the litigation?

6. DS, pg. 12: Debtors indicate that if the Lemon Heights property is surrendered (or presumably lost through foreclosure), they will make the Tustin property their principal residence. Such a move has 1123(b)(5) implications (prohibition against modifying the terms of a loan securing a debtor's principal residence) which would be inconsistent with the treatment of Class 5.

7. DS, pp.13-14: Re Means of Effectuating the Plan, no financial information is provided whatsoever re Debtors' monthly income Social Security and Pensions. There is a reference on page 14, lines 11-12 to an Exhibit 1 but there is no Exhibit 1 attached to the DS. Exhibit A provides gross rental income but does not provide net rental income or any information regarding monthly expenses necessary to maintain the rental properties.

8. No motion to employ a real estate broker has been filed re the Camino Santa Elise property though the plan provides for a sale prior to the effective date.

9. No mention of the \$2,000 postpetition retainer paid to Debtors' counsel

10. The County of Orange has filed a secured claim in the amount of \$37,900.50 that is not treated in the Plan. POC 4-1.

11. Is Debtor postpetition current on the properties that are being retained under the Plan?

June 6, 2019

Court's Comments re the Second Amended DS (2nd DS)

1. Though the plan depends, in part, on the sale of real property prior to the effective date of the Plan, no application for the employment of a real estate broker has been filed to date and the disclosure statement is silent as to why such an application has not been filed.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

2. The Class 6 claim, Bank of America is impaired as Debtors propose to pay the loan off in full by the effective date of the Plan.

3. Class 7 claim, US Bank:

a. Is there an actual written settlement agreement with US Bank regarding its treatment, i.e., \$25,000 "down payment" and execution of a new promissory note for \$625,000 with a 30-year fixed rate of 2.5%?

b. Is it still Debtors' plan to move into the Tustin residence which currently secures the US Bank claim? If so, absent a written settlement agreement, Debtors will run afoul of 1123(b)(5) which prohibits the modification of a loan secured by Debtors' principal residence. Absent clarification of these issues, the plan is unconfirmable on its face.

4. Short Sale of Lemon Heights Property:

a. Do Debtors have an actual short sale buyer for the Lemon Heights Property or are they hoping to find one? The 2nd DS at page 6 does not clearly articulate whether a short sale agreement has been signed by a prospective purchaser.

b. If Debtors have received a short sale offer, when was it received and when was it submitted to BNYM?

5. Sale of the Indio Property:

Though the feasibility of the Plan depends on the sale of the Indio Property by the effective date of the plan, not only has the property not yet been listed for sale, no application to employ a real estate broker has been filed -- despite the fact that this case has been pending for nearly one year.

6. Plan Provisions in 2nd DS

a. Paragraph 2 on page 24 (lines 7-10) should be included in the Plan itself.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

b. Paragraph 3 at page 24 (lines 11-12) is an incomplete statement re the circumstances under which a confirmed plan can be modified -- should include the language in the Plan at page 9, lines 7-12.

c. Paragraph 4 at page 24 (lines 14-16) should be included in the Plan itself.

7. Cancellation of Debt -- JP Morgan Chase Bank

Debtors refer to the reconveyance of a second deed of trust on the Lemon Heights property by JP Morgan Chase and the issuance of a 1099 (1099-C?). Debtors need to disclose the date of the reconveyance and whether the same will result in reportable income for Debtors.

8. Amount of Class 9 Unsecured Debt

At page 13, line 4 of the 2nd DS, Debtors state unsecured debt to be \$35,000. However, on page 6, line 20 of the Plan, the same date is stated as only \$15,000. This discrepancy needs to be corrected.

9. Typo re Class 6: On page 5 at line 14, the third column needs to be corrected from "Class 4" to "Class 6."

10. US Trustee Late-Filed Objections

a. The court disagrees with the UST that the Class 1 claim of BNYM should be designated as impaired. BNYM has relief from stay to enforce its contractual right to foreclosure on the Lemon Heights property and the 2nd DS and plan reflect the same.

b. The court disagrees with the UST that the Class 2 claim of JP Morgan Chase should be designated as impaired. The UST gives no legal basis for this objection. In light of the reconveyance and issuance of a 1099, it appears this creditor has forgiven the debt and no longer even has a right to payment.

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11

c. The court agrees with the UST that the class 6 claim of BofA is impaired.

d. The Class 7 claim of US Bank is already treated as impaired by Debtors. However, the court agrees there may be an 1123(b)(5) issue -- See comments above.

e. The court agrees with the UST that Exhibit A does not clearly set forth all Plan payments that need to be made, including administrative payments and payments to Class 9 unsecured creditors. This is especially important in light of the discrepancy re the amount of unsecured claims as between the 2nd DS and the Plan.

f. The UST's objection re the Best Interest Test of 1129(a)(7) is not fully articulated. Is the UST objecting to the 1% interest rate? Does the UST have an opinion as to what the appropriate interest rate should be?

11. Possible Confirmation Schedule:

IF the 2nd DS is conditionally approved, the following schedule could apply:

Deadline to file 3rd Amended DS/Plan: 6/20/2019

Deadline to serve plan/DS/ballots: 7/2/2019

Deadline for return of ballots/obj to plan: 7/31/2019

Deadline to file ballots/confirmation brief: 8/12/2019

Confirmation Hearing: 8/22/2019 at 10:30 a.m.

Note: Appearances at this hearing ARE required.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

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, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

**#17.00 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; 12-20-18; 1-31-19; 3-21-19; 4-18-19

Docket 1

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)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat
filed)

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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

March 21, 2019

Continue chapter 11 status conference to April 18, 2019 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required. (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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11

Debtor's responsibility to confirm compliance with the UST prior to the hearing.

April 18, 2019

No tentative ruling; outcome will depend upon the disposition of #24 on today's calendar.

June 6, 2019

No tentative ruling; outcome will depend upon the disposition of #16 on today's calendar.

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, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#18.00 Hearing RE: Motion by United States Trustee to Dismiss Case or Convert Case to One Under Chapter 7 Pursuant to 11 U.S.C. §1112(b)

Docket 111

*** 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 5/22/2019

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 5/22/2019 - td (5/22/2019)

Tentative Ruling:

- NONE LISTED -

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, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#19.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further 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 157

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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

Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#20.00 Hearing RE: Chapter 7 Trustee's Motion for Order Further 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 159

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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, June 6, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village MHP Associates LP

Chapter 7

D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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

Thursday, June 6, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#21.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further 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 161

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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

Thursday, June 13, 2019

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

#1.00 Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 4/19/2019)

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Timely response to OSC not filed. Dismiss adversary proceeding due to failure to prosecute.

Party Information

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, June 13, 2019

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

#2.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loans

FR: 9-6-18; 11-15-18; 12-20-18; 3-19-19; 4-18-19

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, June 13, 2019

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. (XX)

Note: Appearance at today's hearing is not required.

April 18, 2019

Updated status report not filed by April 11, 2019 pursuant to this court's March 8, 2019 Order [docket #15].

Plaintiff to appear and advise the court re the status of negotiations with Defendant.

June 13, 2019

Take status conference off calendar in light of dismissal of the adversary proceeding.

Party Information

Debtor(s):

Rubin J Skipper

Pro Se

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

Thursday, June 13, 2019

Hearing Room 5A

9:30 AM

CONT... Rubin J Skipper

Chapter 7

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, June 13, 2019

Hearing Room 5A

9:30 AM

8:16-13488 Rubin J Skipper

Chapter 7

Adv#: 8:19-01036 Skipper v. US Department of Education

#2.10 Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 5/30/2019)

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Timely response to OSC not filed. Dismiss adversary proceeding due to failure to prosecute.

Party Information

Debtor(s):

Rubin J Skipper	Pro Se
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Defendant(s):

US Department of Education	Pro Se
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Plaintiff(s):

Reuben J Skipper	Pro Se
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, June 13, 2019

Hearing Room 5A

9:30 AM

8:16-13488 Rubin J Skipper

Chapter 7

Adv#: 8:19-01036 Skipper v. US Department of Education

#2.20 CON'TD STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Student Loan

FR: 5-30-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Plaintiff needs to appear and explain why he has filed an identical complaint re nondischargeability of student loan debt as in adversary #18-0111. Neither complaint has been properly served on Defendant. The court is inclined to dismiss this adversary proceeding for failure to prosecute.

Note: Appearance at this status conference is required.

June 13, 2019

Take status conference off calendar in light of dismissal of the adversary proceeding.

Party Information

Debtor(s):

Rubin J Skipper

Pro Se

Defendant(s):

US Department of Education

Pro Se

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

Thursday, June 13, 2019

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, June 13, 2019

Hearing Room 5A

10:00 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

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

ABS REO TRUST II

VS.

DEBTORS

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Grant motion with 4001(a)(3) waiver unless Movant is agreeable to an adequate protection order.

If both parties agree to the continuance of the hearing to allow time to negotiate and APO, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are June 20, 2019 at 10:00 a.m. and July 18, 2019 at 10:00 a.m.

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, June 13, 2019

Hearing Room 5A

10:00 AM

CONT... Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

Movant(s):

ABS REO Trust II

Represented By
Daniel K Fujimoto
Gilbert R Yabes
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, June 13, 2019

Hearing Room 5A

10:00 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#4.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

RYAL W. RICHARDS.

VS.

DEBTOR

Docket 16

Courtroom Deputy:

SPECIAL NOTE: Request for Continuance of Motion for Relief from Automatic Stay filed on 6/10/2019; Order to Continue Motion Lodged (over the counter) on 6/11/2019 - td (6/11/2019)

Tentative Ruling:

June 13, 2019

Grant motion; deny request for prospective relief due to insufficient grounds stated therefor. Deny Debtor's Motion to continue this hearing.

Basis for Tentative Ruling

1. It is abundantly evident that the dispute between Debtor and her former spouse must be determined in state court and Debtor has stated no good reason why the state court litigation should not proceed.
2. Debtor states in conclusory fashion that the subject real property is necessary for reorganization. The chapter 13 plan belies that argument as the primary objective of the plan is to pay administrative expenses and unsecured creditors. It would be an abuse of the bankruptcy system to allow Debtor to "park" the subject real property in a chapter 13 case for five years, leaving in

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CONT... Alicia Marie Richards

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limbo the adjudication of the state law marital dissolution issues.

3. Debtor has provided an array of exhibits, many of them excerpts of larger documents or transcripts, without explanation or context, none of which persuades this court that the dissolution-related litigation should not proceed in state court. The court notes in particular Exhibit F to Debtor's opposition to the Motion includes an excerpt of a transcript of a hearing in which Debtor has highlighted that portion of Judge De La Cruz ruling in which he states "I'm not deeming you a vexatious litigant yet." Not highlighted, are the judge's next statement: "If you continue to file things frivolously *in bad faith* for the *intent to drag things out on multiple fronts*, then I will deem you a vexatious litigant." (emphasis added).

4. Re the notice issue raised by Debtor, the defect is *de minimus*, the hearing date in the original notice was off by one day -- June 12, 2019 instead of June 13, 2019. This would only impact Debtor by lessening the response time by one day, i.e., May 29, 2019 instead of May 30, 2019. As Debtor did not file any response until June 4, 2019, she is not prejudiced by the notice defect.

UPDATE -- ADDENDUM TO ABOVE TENTATIVE RULING IN LIGHT OF TARDILY FILED PAPERS BY DEBTOR ON JUNE 10, 2019.

On June 10, 2019, Debtor filed a substitution of attorney indicating that she has terminated legal representation by her attorney of record, Omid J. Shirazi, as well as additional pleadings in opposition to the Motion. Nothing in the late-filed opposition documents changes the court's original tentative ruling above that this matter needs to be adjudicated in state court. In addition the court notes as follows:

1. Granting relief from the automatic stay to allow family law related litigation to be fully adjudicated in state court is entirely consistent with the law of this circuit. See, *MacDonald v. MacDonald (In re MacDonald)*, 755 F.2d 715, 717 (9th Cir.1985) ("It is appropriate for bankruptcy courts to avoid incursions into family law matters "out of consideration of court economy, judicial restraint, and deference to our state court brethren and their established expertise in such matters." ... *Schulze v. Schulze*, 15 B.R. 106, 109 (Bankr.S.D.Ohio 1981) (granting debtor's wife relief from stay to complete state proceedings

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Chapter 13

for divorce, child custody and property division)".

2. The bankruptcy court is a court of limited jurisdiction and cannot be used to avoid state court rulings/orders that a party believes were wrongfully decided or unjust -- the appropriate avenue is the appeal of such rulings or orders. Under 28 U.S.C. 1334(c)(1), this court has the discretion to abstain from hearing matters where 1) state law predominates over bankruptcy issues, 2) there is an existing related proceeding in state court (at either the trial or appellate level), 3) there is no federal jurisdiction other than the filing of the bankruptcy petition, 4) the likelihood that the filing of the bankruptcy case involved forum shopping by the debtor, 5) the presence of nondebtor parties, and 6) the lack of any substantive effect on the administration of the bankruptcy case if abstention is exercised. *See, In re Tucson Estates*, 912 F.2d 1162, 1166-68 (9th Cir. 1990). As the issues to be adjudicated in this case involve all state law issues regarding marital property division and distribution, there is an existing related state court proceeding, there is no federal jurisdiction beyond the filing of the bankruptcy petition, there are affected nondebtor parties, the adjudication in state court will not substantively impact the administration of this estate because this is essentially a two-party dispute between Debtor and her former spouse that cannot be resolved through the chapter 13 claim or plan process, and Debtor has admitted in her supplemental opposition pleadings that this case was filed to avoid the affect of various state court rulings (forum shopping).

3. Under 11 U.S.C. § 362(a), a bankruptcy filing imposes an automatic stay of virtually all civil litigation against the debtor. A bankruptcy court "shall" lift the automatic stay "for cause." 11 U.S.C. § 362(d)(1); *Tucson Estates*, 912 F.2d at 1166. " 'Cause' has no clear definition and is determined on a case-by-case basis." *Id.* "Where a bankruptcy court may abstain from deciding issues in favor of an imminent state court trial involving the same issues, cause may exist for lifting the stay as to the state court trial." *Id.*, citing *Piombo Corp. v. Castlerock Props. (In re Castlerock Props.)*, 781 F.2d 159, 163 (9th Cir.1986).

Party Information

Debtor(s):

Alicia Marie Richards

Represented By
Omid J Shirazi

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Chapter 13

Movant(s):

Ryal W Richards

Represented By
Kevin E Robinson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:00 AM

8:19-11836 Paul Francis and Dinorah Vidal

Chapter 7

#5.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
IAC AT JAMBOREE LLC
VS.
DEBTORS

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

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):

Paul Francis

Represented By
Timothy McFarlin

Joint Debtor(s):

Dinorah Vidal

Represented By
Timothy McFarlin

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CONT... Paul Francis and Dinorah Vidal

Chapter 7

Movant(s):

IAC AT JAMBOREE LLC

Represented By
Richard Sontag

Trustee(s):

Richard A Marshack (TR)

Pro Se

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10:00 AM

8:19-11931 Bernadette Ann Oliver

Chapter 13

#5.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property .

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Deny motion as unnecessary -- this case is not subject to the stay restriction of 11 USC 362(c)(3).

Basis for Tentative Ruling

1. Section 362(c)(3) provides that where an individual had a single bankruptcy case pending within one year of the filing of the current bankruptcy case, the automatic stay expires 30 days after the petition date, unless a request to continue the stay is timely filed.

2. In this matter, Debtor's prior case, No. 15-15-14089, was dismissed on **March 27, 2018**. The current case was filed **May 17, 2019**, more than one year later. Accordingly, 363(c)(3) does not apply and the stay remains in effect.

3. Debtor's counsel shall not charge Debtor the preparation of this unnecessary motion.

Note: If Debtor accepts the tentative ruling, appearance at this hearing is not required and Debtor shall lodge an order consistent with the same within 7 days of the hearing date.

Party Information

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CONT... Bernadette Ann Oliver

Chapter 13

Debtor(s):

Bernadette Ann Oliver

Represented By
Nicholas M Wajda

Movant(s):

Bernadette Ann Oliver

Represented By
Nicholas M Wajda

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Hearing Room 5A

10:00 AM

8:19-11870 Darlene Futrel

Chapter 13

#5.20 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property .

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Debtor to address the following issues:

1. Debtor states that her circumstances have changed because she is now fully employed with additional part-time income whereas, in the prior case, she was receiving disability payments (plus part-time income). However, In the prior case, Debtor's net monthly income (including disability) was \$6,443.56, \$330 per month more than her current income of \$6,113.23 or \$330 less per month. Stated otherwise, Debtor's income has decreased with full employment.

2. With the higher income in the prior case, Debtor fell at least three months behind postpetition in mortgage payments and also fell delinquent in plan payments, prompting two trustee motions to dismiss. How will circumstances be different in the current case where debtor has less monthly income?

Party Information

Debtor(s):

Darlene Futrel

Represented By
Christopher J Langley

Movant(s):

Darlene Futrel

Represented By

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CONT... Darlene Futrel

Christopher J Langley

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Thursday, June 13, 2019

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10:00 AM

8:19-12020 Viet Duc Bui

Chapter 7

#5.30 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property .

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Deny motion.

Basis for Tentative Ruling:

1. According to Debtor's schedules, there is only about \$78,000 in equity based upon a stated value of \$920,000 against liens of \$842,000. Assuming costs of sale of 8%, or \$73,600, the maximum equity for the estate would be only \$4,400. In Debtor's prior case filed earlier this year, Debtor had received an offer of \$915,000, which fell through. At \$915,000, there would be no equity for the estate.

2. The trustee has not joined in the Motion or filed his own motion for extension of the stay.

Party Information

Debtor(s):

Viet Duc Bui

Represented By
Christopher J Langley

Movant(s):

Viet Duc Bui

Represented By
Christopher J Langley

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CONT... Viet Duc Bui

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

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10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

Adv#: 8:18-01095 Albert-Sheridan v. Icon Owner Pool 1, LA Business Parks, LLC

#6.00 Hearing RE: Icon Owner Pool I's Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment

FR: 5-16-19

Docket 35

Courtroom Deputy:

**SPECIAL NOTE: Plaintiff's Notice of Dismissal Without Prejudice filed
5/6/2019 - td (5/14/2019)**

Tentative Ruling:

May 16, 2019

The court is inclined to deny the motion as moot in light of Plaintiff's notice of voluntary dismissal.

Basis for Tentative Ruling:

Federal Rules of Bankruptcy Procedure 41

This adversary was commenced with the filing of the Complaint on May 29, 2018. Defendant filed its answer on June 29, 2019 [docket #6]. The instant motion for summary judgment ("Motion") was filed on March 8, 2019 [docket #35] and was properly served upon Plaintiff. Pursuant to LBR 7056-1, a responsive pleading had to be filed within 21 days of today's hearing or April 25, 2019. Plaintiff did not file a responsive pleading by April 25, 2019. Instead, on May 6, 2019, Plaintiff filed Notice of [Voluntary] Dismissal Without Prejudice [docket #48] ("Dismissal Notice"). Though Plaintiff cited no rule or other legal authority in the Dismissal Notice, the applicable rule is Federal Rules of Civil Procedure 41, which applies to bankruptcy adversary proceedings pursuant to Federal Rules of Bankruptcy

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CONT... Lenore LuAnn Albert-Sheridan
Procedure 7041.

Chapter 7

Voluntary Dismissal of Action Without Court Order

Rule 41 permits a plaintiff the right to voluntarily dismiss an action without court order or consent of the defendant under certain circumstances. Specifically Rule 41(a)(1)(i) provides that plaintiff "dismiss an action without a court order by filing . . . a notice of dismissal *before the opposing party serves either an answer or a motion for summary judgment*". (emphasis added)

Here, because Plaintiff filed the notice of dismissal *after* both the filing of an answer and a motion for summary judgment, the Dismissal Notice is ineffective under Rule 41(a)(1).

Voluntary Dismissal of Action With Court Order

Rule 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."

The Ninth Circuit has long held that the decision to grant a voluntary dismissal under Rule 41(a)(2) is addressed to the sound discretion of the District Court, and its order will not be reversed unless the District Court has abused its discretion." *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982). Under FRCP 41(a)(2), "If a notice of summary judgment has been filed, the court can grant a dismissal at its discretion." *Terrovona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988). "When a plaintiff seeks to avoid an adverse decision on a motion for summary judgment, dismissal is inappropriate." *LeFer v. Murry*, 978 F. Supp. 2d 1177, 1186 (D. Mont. 2013)(citations omitted).

"In ruling on a motion for voluntary dismissal, the District Court must consider whether the defendant will suffer some plain legal prejudice as a result of the dismissal... Plain legal prejudice, however, does not result simply when defendant faces the prospect of a second lawsuit or when plaintiff merely gains some tactical advantage." *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145 (9th Cir. 1982). Plain legal prejudice "means

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CONT... **Lenore LuAnn Albert-Sheridan** **Chapter 7**

'prejudice to some legal interest, some legal claim, some legal argument."
Smith v. Lenches, 263 F.3d 972, 976 (9th Cir. 2001).

The Ninth Circuit plainly stated the standard for the application of Rule 41(a)(2) as follows:

"A district court should grant a motion for voluntary dismissal under Rule 41(a)(2)4 unless a defendant can show that it will suffer some plain legal prejudice as a result. *Waller v. Fin. Corp. of Am.*, 828 F.2d 579, 583 (9th Cir.1987); see also *Hamilton v. Firestone Tire & Rubber Co.*, 679 F.2d 143, 145–46 (9th Cir.1982).

We have previously held that 'legal prejudice' means 'prejudice to some legal interest, some legal claim, some legal argument.' *Westlands*, 100 F.3d at 97. In so holding, we also explained that '[u]ncertainty because a dispute remains unresolved" or because "the threat of future litigation ... causes uncertainty' does not result in plain legal prejudice. *Id.* at 96–97. Also, plain legal prejudice does not result merely because the defendant will be inconvenienced by having to defend in another forum or where a plaintiff would gain a tactical advantage by that dismissal. *Hamilton*, 679 F.2d at 145." 263 F.3d at 976.

Applying the foregoing standard to the circumstances here, the court can discern no plain legal prejudice that would be suffered by Defendant by the dismissal of the complaint without prejudice. The fact that Defendant could face a second lawsuit or incur fees in connection therewith is insufficient.

June 13, 2019

Grant the Motion for summary judgment in favor of Defendant Icon Owner Pool 1. The granting of the Motion effectively moots Plaintiff's request for dismissal of the adversary proceeding pursuant to FRCP 41.

Basis for Tentative Ruling

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CONT...

Lenore LuAnn Albert-Sheridan

Chapter 7

1. At the hearing held on May 16, 2019, Movant articulated a colorable legal prejudice that it could suffer if the adversary were dismissed (at Plaintiff's request) without adjudication of the Motion. The court allowed Movant additional time to brief the issue of legal prejudice.

2. The court incorporates by reference herein, the legal authorities discussed in its May 16, 2019 tentative ruling re the issue of legal prejudice in the context of a Rule 41 request for dismissal. The court also adopts and incorporates by reference herein the legal authorities and analysis set for in Movant's supplemental brief filed on May 23, 2019 [docket #52].

3. Based upon the foregoing, the court finds that Movant may suffer legal prejudice, i.e., deprivation of a claim for malicious prosecution against Plaintiff, if the adversary proceeding is dismissed without adjudication of 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.

UPDATE -- FOLLOWING COURT'S REVIEW OF PLEADINGS FILED BY PLAINTIFF ON JUNE 11, 2019

The foregoing tentative ruling is augmented as follows:

1. Grant partial summary adjudication as to the first and second claims for relief because, as a matter of law, 15 USC 1692d does not apply to business debt -- only consumer transactions and Civil Code 1942.5 does not apply to commercial leases -- only dwellings ["Dwelling defined as a structure or the part of a structure that is used as a *home, residence, or sleeping place* . . . Civil Code 1940(c). Plaintiff does not provide any argument or legal authority to the contrary.

2. Deny motion as to the third claim for relief -- violation of the automatic stay. First, the BNC notice shows that Movant was served with notice of the bankruptcy on February 20, 2018 and Plaintiff has submitted a notice to pay

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rent or quit that is addressed to both the lessee and her in April 2018. Accordingly, there is a triable issue of material fact as to 1) whether Movant knew of the bankruptcy prior to April 2018 and addressed the notice to Plaintiff anyway in April 2018.

3. As to the preclusive effect of partial adjudication, that is an issue that will be decided in state court should Movant pursue a malicious prosecution action in the future. For Rule 41 purposes, Movant has sufficiently stated a potential legal prejudice.

4. The court will deem the June 11, 2019 pleadings by Plaintiff to be responsive to the Motion. The court will not, however, grant any additional time because Plaintiff was properly served with the Motion and made a decision to file an improper Notice of Dismissal under Rule 41 rather than timely file an opposition. Stated otherwise, she had a fair opportunity to oppose the Motion and to timely file a response 21 days before the original hearing date, but declined to do so.

5. In light of the foregoing, the court is inclined to grant Plaintiff an order dismissing the third claim for relief (stay violation) without prejudice for 12 months -- after 12 months from today's hearing the dismissal will be deemed with prejudice.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Icon Owner Pool 1, LA Business	Represented By Robert S Gebhard
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Plaintiff(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels
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Eric P Israel
Aaron E de Leest

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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

#6.10 CON'TD PRE-TRIAL CONFERENCE RE: Complaint 1. Rosenthal/FDCPA, 2. Retaliatory Eviction 3. Violation of Automatic Stay

FR: 11-15-18; 11-15-18; 12-20-18; 1-31-19; 5-9-19; 6-6-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Plaintiff's Notice of Dismissal Without Prejudice filed 5/6/2019 - td (5/14/2019)

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 at 9:30 a.m. 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. (XX)

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

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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.

January 31, 2019

In light of the unilateral status report filed by defendant Icon, this status conference shall be continued to March 12, 2019 at 9:30 a.m. and an updated joint status report must be filed by February 26, 2019. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not be Dismissed Due to Failure to Prosecute ("OSC"), which OSC shall also be set for hearing on March 12, 2019 at 9:30 a.m.

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

June 6, 2019

Continue pretrial conference to June 13, 2019 at 10:30 a.m., same date/time as the continued hearing on Defendant's motion for summary judgment. (XX)

Note: Appearances at today's hearing are not required.

June 13, 2019

In light of the partial granting of Defendant's Motion for Summary Judgment, the pretrial conference will go off calendar.

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Chapter 7

Note: Appearance at today's hearing is not required.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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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
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
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10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#7.00 Hearing RE: Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. Section 1112(b); Request for Any Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing

Docket 53

*** VACATED *** REASON: OFF CALENDAR: United States Trustee's Voluntary Dismissal of Motion to Dismiss Pursuant to 11 U.S.C. §1112 filed 6/10/2019

Courtroom Deputy:

OFF CALENDAR: United States Trustee's Voluntary Dismissal of Motion to Dismiss Pursuant to 11 U.S.C. §1112 filed 6/10/2019 - td (6/10/2019)

Tentative Ruling:

June 13, 2019

Deny motion as it appears Debtor is current with quarterly fees and has now filed all outstanding monthly operating reports.

Note: If the parties accept the foregoing tentative ruling, or if the UST withdraws the Motion, appearances at this hearing are not required.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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8:19-10893 SPN Investments Inc

Chapter 11

#8.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case.

Note: Appearances at this hearing are not required.

June 13, 2019

Claims Bar Date: 8/22/19 (notice to creditors by 6/20/19)

Deadline to file Plan/DS: 8/29/19 (no extensions will be granted)

Continued Status Conf: 9/12/19 at 10:30 a.m.

Updated Status Report due: 8/29/19 -- waived if Plan/DS timely filed

Note: If the parties accept the foregoing tentative ruling, appearances at this status conference are not required -- the court will issue its own order re the same.

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CONT... SPN Investments Inc

Chapter 11

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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8:19-10944 SPN IP LLC

Chapter 11

#9.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-16-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion or Order Directing Joint Administration of Related Cases Under Rule 101(b) Entered 3/28/2019. Lead Case 8:19-10893-ES Jointly Administered with Member Case 8:19-10944-ES. See Lead Case SPN Investments, Inc., Case No. 8:19-10893-ES**

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion or Order Directing Joint Administration of Related Cases Under Rule 101(b) Entered 3/28/2019. Lead Case 8:19-10893-ES Jointly Administered with Member Case 8:19-10944-ES. See Lead Case SPN Investments, Inc., Case No. 8:19-10893-ES - td (5/21/2019)

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

SPN IP LLC

Represented By
Christopher J Langley

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2:00 PM

8:17-11063 Karem Angelica Blair
Adv#: 8:17-01112 Herrera et al v. Blair

Chapter 7

#10.00 Hearing RE: Motion for Judgment on the Pleadings Pursuant to FRBP 7012(b)
by Defendant Karem Angelica Blair

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Grant motion with leave to amend. Amended complaint must be filed by July 12, 2019; responsive pleading must be filed by August 12, 2019. The court abstains under 1334(c)(1) from adjudicating the validity of the will or, if there is no will, intestate succession.

Basis for Tentative Ruling:

A. Standard for Judgment on the Pleadings - FRCP 12(c)

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, 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

**United States Bankruptcy Court
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Chapter 7

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).

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 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.*

B. The Court cannot find that the Motion should be granted without leave to amend due to the will's apparent non-compliance with California Probate Code Section 6110(c)(1)

Movant argues that the will filed in connection with the Complaint is invalid on its face because it was witnessed by only one party and that, under California Probate Code 6110, two witness signatures are required. Indeed, Cal. Prob. Code 6110(c)(1) provides that "*except as provided in paragraph (2)*, the will shall be witnessed by . . . at least two persons . . ." (emphasis

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added). Clearly, the proffered will has only one signature and, on the face of the document it would appear not to satisfy 6110(c)(1). However, noncompliance with 6110(c)(1) is not dispositive of validity of the will. Paragraph 2 of 6110(c) provides that if the will is not signed by two witnesses, the will may be deemed to comply with 6110(c)(1) if "the proponent of the will establishes by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator's will." Though the Complaint is silent as to factual allegations re 6110(c)(2), the liberal leave to amend policy of this Circuit would dictate that leave should be granted to allow Plaintiff to amend the Complaint.

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).

As to Movant's argument that Plaintiff has submitted no "proof or evidence that the will is enforceable or could be enforceable under California Probate Section 6110(c)(2) . . ." and no "declarations or evidence to support any of thier assertions," the Court would have have considered as part of this Motion any evidence or documents outside the four corners of the Complaint and exhibits. To do so, would convert the matter to a summary judgment motion.

The Court notes that if the Complaint is amended to add facts relevant to 6110(c)(2), this court should abstain from determining the validity of the will under the so-called "probate exception rule."

While 28 U.S.C. § 1334 vests federal jurisdiction of bankruptcy cases and related proceedings, there is a "probate exception" to federal jurisdiction. *Marshall v. Marshall*, 547 U.S. 293, 308 (2006); see also, 28 U.S.C. § 157(a) (district courts may refer bankruptcy cases and related proceedings to bankruptcy courts). Thus, "the probate exception prevents a federal court from probating a will, administering a decedent's estate, or disposing of property in the custody of a state probate court." *Goncalves By & Through*

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Goncalves v. Rady Children's Hosp. San Diego, 865 F.3d 1237, 1252 (9th Cir. 2017); *Marshall*, 547 U.S. at 311-12. The probate exception is limited, however, and "it does not bar federal courts from adjudicating matters outside those confines and otherwise within federal jurisdiction." *Marshall*, 547 U.S. at 312.

Satisfaction of Prob. Code Section 6110(c)(2) should be determined by the state probate court.

C. The Court cannot make a finding of lack of standing pursuant to California Probate Code 6402 alone.

Movant argues if the will is deemed in valid, Plaintiff Yvonne Herrera is the Decedent's step-daughter and not his natural or adopted daughter, and therefore is not a relative in line for intestate succession under Cal. Prob. Code 6402. This is true. However, Cal. Prob. Code 6454 provides that for purposes of determining intestate succession, a foster child or step-child may qualify if "(a) the relationship began during the person's minority and continued throughout the joint lifetimes of the person and the the person's . . . stepparent," and "(b) it is established by clear and convincing evidence that the . . . stepparent would have adopted the person but for the legal barrier."

The determination of the applicability and satisfaction of Probate Section 6454 should be determined by the state probate court.

D. Abstention under 28 USC 1334(c)(1)

28 U.S.C. § 1334(c)(1) provides that a bankruptcy court may abstain from hearing a particular proceeding arising under title 11 or arising in or related to cases 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 Court believes it would be appropriate for the California probate court to decide the validity of the will as well as any intestate succession issues. Once such determination is made, the Court can adjudicate the specific allegations under 523(a).

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CONT... Karem Angelica Blair

Chapter 7

Party Information

Debtor(s):

Karem Angelica Blair

Represented By
Kelly H. Zinser

Defendant(s):

Karem Angelica Blair

Represented By
Kelly H. Zinser

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
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Tuesday, June 18, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan [Dissemination Version]

(Set at SC held 9-20-18)

FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19; 4-30-19

Docket 544

***** VACATED *** REASON: CONTINUED TO 6/26/2019 AT 10:00 A.M.,
PER ORDER ENTERED 6/4/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/26/2019 at 10:00 a.m., Per Order
Entered 6/4/2019 (XX) - td (6/4/2019)**

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
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Santa Ana
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Tuesday, June 18, 2019

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)

FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19; 4-30-19

Docket 558

***** VACATED *** REASON: CONTINUED TO 6/26/2019 AT 10:00 A.M.,
Per Order Entered 6/4/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 6/26/2019 at 10:00 a.m.,
Per Order Entered 6/4/2019 (XX) - td (6/4/2019)**

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
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Tuesday, June 18, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#3.00 Hearing RE: Debtor and Debtor-in-Possession's Motion for (A) Determination that Plan Modifications to Incorporate Settlement Terms with the Beitler Parties and CitiMortgage, Inc. Do Not Require Further Disclosure or Re-solicitation, and (B) Entry of Order confirming Third Amended Chapter 11 Plan

Docket 721

***** VACATED *** REASON: CONTINUED TO 6/26/2019 AT 10:00 A.M.,
Per Order Entered 6/5/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 6/26/2019 at 10:00 a.m., Per Order
Entered 6/5/2019 (XX) - td (6/5/2019)**

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl

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Tuesday, June 18, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#4.00 Hearing RE: Debtor and Debtor-in-Possession's Motion For Order Authorizing the Use of Property of the Estate to Pay the Debtor's Expenses in Accordance with a Budget

Docket 723

*** VACATED *** REASON: CONTINUED: Hearing Continued to 6/26/2019 at 10:00 a.m., Per Order Entered 6/5/2019 (XX) - td (6/5/2019)

Courtroom Deputy:

CONTINUED: Hearing Continued to 6/26/2019 at 10:00 a.m., Per Order Entered 6/5/2019 (XX) - td (6/5/2019)

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
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Tuesday, June 18, 2019

Hearing Room 5A

2:00 PM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#5.00 ORAL RULING RE: Plaintiff Woodlawn Colonial L.P.'s Motion For Summary Judgment and Summary Adjudication

FR: 5-9-19

Docket 61

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Movant(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

Woodlawn Colonial, L P

Represented By
Evan Rothman

Plaintiff(s):

Woodlawn Colonial, L P

Represented By
Howard M Bidna
Evan Rothman

**United States Bankruptcy Court
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CONT... Chad Paul Delannoy

Chapter 7

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Kathleen J McCarthy

**United States Bankruptcy Court
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Hearing Room 5A

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8:17-10423 Chad Paul Delannoy

Chapter 7

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

#6.00 ORAL RULING RE: Motion by Defendant Chad Paul Delannoy to Compel Plaintiff Woodlawn Colonial, L.P. to Produce Documents and for an Award of Attorney's Fees and Expenses against Woodlawn Colonial, L.P., filed by Counter-Claimant Chad Paul Delannoy

FR: 4-18-19; 5-9-19

Docket 67

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

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
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Tuesday, June 18, 2019

Hearing Room 5A

2:00 PM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#7.00 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; 12-6-18; 3-21-19; 5-9-19

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)

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
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Thursday, June 20, 2019

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; 12-13-18; 2-12-19; 3-12-19

Docket 73

***** VACATED *** REASON: CONTINUED TO 9/19/2019 AT 9:30 A.M.,
PER ORDER ENTERED 6/14/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Continued to 9/19/2019 at 9:30 a.m., Per Order Entered
6/14/2019 (XX) - td (6/14/2019)**

Tentative Ruling:

March 12, 2019

Continue status conference to April 11, 2019 at 9:30 a.m. as a holding date. Court to issue Order to Show Cause Why This Adversary Should Not be Dismissed Due to Lack of Jurisdiction in light of the assignment of this adversary to Debtors pursuant to global settlement between Trustee and Debtors approved by the Court at hearing on January 31, 2019. The OSC hearing will also be held on April 11, 2019 at 9:30 a.m.

Once the adversary proceeding is dismissed, Debtors will be free to initiate new litigation against the defendant in any nonbankruptcy court of competent jurisdiction.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
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Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

Defendant(s):

Anke Ciling	Represented By Marc C Forsythe
Temecula Diagnostic Center Inc.	Pro Se
Lake Elsinore Diagnostics Inc.	Pro Se
Fallbrook Diagnostics Inc.	Pro Se
Medical Imaging Rentals, Inc.	Represented By Marc C Forsythe
Sammy Ciling	Represented By Marc C Forsythe
My Imaging Center LLC	Pro Se
Nath Investments Inc.	Represented By Marc C Forsythe
Turko United LLC	Pro Se
American Edge Medical Co.	Represented By Marc C Forsythe
My Imaging Center Inc.	Represented By Marc C Forsythe

Joint Debtor(s):

Linda Bae Lee	Represented By Robert B Rosenstein
---------------	---------------------------------------

Movant(s):

Sammy Ciling	Represented By Marc C Forsythe
Nath Investments Inc.	Represented By Marc C Forsythe
My Imaging Center Inc.	Represented By

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CONT...

Donald Woo Lee

Chapter 7

Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By
Marc C Forsythe

Anke Ciling

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

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
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Thursday, June 20, 2019

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; 12-13-18; 2-12-19; 3-12-19

Docket 59

***** VACATED *** REASON: CONTINUED TO 9/19/2019 AT 9:30 A.M.,
PER ORDER ENTERED 6/14/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 9/19/2019 at 9:30 a.m., Per
Order Entered 6/14/2019 (XX) - td (6/14/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Donald Woo Lee

Represented By
Robert B Rosenstein

Defendant(s):

My Imaging Center Inc.

Represented By
Marc C Forsythe

Medical Imaging Rentals, Inc.

Represented By
Marc C Forsythe

Fallbrook Diagnostics Inc.

Pro Se

Temecula Diagnostic Center Inc.

Pro Se

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CONT... Donald Woo Lee

Chapter 7

Anke Ciling Represented By
Marc C Forsythe

Lake Elsinore Diagnostics Inc. Pro Se

Turko United LLC Pro Se

Nath Investments Inc. Represented By
Marc C Forsythe

My Imaging Center LLC Pro Se

Sammy Ciling Represented By
Marc C Forsythe

American Edge Medical Co. Represented By
Marc C Forsythe

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
Norma Ann Dawson

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CONT...

Donald Woo Lee

Chapter 7

Robert S Lawrence
Caroline Djang
Brett Ramsaur
Cathy Ta

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Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#3.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19; 4-18-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/18/2019 AT 9:30 A.M.,
Per Order Entered 6/7/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/18/2019 at 9:30 a.m., Per
Order Entered 6/7/2019 (XX) - td (6/7/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

**United States Bankruptcy Court
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CONT... Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

**United States Bankruptcy Court
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Thursday, June 20, 2019

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 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18; 1-31-19; 3-12-19; 4-18-19

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). Order Granting Motion for Entry of Judgment Against Defendant David P. Hutchens Lodged in LOU on 6/11/19, Order # 8292660. Patrick Swindell will be last defendant remaining - td (6/11/2019)

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.

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9:30 AM

CONT... Thomas J Smith, III

Chapter 7

January 31, 2019

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

April 18, 2019

In light of pending mediation, continue status conference to June 20, 2019 at 9:30 a.m.; updated status report must be filed by June 6, 2019. (XX)

Note: Appearance at this status conference is not required; Plaintiff to serve notice of the continued hearing date/time.

June 20, 2019

Continue status conference to July 18, 2019 at 9:30 a.m. in light of Plaintiff's pending motion for entry of default judgment as to Patrick Swindell, which motion is under review by the court. (XX)

Note: Appearance at today's hearing is not required.

**United States Bankruptcy Court
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Santa Ana
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9:30 AM

CONT... Thomas J Smith, III

Chapter 7

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
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Thursday, June 20, 2019

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., et al

#5.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19; 3-12-19; 4-4-19; 4-16-19

Docket 55

*** VACATED *** REASON: CONTINUED TO 8/22/2019 AT 9:30 A.M.,
PER ORDER ENTERED 6/17/2019 (XX)

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

**CONTINUED: Status Conference Continued to 8/22/2019 at 9:30 a.m., Per
Order Entered 6/17/2019 (XX) - td (6/17/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Pro Se

Kirk Nelson

Pro Se

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 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, June 20, 2019

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

#6.00 CON'TD 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

FR: 7-10-18; 12-20-18; 1-31-19; 3-21-19

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 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.

March 21, 2019

This matter will be trailed to today's 10:30 a.m. calendar.

June 20, 2019

Discovery Cut-off Date:	Sept. 30, 2019
Pretrial Conference Date:	Nov. 21, 2019 at 9:30 a.m.

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

(XX)

Deadline to File Joint Pretrial Stipulation:

Nov. 7, 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):

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, June 20, 2019

Hearing Room 5A

9:30 AM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:19-01061 Marshack (TR) v. Patow et al

#7.00 STATUS CONFERENCE RE: Complaint for: (1) Declaratory Relief as to Whether, and to What Extent, Assets Constitute Property of the Estate; (2) Turnover of Estate's Interest in Trust Assets; and (3) Injunctive Relief

Docket 1

***** VACATED *** REASON: OFF CALENDAR; Another Summons
Issued on 5/31/19. New Status Conference Set for 8/15/19 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued on 5/31/19. New Status
Conference Set for 8/15/19 at 9:30 a.m. (xxx) - liz (5/31/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Christopher Patow

Represented By
Kevin J Kunde

Defendant(s):

James Christopher Patow

Pro Se

Alvin and Linda Patow 2006 Trust

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, June 20, 2019

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#8.00 CONT'D 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))

FR: 12-6-18; 1-24-19; 4-18-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

No tentative ruling. This tentative will be trailed to the 2:00 p.m. calendar along with the Motion to Dismiss

Party Information

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

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Chapter 7

Plaintiff(s):

Add2Net, Inc.

Represented By
Kevin Meek

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 20, 2019

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

#9.00 PRE-TRIAL 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; 12-20-18

Docket 1

*** VACATED *** REASON: CONTINUED TO 8/01/19 AT 9:30 A.M.
PER ORDER ENTERED 5-06-19 (XX)

Courtroom Deputy:

CONTINUED: Pre-trial Conference to 8/1/2019 at 9:30 a.m., Per Order Entered 5/6/2019 (XX) - gkd/td (5/9/2019)

Tentative Ruling:

December 20, 2018

Discovery Cut-off Date:	May 3, 2019
Pretrial Conference Date:	June 20, 2019 at 9:30 a.m.
	(XX)
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

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... Jack G. Gaglio

Chapter 7

Defendant(s):

Laura A. Gaglio Pro Se

Jack G. 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, June 20, 2019

Hearing Room 5A

9:30 AM

8:18-12033 Seunghwan Jeong

Chapter 7

Adv#: 8:18-01169 Ree v. Jeong

#10.00 CON'TD STATUS CONFERENCE RE: Complaint for Non-dischargeability of Debts

FR: 12-6-18; 2-7-19; 3-12-19

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. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

June 20, 2019

In light of Plaintiff's failure to timely file a second amended complaint, the adversary proceeding is dismissed. Defendant to lodge an order consistent with the same.

Party Information

Debtor(s):

Seunghwan Jeong

Represented By
Hyong C Kim

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... Seunghwan Jeong

Chapter 7

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, June 20, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01044 Van der Laan v. Phong

#11.00 STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. Section 727

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Continue Status Conference to August 22, 2019 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: Appearance at this hearing is not required; Plaintiff shall 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, June 20, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong

Chapter 7

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

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 20, 2019

Hearing Room 5A

9:30 AM

8:18-14603 Sean Pate

Chapter 7

Adv#: 8:19-01058 Euretig et al v. Pate

#12.00 STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

This adversary proceeding will be stayed in light of the pending state court action, with periodic status conferences. Continue this status conference to December 19, 2019 at 9:30 a.m. An updated status report re the status of the state court action must be filed by December 12, 2019. (XX)

Special note: It is highly likely that once the updated status report is filed, the December 19, 2019 status conference will be continued without the necessity for appearances.

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

Party Information

Debtor(s):

Sean Pate

Represented By
Anerio V Altman

Defendant(s):

Sean Pate

Pro Se

Plaintiff(s):

Gary Edelston

Represented By
Jayne A Peeters

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

Thursday, June 20, 2019

Hearing Room 5A

9:30 AM

CONT...

Sean Pate

Chapter 7

Earl B Abramson

Represented By
Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Oxnard Street, LLC

Represented By
Jayne A Peeters

Michal Gutentag

Represented By
Jayne A Peeters

Barbara Edelston

Represented By
Jayne A Peeters

Beth Rakow

Represented By
Jayne A Peeters

Jay Rakow

Represented By
Jayne A Peeters

Sunwest Trust

Represented By
Jayne A Peeters

Louis Schwartz

Represented By
Jayne A Peeters

David P Abramson

Represented By
Jayne A Peeters

Rachel Euretig

Represented By
Jayne A Peeters

Andrew Euretig

Represented By
Jayne A Peeters

Zvi Gutentag

Represented By
Jayne A Peeters

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 20, 2019

Hearing Room 5A

9:30 AM

CONT... Sean Pate

Chapter 7

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

8:15-14425 Jose P. Hurtado

Chapter 13

#13.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

BAYVIEW LOAN SERVICING LLC

VS.

DEBTOR

FR: 5-30-19

Docket 44

***** VACATED *** REASON: CONTINUED TO 7/18/2019 AT 10:00 A.M.,
Per Order Entered 6/7/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/18/2019 at 10:00 a.m., Per Order
Entered 6/7/2019 (XX) - td (6/7/2019)**

Tentative Ruling:

May 30, 2019

The parties are ordered to meet and confer re a possible resolution prior to the hearing. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are June 13, 2019 and June 20, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Jose P. Hurtado

Represented By
Richard G Heston

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Jose P. Hurtado

Chapter 13

Movant(s):

BAYVIEW LOAN SERVICING

Represented By
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, June 20, 2019

Hearing Room 5A

10:00 AM

8:16-11423 Jeffrey W. Jones and Catherine B. Pham

Chapter 13

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

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Jeffrey W. Jones

Represented By
Tina H Trinh

Joint Debtor(s):

Catherine B. Pham

Represented By
Tina H Trinh

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Jeffrey W. Jones and Catherine B. Pham

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, June 20, 2019

Hearing Room 5A

10:00 AM

8:17-14768 Edgar Guzman

Chapter 13

#15.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

DIODORA MENDOZA

VS.

DEBTOR

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Grant the motion; however, relief from stay is not granted to allow Movant to levy or seek recovery against property of the bankruptcy estate during the pendency of the chapter 13 case including, without limitation, earnings.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required if Movant accepts the 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):

Edgar Guzman

Represented By
Rebecca Tomilowitz

Movant(s):

Diodora Mendoza

Represented By

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Edgar Guzman

John F Nicholson

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 20, 2019

Hearing Room 5A

10:00 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

#16.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

FR: 4-4-19

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

The parties are to advise the court regarding the status of this matter.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Movant(s):

U.S. Bank National Association, as

Represented By
Angie M Marth
Kelsey X Luu

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, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Lillian Sikanovski Dulac

Erin P Moriarty

Chapter 7

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

8:18-14677 Stacey White Kinney

Chapter 7

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

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 37

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Stacey White Kinney

Represented By
Richard G Heston

Movant(s):

Wells Fargo Bank, N.A. as successor

Represented By
Jennifer C Wong

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Stacey White Kinney

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 20, 2019

Hearing Room 5A

10:00 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

#18.00 CONT'D Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

LISA WILL, TRUSTEE OF THE ZIMMERMAN LIVING TRUST DATED
DECEMBER 19, 1991

VS.

DEBTOR

FR: 5-7-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Grant motion with 4001(a)(3) waiver; Movant has stated sufficient cause under 362(d)(1) to allow the probate matter to proceed in state court. The court makes no findings re bad faith.

Basis for Tentative Ruling

The subject matter involves all state law issues and involves multiple nondebtor parties that should be resolved in state court sooner rather than later. Debtor has stated no persuasive reason why the litigation should not proceed.

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, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Alice L. Madonna Zimmerman

Chapter 7

Party Information

Debtor(s):

Alice L. Madonna Zimmerman

Represented By
Leslie K Kaufman

Movant(s):

Lisa Will

Represented By
Bert Briones

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 20, 2019

Hearing Room 5A

10:00 AM

8:19-10971 Todd Matthew Alexander and Monika Bernadetta

Chapter 7

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
21ST MORTGAGE CORPORATION
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Todd Matthew Alexander

Represented By
Alon Darvish

Joint Debtor(s):

Monika Bernadetta Alexander

Represented By
Alon Darvish

Movant(s):

21st Mortgage Corporation

Represented By

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

**CONT... Todd Matthew Alexander and Monika Bernadetta
Diane Weifenbach**

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 20, 2019

Hearing Room 5A

10:00 AM

8:19-11542 Gregg Michael Snider

Chapter 7

#20.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
PARTNERS FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Continue hearing to July 18, 2019 at 10:00 a.m. to allow Movant to correct defective service -- Debtor's attorney of record was not served as required by LBR 4001-1. (XX)

Tentative ruling for 7/18/19 hearing (if unopposed): Grant with 4001(a)(3) waiver

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.

July 16, 2019

Grant with 4001(a)(3) waiver.

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

Thursday, June 20, 2019

Hearing Room 5A

10:00 AM

CONT... Gregg Michael Snider 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):

Gregg Michael Snider

Represented By
R Gibson Pagter Jr.

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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 20, 2019

Hearing Room 5A

10:30 AM

8:10-26006 James E. Case and Laura M. Case

Chapter 7

#21.00 Hearing RE: First Interim Application for Allowance and Payment of Fees and Reimbursement of Expenses

[WEILAND GOLDEN GOODRICH LLP, COUNSEL FOR THE CHAPTER 7 TRUSTEE]

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019 (Updated)

Allow interim fees and expenses as requested; overrule Debtor Laura Case's objections.

Basis for Tentative Ruling

1. The court has reviewed every time entry in Exhibit 1 of the Application and cannot make a finding that any of the fees are excessive or unreasonable.

2. The court has reviewed Debtor's objections to the Application and notes that Debtor does not identify any specific instances of excessive fees but rather argues in general that an unspecified amount of fees should be disallowed because Debtor offered to pay all claims and administrative expense early in the case after its re-opening . However, Debtor's opposition only references one communication from attorney Michael Jones on April 13, 2019 [Opposition, Exhibit B], some six months after the chapter 7 trustee was reappointed. However, the Applicant provides a more complete chronology of the settlement events that transpired [Reply, Exhibits 2-14] .

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... James E. Case and Laura M. Case

Chapter 7

3. The court can take judicial notice of the fact that the hearing on approval of trustee's motion to sell the litigation claim was continued at least half a dozen times from October 2018 to May 2019 to accommodate participation of Debtor in the sale negotiation process.

Note: If both parties accept the foregoing tentative ruling, appearance at today's hearing is not required.

Party Information

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#22.00 CON'TD Hearing RE: Application for an Order Authorizing the Employment of Kalfayan Merjanian as Special Litigation Counsel Nunc Pro Tunc to July 15, 2016 and Granting Final Allowance of Compensation and Reimbursement of Expenses

FR: 5-16-19; 5-30-19

Docket 165

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee Fees Resulting from Settlement Agreement and Resolving Chapter 13 Trustee's Comments on or Objections to Employment and Fee Application and 9019 Motion filed 5/29/19; Order Approving Stipulation Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)

Tentative Ruling:

May 30, 2019

This matter remains under review by the court. A tentative ruling may be posted at any time prior to the hearing.

June 20, 2019

In light of the court-approved stipulation, approve *nunc pro tunc* employment application.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Applicant is required. Should an opposing 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

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Roxana Martha Kargl

Chapter 13

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#23.00 CON'TD Hearing RE: Debtor's Motion to Approve Compromise Pursuant to Fed.R.Bankr.Proc. 9019

FR: 5-16-19; 5-30-19

Docket 169

Courtroom Deputy:

SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee Fees Resulting from Settlement Agreement and Resolving Chapter 13 Trustee's Comments on or Objections to Employment and Fee Application and 9019 Motion filed 5/29/19; Order Approving Stipulation Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)

Tentative Ruling:

May 30, 2019

This matter remains under review by the court. A tentative ruling may be posted at any time prior to the hearing.

June 20, 2019

In light of the court-approved stipulation, 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, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Roxana Martha Kargl

Chapter 13

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:14-12166 Roxana Martha Kargl

Chapter 13

#24.00 CON'TD Hearing RE: Chapter 13 Trustee's Motion for Return of Property to the Bankruptcy Estate

FR: 5-30-19

Docket 164

***** VACATED *** REASON: OFF CALENDAR: CHAPTER 13
TRUSTEE'S NOTICE OF WITHDRAWAL FILED 6/17/2019**

Courtroom Deputy:

**OFF CALENDAR: Chapter 13 Trustee's Notice of Withdrawal filed
6/17/2019 - td (6/18/2019)**

**SPECIAL NOTE: Stipulation Regarding Payment of Chapter 13 Trustee
Fees Resulting from Settlement Agreement and Resolving Chapter 13
Trustee's Comments on or Objections to Employment and Fee
Application and 9019 Motion filed 5/29/19; Order Approving Stipulation
Lodged in LOU on 5/29/19, Order #8192148 - td (5/29/2019)**

Tentative Ruling:

May 30, 2019

*This matter remains under review by the court. A tentative ruling may be
posted at any time prior to the hearing.*

June 20, 2019

In light of the court-approved stipulation, grant motion on terms provided for in
such stipulation.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party 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 20, 2019

Hearing Room 5A

10:30 AM

CONT... Roxana Martha Kargl

Chapter 13

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#25.00 CONT'D Hearing RE: Objection to Claim Nos. 4-1, 9-1, 7-1, and 10-1 filed by Sylvie Masson, Filed by Petitioning Creditors Andrew Moore, Pacific M International Corp. **[Affects All Debtors]**

Cl. #4-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12110-ES)

Cl. #9-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12106-ES)

Cl. #7-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:12-12109-ES)

Cl. #10-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12112-ES)

FR: 3-12-19; 4-11-19

Docket 289

***** VACATED *** REASON: CONTINUED TO 7/18/2019 AT 10:30 A.M.,
PER ORDER ENTERED 6/10/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/18/2019 at 10:30 a.m., Per Order
Entered 6/10/2019 (XX) - td (6/10/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#26.00 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; 12-13-18; 4-18-19

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.

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

Thursday, June 20, 2019

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

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

May 31, 2018

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

court shall issue an order to show cause why this case should not be 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. (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

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

continuances and time that has been granted to Debtor and the IRS with no 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.

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).

April 18, 2019

Dismiss case.

This case has now been pending for nearly two years with no contemplated plan of reorganization. Debtor wishes to continue to prop up this empty case up for the sole purpose of executing an agreement with an apparently reluctant IRS. The IRS apparently seems to have no sense of urgency regarding this case. Counsel for the IRS represented to the court on November 13, 2018 that approval from D.C. of the settlement should be obtained within 60-90 days. However, five months later, there is no approval in sight. Debtor will need to resolve its issues with the IRS outside bankruptcy.

June 20, 2019

In light of status report filed on 6/13/19 confirming approval of Debtor's settlement with the IRS by the Dept. of Justice [docket #144], continue this status conference to July 18, 2019 at 10:30 a.m.; updated status report must be filed by or before July 11, 2019 if a stipulation between Debtor and the government has not been filed by such date. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

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

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-10006 Tri-Star Construction and Restoration Services, In

Chapter 11

#27.00 Hearing RE: Debtor's Motion in Chapter 11 Case for the Entry of a Final Decree and Order Closing Case

Docket 121

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

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 20, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#28.00 CON'TD Hearing RE: Motion to Determine Fees Expenses and Charges Claimed by Premier Home Solutions, Inc.

FR: 4-18-18, 5-16-19

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

The parties are to advise the court re the status of this matter.

Special note: The parties should continue to pursue an amicable resolution. Absent such a resolution, a continued hearing will be set to permit the creditor to provide documentary evidence of attorneys fees along with task descriptions. The note permits reasonable attorneys fees. Debtor is entitled to object to the reasonableness of the fees. The court cannot ascertain the reasonableness of the fees without a breakdown of the fees by task.

June 20, 2019

The parties are to advise the court regarding the status of this matter.

Party Information

Debtor(s):

Daphne Alt

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, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Daphne Alt

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 20, 2019

Hearing Room 5A

10:30 AM

8:18-11727 VV Hospitality LLC

Chapter 7

#29.00 Hearing RE: VW Hospitality, LLC's Objections to Ronen Armoney' Proof of Claim No. 2-1

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Sustain objection.

Basis for 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. 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. *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
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... VV Hospitality LLC

Chapter 7

1. The proof of claim asserts a \$5,000,000 claim and lists as the basis for such a large claim, a vague reference to "fraudulent transfers of interests in real property." No specifics re the alleged fraudulent transfers or the affected property is provided in either the proof of claim or the response to the Objection to Claim.

2. In the single-page opposition filed by the claimant, Ronen Armony, it is stated that the claim is based upon "causes of action, including the avoidance of voidable transfers . . . being asserted . . . in the pending San Bernardino Superior Court lawsuit known as *Armony v. Kanter*, Case no. CIV-VS1101628." No other facts or evidence substantiating the claim are provided. Stated otherwise, the opposition sheds no more light on the basis of the claim than did the proof of claim.

2. Debtor has presented evidence that appears to call to refute the vaguely described basis for the claim. For example, Debtor has provided the deposition testimony of claimant Ronen Armony from the Orange County Superior Court case, *Armony v. Kanter*, Case no. 30-2016-00870876-CU-FR-CJC. In that deposition, Mr. Armony appears not to know or understand the basis of his \$5M claim against Debtor. Objection, Exh. 1, Deposition at pp. 137-141.

3. In sum, Debtor has provided sufficient evidence to shift the burden to the claimant to establish the validity of his claim by a preponderance of the evidence. Claimant has failed to meet that burden.

Party Information

Debtor(s):

VV Hospitality LLC

Represented By
Yoon O Ham
Thomas F Nowland

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, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... VV Hospitality LLC

Robert P Goe

Chapter 7

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-12606 Michelle Renee Gillespie

Chapter 13

#30.00 CON'TD Hearing RE: Motion to Reconsider Order on Objection to Claim of Santander Consumer USA Inc. (Claim No. 2)

FR: 5-7-19

Docket 52

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Motion filed 6/6/2019

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Motion filed 6/6/2019 - td (6/7/2019)

Tentative Ruling:

May 7, 2019

[The matter remains under review by the court. A tentative ruling may be posted before the hearing].

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**

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13002 Russell Lane

Chapter 13

#31.00 STATUS CONFERENCE Hearing RE: Chapter 13 Trustee's Motion for Determination of Extent of Exemption in Personal Injury Cause Action Proceeds

FR: 12-20-18

Docket 21

***** VACATED *** REASON: STATUS CONFERENCE HEARING
ADVANCED TO 4/4/2019 AT 10:30 A.M., PER ORDER ENTERED
3/27/2019 (XX)**

Courtroom Deputy:

**ADVANCED: Status Conference Hearing Advanced to 4/4/2019 at 10:30
a.m., Per Order Entered 3/27/2019 (XX) - td (3/27/2019)**

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. (XX)

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.

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Russell Lane

Chapter 13

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

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**

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#32.00 CON'TD Hearing RE: Debtor in Possession's Disclosure Statement Describing Chapter 11 Plan of Reorganization

FR: 3-19-19

Docket 83

***** VACATED *** REASON: CONTINUED TO 7/18/19 AT 10:30 AM.;
See Notice of Hearing filed 5/30/19, Document #130 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/18/19 at 10:30 a.m.; See Notice of
Hearing filed 5/30/19, Document #130 (XX) - td (5/30/2019)**

Tentative Ruling:

March 19, 2019

Continue hearing to April 11, 2019 at 10:30 a.m. to allow Debtor to file an amended disclosure statement (DS) by March 26, 2019; response to amended DS to be filed by April 2, 2019, 2019; reply by April 5, 2019.

Court's Comments re the DS:

1. DS, pg.11: Debtor needs to clearly disclose the identity of its current shareholders (owners). On the one hand, Debtor states that Vvon Inc. purchased all the shares of Debtor postpetition. However, Debtor also states that it elected to become an S Corporation. Assuming 26 CFR 1.1361-1(a)(1) and 1.1361-1(f) applies to Debtor, a C corporation is ineligible to be a shareholder of an S corporation. Debtor needs to address this issue.

2. DS, pp. 22-24: The treatment of Classes 2F-2I should reflect the court's ruling re Debtor's objection to such claims. Also, regarding the treatment of Classes 2F-2I, what happens to equipment not picked up by the Effective Date or August 1, 2019?

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... **DFH Network Inc.**

Chapter 11

3. DS, pg. 25 and Exh. 3: There is an inconsistency regarding the monthly payment to Class 4a. On page 25 of the DS, the monthly amount is stated as \$2,083/mo but mathematically the amount should be \$2,149 ($\$128,940 \times 60$ mos) as indicated in the Plan.

4. DS, pg. 28: Neither the DS or the Plan discloses the compensation to be paid to insider management postconfirmation. Specifically, Sec. 1129(a)(5) (B) requires that a plan disclose "the identity of any insider that will be employed or retained by the reorganized debtor, *and the nature of any compensation for such insider.*" (emphasis added).

5. DS, pp. 35-36: There is a typo at on p. 35 at line 23 -- the "0" should be deleted from 1129(a)(8). On p. 36, line 2, there should be a cross-reference to the discussion of the Absolute Priority Rule in Section H at pp. 46-47, and explaining that the New Value Exception Rule discussed in Section H provides a common law mechanism for satisfying the "fair and equitable" requirement of 1129(b)(2).

6. DS, pg. 47: The discussion at lines 6-16 seems to suggest that the Absolute Priority Rule does not apply to equity interest received postpetition. This analysis is inconsistent with 1129(b) which makes no distinction between prepetition acquired equity and postpetition acquired equity. Absent convincing legal authority supporting Debtor's position, the analysis is misleading and should be modified to disclose that Class 5 interest holders will be required to present evidence of "new value" at the time of the plan confirmation hearing if cram down becomes necessary.

7. DS, pg. 53: Re Exh.2, liquidation analysis, "costs" of liquidation are estimated at 7% (\$2,358) of the value of the unencumbered asset (\$33,675). However, Debtor later adds another liquidation cost of \$3,000 (auction costs). Why? If the liquidation costs does not include auction costs, what does it include?

Comments re Opposition to Approval of DS

1. Objection of Dogus Media: The plan is not patently unconfirmable. It could be determined to be unconfirmable IF an impaired class does not

**United States Bankruptcy Court
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Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... DFH Network Inc.

Chapter 11

accept the plan, no impaired class accepts the plan and a junior class (Class 6) does not provide new value. This is an issue to be addressed at confirmation should cram down become necessary.

2. Objection of US Trustee: The court believes it has addressed this limited objection in its Comment 6 above.

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#33.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 10-25-18; 3-7-19; 3-19-19

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: Feb. 7, 2019 at 10:30
a.m.

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.

March 19, 2019

No tentative ruling -- outcome will depend upon disposition of #22 on today's calendar (approval of disclosure statement).

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... DFH Network Inc.

Chapter 11

June 20, 2019

Continue status conference to July 18, 2019 at 10:30 a.m., same date/time as hearing on approval of Debtor's disclosure statement. (XX)

Note: Appearances at today's hearing are not required.

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, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#34.00 Hearing RE: Chapter 7 Trustee's Third Motion for Order to Continue Business Operations (Manage Real Property) Through and Including August 31, 2019, by Continuing to: (1) Collect Rents; and (2) Pay Operating Expenses

Docket 168

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#35.00 Hearing RE:Chapter 7 Trustee's Motion for Order: Further 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. § 365(a)

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#36.00 Hearing RE: Chapter 7 Trustee's Motion for Order Further 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. § 365(a)

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#37.00 Hearing RE: Chapter 7 Trustees Motion For Order: Further 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. § 365(a)

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

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):

Friendly Village GP, LLC

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village GP, LLC

Chapter 7

David Wood
Kristine A Thagard

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#38.00 CON'TD STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 2-12-19; 3-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Debtor's counsel to address the following issues:

1. In light of Debtor's prior unsuccessful chapter 11 case and ultimate dismissal on the basis of bad faith, what are the changed circumstances that will result in a successful end to this case?
2. Why has Debtor been unable to pay mortgage payments since 2016?
3. On his Schedule I, Debtor lists monthly income of \$15,000. Has Debtor actually grossed this amount since the filing in December 2018?
4. On his Schedule J, Debtor lists monthly expenses for water/sewage/garbage collection in the amount of \$2,000, telephone/cell/internet/satellite in the amount of \$2500 and electricity in the amount of \$500. An explanation of monthly utility expenses of \$5,000 will be required.

Claims bar date: 5/20/19 (notice to creditors by 3/20/19)

Deadline to file plan/disc. stmt: 5/30/19

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... **Walt Dodge** **Chapter 11**

Continued status conference: 6/20/19 at 10:30am; updated status report must be filed by 6/6/19 unless a plan and disc stmt have been timely filed, in which case the requirement of an updated report will be waived. (XX)

Note: Appearance at this hearing is required.

June 20, 2019

Continue status conference to August 8, 2019 at 10:30 a.m., same date/time as hearing on approval of 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 the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:19-10863 James Ray Peterson

Chapter 13

#39.00 Hearing RE: Debtor's Motion to Rescind Foreclosure Sale Due to Bank Error

Docket 19

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing §109(g) Entered 5/21/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing §109(g) Entered 5/21/2019 - td (5/21/2019)**

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**

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#40.00 Hearing RE: Motion By United States Trustee To Dismiss Case Pursuant to 11 U.S.C §1112(B); Request for any Quarterly Fees Due and Payable to the U.S. Trustee at the Time of the Hearing
(Affects SPN IP, LLC)

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Grant motion if UST quarterly fees have not been paid.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

Movant(s):

United States Trustee (SA)

Represented By
Nancy S Goldenberg

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

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

8:19-11071 Lan Anh Hoang

Chapter 13

#41.00 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:

June 20, 2019

Grant motion in part as follows: Debtor's counsel, Thin V Doan, must 1) file a Rule 2016(b) statement by or before July 18, 2019, and 2) submit to the United States Trustee any state court or bankruptcy retainer agreements, as well as an attorney client ledger by or before July 18, 2019. The hearing on this motion will be continued to August 15, 2019 at 10:30 a.m. for a determination as to the reasonableness and/or disgorgement/cancellation of any fees related to this case. Movant shall file any supplemental pleading in support of the motion by or before July 25, 2019; Debtor's counsel must file any response thereto by or before August 1, 2019 and any reply by Movant must be filed by or before August 8, 2019. (XX)

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is waived and Movant shall lodge an order consistent with the same.

Party Information

Debtor(s):

Lan Anh Hoang

Represented By
Thin V 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**

Thursday, June 20, 2019

Hearing Room 5A

10:30 AM

CONT... Lan Anh Hoang

Chapter 13

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

Thursday, June 20, 2019

Hearing Room 5A

2:00 PM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#42.00 Hearing RE: Defendants' Motion to Dismiss Complaint of Add2net, Inc., for Failure to State a Claim Upon Which Relief Can be Granted

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Grant motion for the reasons stated in the Motion with prejudice.

Plaintiff's Amended Complaint suffers from the same FRCP 8 deficiencies as the original complaint. The court further incorporates by reference herein its January 24, 2019 tentative ruling regarding Defendant's motion to dismiss the original complaint as the analysis applies with equal force to the Amended Complaint. Other than a conclusory statement that the By-law created an express trust, there are no specific allegations in the Amended Complaint that is indicative of the creation of such a trust.

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

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

Thursday, June 20, 2019

Hearing Room 5A

2:00 PM

CONT... George Carl Natzic

Chapter 7

Joint Debtor(s):

Cheri Lynn Natzic

Represented By
Moises S Bardavid

Plaintiff(s):

Add2Net, Inc.

Represented By
Kevin Meek

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11449 Jill Allyn Rosoff

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jill Allyn Rosoff

Represented By
Kelly H. 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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11419 Mohammad I. Niazi and Parwin Saddozai

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Mohammad I. Niazi

Represented By
Freddie V Vega

Joint Debtor(s):

Parwin Saddozai

Represented By
Freddie V Vega

Trustee(s):

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11368 Jean Anne Turner

Chapter 13

#3.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 19

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jean Anne Turner

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11357 John T. Bishop

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

John T. Bishop

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11335 Blanca Acevedo

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 5

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 5/7/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 5/7/2019 - td (6/6/2019)**

Party Information

Debtor(s):

Blanca Acevedo

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11317 Charles William Hutchison

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Charles William Hutchison

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11314 Conrado P Del Rosario

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 5/21/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 5/21/2019 - td (5/21/2019)**

Party Information

Debtor(s):

Conrado P Del Rosario

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11306 Michael Elliott William Sr

Chapter 7

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: OFF CALENDAR: Order on Debtor's
Motion to Convert Case Under 11 U.S.C. §§706(a) or 1112(a) Signed
5/14/2019**

Courtroom Deputy:

**OFF CALENDAR: Order on Debtor's Motion to Convert Case Under 11
U.S.C. §§706(a) or 1112(a) Signed 5/14/2019 - td (5/14/2019)**

Party Information

Debtor(s):

Michael Elliott William Sr

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11304 James Omer Hursh

Chapter 7

#9.00 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
5/14/2019; Case Converted to Chapter 7**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case
from Chapter 13 to Chapter 7 filed 5/14/2019; Case Converted to Chapter
7 - td (5/20/2019)**

Party Information

Debtor(s):

James Omer Hursh

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

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11279 Gale Lee Oliver, Jr.

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 4/23/2019

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 4/23/2019 - td (4/23/2019)**

Party Information

Debtor(s):

Gale Lee Oliver Jr.

Represented By
Sunjay Bhatia

Trustee(s):

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11252 Linda Marie Northey

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Linda Marie Northey

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11233 Shawna Marie Fleisher

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 26

*** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 4/22/2019

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 4/22/2019 - td (4/22/2019)**

Party Information

Debtor(s):

Shawna Marie Fleisher

Represented By
Sunjay Bhatia

Trustee(s):

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-11225 Pete Rios Sanchez

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 18

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal for
Failure to Comply with Installment Payment Schedule Entered 5/31/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal for Failure to Comply with
Installment Payment Schedule Entered 5/31/2019 - td (6/6/2019)**

Party Information

Debtor(s):

Pete Rios 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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11154 Kriston Perry and Chandra Holmes

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Kriston Perry

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Chandra Holmes

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**

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11141 Douglas Robert Redding and Dana Marie Redding

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-11124 Jeffrey Leite and Vanessa J. Leite

Chapter 13

#16.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 15

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Leite

Represented By
Stephen Parry

Joint Debtor(s):

Vanessa J. Leite

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**

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10948 Antonio Munos and Cinthia Renee Munos

Chapter 13

#17.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Antonio Munos

Represented By
Matthew D. Resnik

Joint Debtor(s):

Cinthia Renee Munos

Represented By
Matthew D. Resnik

Trustee(s):

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-10794 Fernando Serrano

Chapter 13

#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Serrano

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10751 Nien T Fraser

Chapter 13

#19.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nien T Fraser

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#20.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10483 Emil Peter Joros

Chapter 13

#21.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Emil Peter Joros

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-10426 Adrian Elizarraras

Chapter 13

#22.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR: 4--23-19; 5-21-19

Docket 20

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Elizarraras

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10298 Robert W Hickman

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert W Hickman

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-10271 Herminigilda Garcia Manalo

Chapter 13

Telephonic Hearing

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 5-21-19

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Herminigilda Garcia Manalo

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-10247 Loren Tramontano and Monique Chevalier

Chapter 13

#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Loren Tramontano

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Chevalier

Represented By
Paul Y 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**

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:19-10236 Dawn Marie Baker

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Marie Baker

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 25, 2019

Hearing Room 5A

1:30 PM

8:19-10037 Ryan Phillip Jones and Sandy Gee Yung Kim

Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 5-21-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Phillip Jones	Pro Se
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Joint Debtor(s):

Sandy Gee Yung Kim	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:18-14641 Richard Thomas McPhee

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Richard Thomas McPhee

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 25, 2019

Hearing Room 5A

1:30 PM

8:18-14640 Pejman Pirmoradi

Chapter 13

#29.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 4-23-19; 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Pejman Pirmoradi

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:18-14252 Kayleen R Hittesdorf

Chapter 13

#30.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 1-22-19; 3-26-19; 5-21-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Kayleen R Hittesdorf

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 25, 2019

Hearing Room 5A

1:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#31.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 1-22-19; 3-26-19; 5-21-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 25, 2019

Hearing Room 5A

1:30 PM

8:18-13746 Michael P Monroe and Deborah J. Monroe

Chapter 13

#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 12-21-18; 1-22-19; 3-26-19; 5-21-19

Docket 6

Courtroom Deputy:

- NONE LISTED -

Party Information

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, June 25, 2019

Hearing Room 5A

1:30 PM

8:18-13650 J. Guadalupe Zepeda Dimas

Chapter 13

#33.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 12-21-18; 3-26-19; 5-21-19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Party Information

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**

Tuesday, June 25, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#34.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19; 3-26-19; 5-21-19

Docket 10

Courtroom Deputy:

- 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, June 25, 2019

Hearing Room 5A

2:30 PM

8:18-14641 Richard Thomas McPhee

Chapter 13

#35.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 20

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 6/20/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 6/20/2019 - td (6/21/2019)

Party Information

Debtor(s):

Richard Thomas McPhee

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 25, 2019

Hearing Room 5A

2:30 PM

8:18-13854 Jezabel Jurado

Chapter 13

#36.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 41

Courtroom Deputy:

- NONE LISTED -

Party Information

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**

Tuesday, June 25, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#37.00 CON'TD Hearing RE: Debtors' Modify Under LBR 3015-1(n) and (3) to Modify Plan or Suspend Plan Payments

FR: 5-21-19

Docket 30

Courtroom Deputy:

- NONE LISTED -

Party Information

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#38.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-26-19; 4-23-19; 5-21-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:18-12507 James Vea Niua and Sharon Jane Niua

Chapter 13

#39.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 33

Courtroom Deputy:

- NONE LISTED -

Party Information

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#40.00 Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 117

Courtroom Deputy:

- 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**

Tuesday, June 25, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#41.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19; 5-21-19

Docket 113

Courtroom Deputy:

- 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**

Tuesday, June 25, 2019

Hearing Room 5A

2:30 PM

8:17-13182 Julio Cesar Torres and Norma Giselle Torres

Chapter 13

#42.00 Hearing RE: Trustee's Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 102

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion filed 4/30/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion filed 4/30/2019 - td (4/30/2019)

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#43.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 1-22-19; 3-26-19; 4-23-19; 5-21-19

Docket 48

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 6/6/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 6/6/2019 - td (6/6/2019)

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:17-10565 Ryan Correos Ordinario and Samantha Ordinario

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for failure to make plan payments

Docket 79

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Correos Ordinario

Represented By
Halli B Heston

Joint Debtor(s):

Samantha Ordinario

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:16-13812 Hang Nga Thi Le

Chapter 13

#45.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 67

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trustee's Motion for Order Dismissing Chapter 13 Filed 6/11/2019

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order
Dismissing Chapter 13 Filed 6/11/2019 - td (6/11/2019)

Party Information

Debtor(s):

Hang Nga Thi Le

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:16-12941 Margarita Calderon

Chapter 13

#46.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 50

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Calderon

Represented By
Stephen R Wade
W. Derek May

Trustee(s):

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 25, 2019

Hearing Room 5A

2:30 PM

8:14-16259 Justin William Mize and Heather Ann Mize

Chapter 13

#47.00 CON'TD Hearing RE: Chapter 13 Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 4-23-19

Docket 111

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Justin William Mize

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Heather Ann Mize

Represented By
Misty A Perry Isaacson

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:14-15670 Hung Diep

Chapter 13

#48.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 56

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Hung Diep

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:14-15621 Marcella Suzanne McKenzie

Chapter 13

#49.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 76

Courtroom Deputy:

- NONE LISTED -

Party Information

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, June 25, 2019

Hearing Room 5A

2:30 PM

8:14-15270 Nguyen D. Uong

Chapter 13

#50.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 3-26-19; 4-23-19; 5-21-19

Docket 84

Courtroom Deputy:

- 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, June 25, 2019

Hearing Room 5A

2:30 PM

8:14-12166 Roxana Martha Kargl

Chapter 13

#51.00 CONT'D Hearing RE: Chapter 13 Trustee's Verified Motion for Order Modifying the Chapter 13 Plan

FR: 3-26-19; 5-21-19

Docket 141

*** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal filed 6/17/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal filed 6/17/2019 - td
(6/18/2019)

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

Wednesday, June 26, 2019

Hearing Room 5A

9:30 AM

8:19-12289 Douglas Paul Westfall and Jacqueline Ann Westfall

Chapter 13

#0.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate (OST Entered 6/19/2019)

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 26, 2019

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):

Douglas Paul Westfall

Represented By
Don Emil Brand

Joint Debtor(s):

Jacqueline Ann Westfall

Represented By
Don Emil Brand

Trustee(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 26, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#1.00 CON'TD Hearing RE: Debtor and Debtor-in-Possession's Motion For Order Authorizing the Use of Property of the Estate to Pay the Debtor's Expenses in Accordance with a Budget

FR: 6-18-19

Docket 723

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 26, 2019 (UPDATED)

Grant Motion. Overrule the the Beitler Creditors' opposition.

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**

Wednesday, June 26, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#2.00 CONT'D Hearing RE: Debtor and Debtor-in-Possession's Motion for (A) Determination that Plan Modifications to Incorporate Settlement Terms with the Beitler Parties and CitiMortgage, Inc. Do Not Require Further Disclosure or Re-solicitation, and (B) Entry of Order confirming Third Amended Chapter 11 Plan

FR: 6-18-19

Docket 721

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 26, 2019

Due to ongoing discussions among the parties, there is no tentative ruling.

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**

Wednesday, June 26, 2019

Hearing Room 5A

10:00 AM

8:17-10706 John Jean Bral

Chapter 11

#3.00 CON'TD Hearing RE: Confirmation Hearing RE: Second Amended Chapter 11 Plan [Dissemination Version]

(Set at SC held 9-20-18)

FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19; 4-30-19; 6-18-19

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. Merrell 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.*

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*

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

Wednesday, June 26, 2019

Hearing Room 5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

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

<u>Objection No.</u>	<u>Ruling:</u>
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 legal conclusion. Beyond scope of expert review under Rule 701 is appropriate.
opinion/ testimony so	
34	Sustained as to "Accordingly . . . to the end of paragraph
37.	
expert	Improper opinion/ legal conclusion. Beyond scope of 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
39.	
expert appropriate.	Improper opinion/ legal conclusion. Beyond scope of testimony so review under Rule 701 is

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

Wednesday, June 26, 2019

Hearing Room

5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

- 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 . . .
review chapter 7 trustee for liquidation. Improper opinion/legal conclusion. Beyond scope of expert testimony so 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.
-

April 30, 2019

Comments re the Confirmation Hearing:

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

Wednesday, June 26, 2019

Hearing Room 5A

10:00 AM

CONT... John Jean Bral

Chapter 11

A. Live Testimony

1. Live Testimony will be limited to the cross examination of Adam Meislik and Debtor John Bral. The scope of examination will be limited to the Declarations submitted by each gentleman in support of plan confirmation. As to Mr. Meislik's declaration, the court's tentative ruling re the evidentiary objections are as set forth above re the December 11, 2018 hearing.

2. Cross examination will be limited to a total of one hour per witness, inclusive of initial and follow-up questions.

3. Re-direct examination will be limited to 30 minutes.

B. Class 3 - Claim of Michelle Easton

Based upon the court's review of the evidence and argument submitted, the court's tentative ruling is as follows.

1. The court sees nothing improper about the treatment of Ms. Easton's claim under the plan. Simply put, in early February 2017, Ms. Easton loaned Debtor \$35,000 shortly before the bankruptcy filing later that month to allow Debtor to pay a retainer for a bankruptcy attorney to handle his chapter 11 case. She received as security for the loan, a junior lien on Debtor's Irvine residence as well as a lien on Debtor's interest in one of his businesses. The note provided for monthly interest payments with the principal becoming all due and payable in December 2019. Accordingly to deposition testimony highlighted by the objecting Beitler creditors, Ms. Easton was less concerned with the maturity date than she was with receiving a security interest. The loan proceeds were, in fact, used to pay a retainer to Debtor's bankruptcy counsel. Approximately 5 months into the case, Debtor negotiated with Ms. Easton to extend the maturity date by four years. Debtor has stated that the extension was necessary because, due to the amount of litigation in the bankruptcy case, he didn't think he could pay the entire \$35,000 by December 2019. The fact that Ms. Easton was a friend of Debtor's who did not perform "due diligence" that a commercial lender would perform is no moment. As for the timing of the sale of the Irvine property, the Plan provides first for the liquidation of Debtor's interest in the Mission and Westcliff LLCs,

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Wednesday, June 26, 2019

Hearing Room 5A

10:00 AM

CONT...

John Jean Bral

Chapter 11

which will be determined by arbitration proceedings. If the liquidation of Debtor's interest is insufficient to pay creditors in full, Debtor intends to liquidate other nonexempt property, which could include the Irvine property.

C. 1129(a)(5)

Section 1129(a)(5) does not apply to individual debtors. In any event, objecting creditors have not provided evidence sufficient for the court to make a finding that Debtor is incapable of administering the estate postconfirmation, especially in light of the fact that the liquidation of Mission and Westcliff will occur through arbitration proceedings.

D. Professional Fee Claim Lien

The confirmation order to specify that the Professional Fee Claim Lien is not priming any secured claims existing on the effective date of the Plan and the Professional Fee Claim Lien will be paid after the secured claims, unless the secured claims are determined to be unsecured at a later date.

E. Closing Statements

Debtor will make initial closing statements -- not more than 30 minutes

Objecting Creditors will make responsive closing statements -- not more than 30 minutes

Debtor will make final closing statements -- not more than 15 minutes

June 26, 2019

Due to ongoing discussions among the parties, there is no tentative ruling.

**United States Bankruptcy Court
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10:00 AM

CONT... John Jean Bral

Chapter 11

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
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8:17-10706 John Jean Bral

Chapter 11

#4.00 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)

FR: 12-11-18; 1-10-19; 1-29-19; 3-27-19; 4-30-19; 6-18-19

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

**United States Bankruptcy Court
Central District of California
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Wednesday, June 26, 2019

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CONT...

John Jean Bral

Chapter 11

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, July 11, 2019

Hearing Room 5A

9:30 AM

8:17-11063 Karem Angelica Blair

Chapter 7

Adv#: 8:17-01112 Herrera et al v. Blair

#1.00 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; 12-6-18; 1-24-19; 4-11-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/1/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Notice of Continuance of Pretrial
Hearing filed 5/15/19, Document #44 (XX)**

Courtroom Deputy:

CONTINUED: Pre-trial Conference Continued to 8/1/2019 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 5/15/19, document #44 (XX) - td (5/20/2019)

Party Information

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

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, July 11, 2019

Hearing Room 5A

9:30 AM

CONT... Kareem Angelica Blair

Chapter 7

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, July 11, 2019

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

#2.00 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; 12-20-18; 5-2-19

Docket 6

***** VACATED *** REASON: CONTINUED TO 8/1/19 AT 9:30 A.M. ON COURT'S OWN MOTION. See Court's Notice filed 6/12/19, Document #78 (XX)**

Courtroom Deputy:

SPECIAL NOTE: 1) Order Approving Stip. for Discharge of Educational Loan Debt, Dismissal of Certain Defendants, and to Add Educational Credit Mgmt Corp. as a Defendant in this Adv. Proceeding Entered 4/24/2018 - td (5/8/2018). 2) Order Approving Stip. RE: Determination that Student Loan is Dischargeable Pursuant to 11 U.S.C. §523(a)(8) as Between Plaintiff Jacqueline R. Escolar-Chua and Defendant Wells Fargo Bank, N.A. Only Entered 9/19/18. Judgment Entered 9/19/18. Two Defendants Remaining - td (9/19/2018)

CONTINUED: Pre-trial Conference Continued to 8/1/19 at 9:30 a.m. on Court's Own Motion; See Court's Notice Filed 6/12/19, Document #78 (XX) - td (6/12/2019)

Party Information

Debtor(s):

John Paul Marc Z. Escolar-Chua

Represented By
Christine A Kingston

Defendant(s):

United States Department of

Represented By
Elan S Levey

University of Southern California

Pro Se

**United States Bankruptcy Court
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9:30 AM

CONT... John Paul Marc Z. Escolar-Chua Chapter 7

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
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Plaintiff(s):

Jacqueline Escolar-Chua	Represented By Christine A Kingston
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Trustee(s):

Richard A Marshack (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, July 11, 2019

Hearing Room 5A

9:30 AM

8:18-12656 Jenny Kristin Porter

Chapter 7

Adv#: 8:18-01195 La Paz Mortgage, Inc. v. Porter

#3.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6)

FR: 1-17-19; 1-31-19; 4-11-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Notice of Continued Status Conference
filed 5/10/2019, Document #21 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/16/2019 at 9:30 a.m. on
Court's Own Motion. See Notice of Continued Status Conference filed
5/10/2019, Document #21 (XX) - liz/td (5/10/2019)**

Party Information

Debtor(s):

Jenny Kristin Porter

Represented By
Christopher J Langley

Defendant(s):

Jenny Kristin Porter

Pro Se

Plaintiff(s):

La Paz Mortgage, Inc.

Represented By
Hamid R Rafatjoo
Alan J Kessel

Trustee(s):

Richard A Marshack (TR)

Represented By
David M Goodrich
Jeffrey G Jacobs

**United States Bankruptcy Court
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Thursday, July 11, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01040 Lee v. Phong

#4.00 STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. x21523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. §727(a)(4)(A)

(Another Summons Issued 4/15/2019)

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Notice of Continued Status Conference
filed 5/21/2019, Document # 11 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/16/2019 at 9:30 a.m. on
Court's Own Motion. See Notice of Continued Status Conference filed
5/21/2019, document #11 (XX) - td (5/21/2019)**

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict
Luke P Daniels

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Benjamin Lee

Represented By
Jason K Boss

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, July 11, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#5.00 STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

(Another Summons Issued 4-8-19)

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice filed 5/10/2019,
Document #11 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 7/16/2019 at 9:30 a.m. on
Court's Own Motion. See Court's Notice filed 5/10/2019, Document #11
(XX) - liz/td (5/10/2019)**

Party Information

Debtor(s):

Carissa Louise Clemens	Pro Se
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Defendant(s):

US Dept of Education	Pro Se
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Plaintiff(s):

Carissa Clemens	Pro Se
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Trustee(s):

Karen S Naylor (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, July 11, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#6.00 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19; 2-12-19; 4/18/19

Docket 24

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION. See Notice of Continuance filed 4/19/2019,
Document # 50 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 7/16/19 at 2:00 p.m. on Court's Own Motion. See Notice of Continuance filed 4/19/2019, Document # 50 (XX) - td (4/17/2019)

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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

**United States Bankruptcy Court
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Thursday, July 11, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

Jeffrey S Shinbrot
Jeffrey I Golden

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, July 11, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#7.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19; 3-12-19; 4/18/19

Docket 3

***** VACATED *** REASON: CONTINUED TO 7/16/2019 AT 2:00 P.M. ON COURT'S OWN MOTION. See Notice of Continuance filed 4/19/2019, Document # 50 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 7/16/19 at 2:00 p.m. on Court's Own Motion. See Notice of Continuance filed 4/19/2019, Document # 50 (XX) - td (4/17/2019)

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

**United States Bankruptcy Court
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Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Jeffrey S Shinbrot
Jeffrey I Golden

Chapter 7

**United States Bankruptcy Court
Central District of California
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Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#1.00 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; 9-13-18; 1-17-19; 1-31-19; 2-12-19; 5-7-19

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
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Tuesday, July 16, 2019

Hearing Room 5A

9:30 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.

January 31, 2019

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

February 12, 2019

Nastaran Maboudi to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

May 7, 2019

No tentative ruling; Judgment creditor's attorney to advise the court re the status of this matter.

**United States Bankruptcy Court
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9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

July 16, 2019

Nastaran Maboud to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

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
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Santa Ana
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Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#2.00 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; 9-13-18; 1-31-19;
2-12-19; 5-7-19

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
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9:30 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.

January 31, 2019

Examinee Mir Mohammad Motamed to appear in court to be sworn in by the clerk; the examination will thereafter be conducted outside the courtroom.

February 12, 2019

Mir Mohammad Motamed to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

May 7, 2019

No tentative ruling; Judgment creditor's attorney to advise the court re the

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9:30 AM

CONT... Mir Mohammad Motamed
status of this matter.

Chapter 7

July 16, 2019

Mir Motamed to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

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
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Hearing Room 5A

9:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#3.00 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; 9-13-18; 1-17-19; 1-31-19; 2-12-19; 5-7-19

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.

January 31, 2019

Ms. Maboud's request to vacate the court's ruling requiring payment of \$1,000 for failure to appear at a prior examination is denied as none of the reasons she cites constitute grounds for not compensating Plaintiff's counsel for appearing for her examination or for excusing Ms. Maboud from appearing at the examination. The amount must be paid within 30 days. **CONTINUED TO FEBRUARY 12, 2019 AT 9:30 A.M. (XX)**

Special note: Plaintiff has not lodged an order re the September 13, 2018

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9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

ruling and needs to do so promptly.

1. The motion was not properly noticed and, therefore, does not appear on the court's formal calendar;
2. The motion is not supported by a sworn statement under penalty of perjury as required by Local Bankruptcy Rule 9013-1.
3. Even if the unsworn statement is accepted, it does not state grounds sufficient to warrant setting aside the court's September 13, 2018 ruling re the imposition of sanctions. This amount must be paid.

February 12, 2019

No tentative ruling

May 7, 2019

No tentative ruling; Judgment creditor's attorney to advise the court re the status of this matter.

Juy 16, 2019

No tentative ruling; Judgment creditor's attorney to advise the court re the status of this matter.

Party Information

Debtor(s):

Mir Mohammad Motamed

Represented By
Randal A Whitecotton

**United States Bankruptcy Court
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9:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

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
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Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#4.00 Examination of Judgment Debtor Stephen J. Haythorne RE: Enforcement of Judgment

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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
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9:30 AM

8:16-11882 Stephen J Haythorne
Adv#: 8:16-01247 Damon v. Haythorne

Chapter 7

**#5.00 Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment**

Docket 130

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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
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Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:19-01031 Bral v. Samini et al

#6.00 CONT'D STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Legal Malpractice; (3) Breach of Fiduciary Duty

FR: 5-9-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/2019 AT 9:30 A.M.,
Per Order Signed 6/13/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 8/22/2019 at 9:30 a.m., Per
Order Signed 6/13/2019 (XX) - td (6/13/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl

Defendant(s):

Babak Samini

Represented By
David Choi

Matthew Hoesly

Represented By
David Choi

Samini Scheinberg, APC

Represented By
David Choi

**United States Bankruptcy Court
Central District of California
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Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Plaintiff(s):

John Jean Bral

Represented By
Gary A Pemberton
Alan J Friedman

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

Adv#: 8:19-01032 Ismodes, Sr v. Pariscari

#7.00 STATUS CONFERENCE RE: Complaint: 1) Fraud; 2) Fraudulent Concealment; 3) Fraudulent Misrepresentation; 4) Negligence; 5) Breach of Fiduciary Duty; 6) Constructive Fraud; 7) CA Code 2923.55; 8) Conversion; 9) B&P 17200; And Objection to Claim Pursuant to 11 USC Section 502

FR: 5-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

As a preliminary matter, plaintiff's counsel must appear and advise the court re the legal basis for Debtor's standing to prosecute this action for fraud, negligence, breach of fiduciary duty, etc. as such claims are property the estate over which the chapter 7 trustee has exclusive control over. The court is not aware of any abandonment of such claims by the chapter 7 trustee. Importantly, this is not simply an objection to claim.

If Plaintiff's counsel can satisfactorily explain standing, then the following schedule will apply:

Deadline to complete discovery:	Oct. 1, 2019
Deadline to attend mediation:	Nov. 1, 2019
Deadline to file joint pretrial stipulation:	Dec. 5, 2019
Pretrial conference: at 9:30 a.m.	Dec. 19, 2019

Note: Appearances at this status conference are required.

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

CONT... **Italo Victor Ismodes, Sr**

Chapter 7

July 16, 2019

Comments re the late-filed unilateral status report filed by Plaintiff on July 10, 2019:

1. The updated joint status report was due by order of this court on July 2, 2019. No explanation/declaration has been submitted regarding the reason for the filing of the unilateral report eight days late. The court is inclined to impose sanctions in the amount of \$100 against Plaintiff's counsel for the tardily filed report.

2. The unilateral status report does not address the standing issue raised by the court at the May 16, 2019 status conference. In the absence of abandonment of the nine claims for relief (i.e., exclusive of the objection to claim) by the trustee or a formal motion for authority to prosecute claims belonging to the estate, the court is unaware of any legal authority supporting Debtor's standing to prosecute such claims. The trustee's unsworn statement in the unilateral report that she "does not oppose" the adversary does not confer standing. The court finds the trustee's statement perplexing.

3. As to the one matter Debtor could prosecute, the objection to claim, the complaint does not any facts concerning the substance of the claim itself -- not even the amount of the claim.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Defendant(s):

Brian Pariscari

Pro Se

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Plaintiff(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:18-12656 Jenny Kristin Porter

Chapter 7

Adv#: 8:18-01195 La Paz Mortgage, Inc. v. Porter

#8.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(2)(A), 523(a)(4) and 523(a)(6)

FR: 1-17-19; 1-31-19; 4-11-19; 7-11-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Stipulated Final Judgment Against Jenny Porter for (1) False Representation; (2) Concealment; and (3) Fraud, Embezzlement and Larceny Entered 5/23/2019**

Courtroom Deputy:

OFF CALENDAR: Stipulated Final Judgment Against Jenny Porter for (1) False Representation; (2) Concealment; and (3) Fraud, Embezzlement and Larceny Entered 5/23/2019 - td (5/23/2019)

Tentative Ruling:

January 31, 2019

Continue Status Conference to April 11, 2019 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**

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

CONT... Jenny Kristin Porter

Chapter 7

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):

Jenny Kristin Porter

Represented By
Christopher J Langley

Defendant(s):

Jenny Kristin Porter

Pro Se

Plaintiff(s):

La Paz Mortgage, Inc.

Represented By
Hamid R Rafatjoo
Alan J Kessel

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**

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01040 Lee v. Phong

#9.00 CONT'D STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. x21523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. §727(a)(4)(A)

(Another Summons Issued 4/15/2019)
FR: 7-11-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Continue Status Conference to September 19, 2019 at 9:30 a.m.; updated status report must be filed by September 5, 2019.

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 status conference.

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong Chapter 7

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict
Luke P Daniels

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Benjamin Lee

Represented By
Jason K Boss

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 16, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#10.00 CON'TD Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 4/4/2019)

FR: 5-30-19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

No response to the OSC has been filed. Dismiss adversary proceeding due to lack of prosecution.

July 16, 2019

Though Plaintiff has filed a proof of service re the summons, Plaintiff has not filed a status report or a formal response to the OSC.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Carissa Louise Clemens Pro Se

Defendant(s):

US Dept of Education Pro Se

Plaintiff(s):

Carissa Clemens Pro Se

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

Tuesday, July 16, 2019

Hearing Room 5A

9:30 AM

CONT... Carissa Louise Clemens

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, July 16, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#11.00 CON'TD STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

(Another Summons Issued 4-8-19)
FR: 7-11-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Status report has not been filed as required by Local Bankruptcy Rule 7016-1.

Party Information

Debtor(s):

Carissa Louise Clemens Pro Se

Defendant(s):

US Dept of Education Pro Se

Plaintiff(s):

Carissa Clemens 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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

8:18-14314 Samantha Sim Phong

Chapter 7

#12.00 Hearing RE: Motion for Relief from Stay
[ACTION IN NONBANKRUPTCY FORUM]

JACOB VAN DER LAAN

VS.

DEBTOR

Docket 67

*** VACATED *** REASON: NOTICE OF WITHDRAWAL OF
MOTION, FILED 7/15/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Motion, filed 7/15/2019 - td
(7/15/2019)**

Tentative Ruling:

July 16, 2019

Grant with 4001(a)(3) waiver, except deny as to the state court cause of
action for breach of contract.

Basis for Tentative Ruling:

A claim for breach of contract is dischargeable.

***Note: This matter appears to be uncontested. Accordingly, no court
appearance by the Movant is required. Should an opposing party 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 16, 2019

Hearing Room 5A

10:00 AM

CONT... Samantha Sim Phong

Chapter 7

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict
Luke P Daniels

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 16, 2019

Hearing Room 5A

10:00 AM

8:18-14677 Stacey White Kinney

Chapter 7

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

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Stacey White Kinney

Represented By
Richard G Heston

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Katie M Parker
Jennifer C Wong

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Stacey White Kinney

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-10271 Herminigilda Garcia Manalo

Chapter 13

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

U.S. BANK TRUST, N.A.

VS.

DEBTOR

Docket 31

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
Entered 6/25/19.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

Debtor(s):

Herminigilda Garcia Manalo

Represented By
Christopher J Langley

Movant(s):

U.S. Bank Trust, N.A.

Represented By
Erin Elam
Nathan F Smith

Trustee(s):

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-10878 Randall J Russell

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
DIRECT CAPITAL, A DIVISION OF CIT BANK, N.A.
VS.
DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Deny motion due to insufficient supporting evidence.

Basis for Tentative Ruling:

1. There is insufficient evidence showing that Movant is a creditor of Debtor. All supporting contracts and UCC-1 Statements indicate that Movant is a creditor of RJ Russell Equipment, Inc., a corporate entity. None of the contracts indicate that Debtor guaranteed the debt of RJ Russell Equipment, Inc. or otherwise assumed liability for such debt. Moreover, Debtor doesn't list the property on his schedules.

2. No evidence of value of the subject property has been provided to show lack of adequate protection (362(d)(1)) or lack of equity (362(d)(2)).

Party Information

Debtor(s):

Randall J Russell

Represented By
William P White

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Randall J Russell

Chapter 7

Movant(s):

c/o Ferns, Adams \$ A DIRECT

Represented By
Amanda N Ferns

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11139 Chirag Shewa

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
(RE: Real Property-450 South Estate Drive, Orange, CA 92869)

CAPITALSOURCE BUSINESS FINANCE GROUP

VS.

DEBTOR

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant with 4001(a)(3) waiver; deny request for other extraordinary relief [relief request #10] 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):

Chirag Shewa

Represented By
Leonard M Shulman

Movant(s):

CapitalSource Business Finance

Represented By
Leo D Plotkin

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Chirag Shewa

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11139 Chirag Shewa

Chapter 7

#17.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
(RE: 22921 Savi Ranch Parkway, Yorba Linda, CA 92887)

CAPITALSOURCE BUSINESS FINANCE GROUP

VS.

DEBTOR

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant with 4001(a)(3) waiver; deny request for other extraordinary relief [relief request #10] 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):

Chirag Shewa

Represented By
Leonard M Shulman

Movant(s):

CapitalSource Business Finance

Represented By
Leo D Plotkin

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Chirag Shewa

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11414 Peter Woo Sik Kim and Sharon Soyun Kim

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC.
VS.
DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Peter Woo Sik Kim

Represented By
Andrew S Bisom

Joint Debtor(s):

Sharon Soyun Kim

Represented By
Andrew S Bisom

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Peter Woo Sik Kim and Sharon Soyun Kim

Chapter 7

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Jennifer H Wang

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11548 Veronica Romano

Chapter 13

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SCHOOLSFIRST FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Veronica Romano

Represented By
Thinh V 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 16, 2019

Hearing Room 5A

10:00 AM

8:19-11617 Renee Priscilla Ruiz

Chapter 7

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

YAMAHA MOTOR FINANCE CORP.

VS.

DEBTOR

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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 Priscilla Ruiz

Represented By
Michael E Hickey

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Renee Priscilla Ruiz

Chapter 7

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

8:19-12020 Viet Duc Bui

Chapter 7

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

5AIF NUTMEG, LLC

VS.

DEBTOR

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant with 4001(a)(3) waiver and 362(d)(4) relief; deny all other extraordinary relief requested due to insufficient grounds stated therefor.

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):

Viet Duc Bui

Represented By
Christopher J Langley

Movant(s):

5AIF Nutmeg, LLC

Represented By
Michael J Gomez

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... Viet Duc Bui

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 16, 2019

Hearing Room 5A

10:00 AM

8:19-12266 John Robert Lenhart

Chapter 7

#22.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

TERRY MARTIN

VS.

DEBTOR

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant motion with all relief requested.

Basis for Tentative Ruling:

1. This is the second bankruptcy case filed on or one day before a scheduled unlawful detainer trial -- the first was filed by Debtor's spouse on February 21, 2019, the same day as the first scheduled UD trial [Case no. 19-10609ES]. This case was filed on June 12, 2019, one day prior to the re-scheduled UD trial.
2. This bankruptcy case was filed two days after this court entered its order granting relief from the automatic stay in favor of Movant in Debtor's spouse's case.
3. The 60-day notice to quit and the unlawful detainer complaint were both served and filed prior to the spouse's bankruptcy case. Under California law, service of the termination notice and the filing of the unlawful action terminates the tenancy. Neither the filing of the spouse's case or the filing of

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

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

CONT... John Robert Lenhart

Chapter 7

the present case reverses such circumstance.

4. The purpose of the bankruptcy laws is not to allow debtors to live rent-free following lease termination. According to the Motion, no rent has been paid since at least November, 2018.

5. This matter needs to be resolved in state court.

Party Information

Debtor(s):

John Robert Lenhart

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:00 AM

8:19-12326 Donald W Baxter and Rosie P Baxter

Chapter 7

#23.00 Hearing RE: Amended Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant motion.

Party Information

Debtor(s):

Donald W Baxter

Represented By
John R Tenery

Joint Debtor(s):

Rosie P Baxter

Represented By
John R Tenery

Movant(s):

Donald W Baxter

Represented By
John R Tenery

Rosie P Baxter

Represented By
John R Tenery

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 16, 2019

Hearing Room 5A

10:30 AM

8:15-12218 Jay Brett Freedman

Chapter 7

Adv#: 8:15-01328 Askew et al v. Freedman

#24.00 Hearing RE: Plaintiffs' Motion for Writ of Body Attachment

Docket 89

*** VACATED *** REASON: OFF CALENDAR: Notice of Dismissal of
Motion for Writ of Body Attachment filed 7/12/2019

Courtroom Deputy:

OFF CALENDAR: Notice of Dismissal of Motion for Writ of Body
Attachment filed 7/12/2019 - td (7/15/2019)

Tentative Ruling:

- NONE LISTED -

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
Douglass Davert

Julianne Askew

Represented By
Benjamin N Flint III
Douglass Davert

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

#25.00 Hearing RE: Plaintiff's Motion in Limine for an Order Excluding Testimony Regarding the Previously Deemed Admitted the Request for Admissions

Docket 117

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Deny motion without prejudice due to defective notice.

Basis for Tentative Ruling:

There is no evidence that defendant Russell Wallace has consented to service by email, nor did Movant seek leave to serve by email. See FRCP 5(b)(2)(E) (incorporated by FRBP 7005), FRBP 9014, LBR 9013-1(a)(1).

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

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... 29 Prime, Inc.

Chapter 7

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-13114 Stein Life Child Neurology Medical Specialists, In Chapter 7

#26.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-13114 Stein Life Child Neurology Medical Specialists, In

Chapter 7

#27.00 Hearing RE: Second and Final Application for Allowance of Fees and Costs

[MARSHACK HAYS LLP AS GENERAL COUNSEL TO THE CHAPTER 7 TRUSTEE]

Docket 64

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-13114 Stein Life Child Neurology Medical Specialists, In

Chapter 7

#28.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From September 17, 2018 through January 15, 2019

[HAHN FIFE & COMPANY, ACCOUNTANT TO CHAPTER 7 TRUSTEE]

Docket 63

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#29.00 Hearing RE: Debtor's Motion for Reconsideration of Order Granting Chapter 7 Trustee's Motion for Order Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019

Docket 63

***** VACATED *** REASON: OFF CALENDAR: Withdrawal of Motion for Reconsideration of Order Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019 filed 6/12/2019**

Courtroom Deputy:

OFF CALENDAR: Withdrawal of Motion for Reconsideration of Order Approving Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019 filed 6/12/2019 - td (6/12/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#30.00 CON'TD Hearing RE: Debtor's Motion to Disallow Proof of Claim Number 7 Filed by The Nourmand Law Firm, APC

FR: 6-6-19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 6, 2019

Continue hearing to July 16, 2019 at 10:30 a.m., same date/time as hearing on Debtor's Motion to Reconsider the Compromise Motion Order. (XX)

Tentative Ruling for July 16, 2019 hearing:

Based upon the court's review of the Motion to Disallow Proof of Claim #7, as well as the related Motion for Approval of the Compromise between the trustee and the defendant in the state court action, the court would be inclined to deny this Motion on the basis of lack of standing:

1. Debtor was properly served with notice of the motion for approval of the compromise and the opportunity to object. In fact, it is not uncommon for debtors to object to state court settlements. Here, Debtor did not object.

2. The Compromise Motion makes clear that the intent of the parties was to reach a settlement that would solely cover the costs of administering the chapter 7 case (trustee fees, trustee's attorneys fees, proofs of claim). The \$200,000 amount was an estimate designed for that purpose -- which is why it included a provision for the return of any amount not necessary to pay the costs of the bankruptcy estate. The unopposed settlement was not intended to fund a surplus for Debtor. Accordingly, even if the Nourmand fees are reduced to \$0.00, under the Compromise, the Trustee would be required to

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... Claudia Michel Estrada

Chapter 7

return \$125,997.50 plus \$1707.58 to the Defendant. Consequently, there would be no return of a surplus to Debtor (exclusive of her exemption).

Special Note: The foregoing tentative ruling does not take into account Debtor's Reconsideration Motion or any opposition thereto as the court has not yet reviewed the same. The court is continuing this matter in order to review this Motion and the Reconsideration Motion together.

Note: No oral argument will be entertained at today's hearing in light of the continuance of the hearing to July 16, 2019.

July 16, 2019

Deny the Motion.

Basis for Tentative Ruling:

1. See comments for June 6, 2019 hearing above, which the court incorporates by reference herein.

2. Debtor has withdrawn her Motion for Reconsideration of Order Approving Compromise of Controversy

Party Information

Debtor(s):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... Claudia Michel Estrada

Chapter 7

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-15264 Kristina Thi Lin

Chapter 7

#31.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:16-15264 Kristina Thi Lin

Chapter 7

#32.00 Hearing RE: First and Final Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP AS GENERAL COUNSEL FOR RICHARD A.
MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 99

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#33.00 Hearing RE: Educational Credit Management Corporation's Motion for Leave to File an Amended Proof of Claim

Docket 553

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant the motion for the reasons set forth in the Motion and Reply, which the court incorporates by reference herein. The granting of the motion allowing the filing of the amended claim is without prejudice to Debtor objecting to the amended proof of claim.

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-12003 Jack G. Gaglio and Laura A. Gaglio

Chapter 7

#34.00 Hearing RE: Creditor Pacific Western Bank's Motion to Compel Abandonment of Disposition of Property of the Estate

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant motion. Any property interests of Debtors will be abandoned back to them.

According to the law of this Circuit:

"Abandonment' is a term of art with special meaning in the bankruptcy context. It is the formal relinquishment of the property at issue from the bankruptcy estate. Upon abandonment, *the debtor's interest in the property is restored nunc pro tunc as of the filing of the bankruptcy petition.*"

Catalano v. C.I.R., 279 F.3d 682, 685 (9th Cir. 2001) (emphasis added)

Special Note: This court earlier denied Movant's motion for relief from the automatic stay to enforce its lien against the subject property interests on the ground that such property interest were property of the estate. If this Motion is granted, Movant is free to re-file a motion for relief from stay. See *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013) (the automatic stay against property of the debtor applies to abandoned property absent relief from stay until the case is closed, dismissed or discharge order entered).

Party Information

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... Jack G. Gaglio and Laura A. Gaglio

Chapter 7

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

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 16, 2019

Hearing Room 5A

10:30 AM

8:18-12875 Michael D O'Donnell

Chapter 7

#35.00 Hearing RE: Chapter 7 Trustee's Motion for Order Approving Compromise of Controversy Regarding the Distribution of the Homestead Exemption Proceeds Pursuant to Federal Rule of Bankruptcy Procedure 9019

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Michael D O'Donnell

Represented By
David P Farrell

Trustee(s):

Karen S Naylor (TR)

Represented By
Thomas H Casey

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-12875 Michael D O'Donnell

Chapter 7

#36.00 Hearing RE: Chapter 7 Trustee's Motion for Order: (1) Authorizing the Trustee to Sell Real Property (20391 Newland Street, Huntington Beach, California) Pursuant to 11 U.S.C. Section 363(b) and (f) Free and Clear of Liens and Encumbrances With Disputed Liens to Attach to the Sale Proceeds Pending Further Court Order; (2) Approving Overbid Procedures; (3) Approving Compensation of Real Estate Broker; (4) Authorizing Distribution of Sale Proceeds and Homestead Exemption Claim Per Court Approved Agreement Between Trustee, the Debtor and Erin O'Donnell; (5) Deeming Proposed Buyer to be a Good Faith Purchaser Pursuant to 11 U.S.C. Section 363(m); and (6) Waiving 14 Day Stay Imposed by Federal Rules of Bankruptcy Procedure 6004(h)

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Grant motion subject to overbid

Party Information

Debtor(s):

Michael D O'Donnell

Represented By
David P Farrell

Trustee(s):

Karen S Naylor (TR)

Represented By
Thomas H Casey

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-12875 Michael D O'Donnell

Chapter 7

#37.00 Hearing RE: Chapter 7 Trustee's Motion for an Order Authorizing the Trustee to Make an Interim Distribution to Certain Creditors and Parties Under 11 U.S.C. Section 726(c)(1)

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Michael D O'Donnell

Represented By
David P Farrell

Trustee(s):

Karen S Naylor (TR)

Represented By
Thomas H Casey

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-12875 Michael D O'Donnell

Chapter 7

#38.00 Hearing RE: First Interim Application for Fees and Reimbursement of Expenses
[September 18, 2018 through June 19, 2019]

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

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Michael D O'Donnell

Represented By
David P Farrell

Trustee(s):

Karen S Naylor (TR)

Represented By
Thomas H Casey

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

#39.00 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 75

***** VACATED *** REASON: CONTINUED TO 8/8/2019 AT 10:30 A.M.,
Per Order Entered 7/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 8/8/2019 at 10:30 a.m., Per Order
Entered 7/8/2019 (XX) - td (7/8/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:19-10440 Stephen B Fuller and Renee M Fuller

Chapter 7

#40.00 Hearing RE: Chapter 7 Trustee's Motion for Disallowance of Debtors' Claimed Homestead Exemptions

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

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):

Stephen B Fuller

Represented By
Tate C Casey

Joint Debtor(s):

Renee M Fuller

Represented By
Tate C Casey

Movant(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

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**

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT...

Stephen B Fuller and Renee M Fuller

Erin P Moriarty

Chapter 7

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#41.00 STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and (2) Requiring Report on Status of Chapter 11 Case

FR:5-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Debtor's counsel will need to address the following issues:

1. The projected adequate protection payments listed on Exhibit A requires explanation:

a. The projection provides for monthly adequate protection payments for *all three* properties of only \$1700, yet the debt service on the Norwalk property alone is \$3300 per month (1st and 2nd).

b. The artificially low adequate protection payments skews the projections -- in reality, Debtor will be operating at a significant deficit for all 6 months, especially after property taxes, insurance, maintenance and management fees are added.

c. It is not clear from the projections whether Debtor is paying \$100 in management fees per month for one, two or all three properties. Who is the property manager?

d. The projections include rent for the Burchfield property of \$1300 but there is no evidence that Debtor has procured a tenant for that property.

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing Chapter 11

e. The monthly operating report for March shows no income and no expenses for any property.

2. Debtor does not plan to file a cash collateral motion. So, how will the projected expenses for the properties be paid?

Claims Bar Date: July 30, 2019 (notice to creditors by 5/30/19;
declaration re non-opp must be filed by 5/23)

Deadline to file Plan/Discl St.: Aug. 1, 2019

Continued status conference: July 16, 2019 at 10:30 a.m.; updated report
must be filed by July 9. 2019.

Special Note: The continued chapter 11 status conference is being continued less than 60 days to allow the court to monitor the progress of this case, including a review of the April and May MORs.

Note: Appearance at this status conference is required.

July 16, 2019

The updated status report filed in 7/9/19 does not address the following issues:

1. Debtor indicated at the 5/16/19 hearing that an inside buyer would be purchasing the Norwalk property and that a motion to sell would be filed within 30 days of the hearing, i.e., June 16, 2019. To date, no such motion has been filed.

2. Debtor represents that no cash collateral is being used -- so how are the properties being maintained? Landscaping? Property management fees?

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing

Chapter 11

What was the source of the payment of \$674 for office supplies?

3. Debtor represents that two of the properties generate monthly combined income of \$3450 per month. However, the most recent MOR shows income of only \$3214.

4. Why does the Burchfield property remain unrented after four months?

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

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

Tuesday, July 16, 2019

Hearing Room 5A

10:30 AM

8:19-11317 Charles William Hutchison

Chapter 13

#42.00 Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence
[Creditor: Real Time Resolutions, Inc.]

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Continue hearing to August 15, 2019 at 10:30 a.m. to allow respondent to obtain an authenticated valuation that includes interior/exterior property inspection. Respondent's supplemental pleading must be filed by August 1, 2019; any reply by Debtor must be filed by August 8, 2019. Debtor shall allow access to the property upon 1 business day's notice.

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

Party Information

Debtor(s):

Charles William Hutchison

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 16, 2019

Hearing Room 5A

10:30 AM

8:19-11697 Orange County Builders and Design, Inc.

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 0

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 5/17/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 5/17/2019 - td (5/20/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Orange County Builders and Design,

Represented By
Michael G Spector

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

Tuesday, July 16, 2019

Hearing Room 5A

2:00 PM

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 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19; 2-12-19; 4/18/19; 7-11-19

Docket 24

***** VACATED *** REASON: CONTINUED TO SEPTEMBER 12, 2019
AT 2:00 P.M. PER ORDER APPROVING STIPULATION TO CONTINUE
HEARING ENTERED 7/1/19 (XX)**

Courtroom Deputy:

CONTINUED: Stipulation to Continue (1) Hearing on Motion to Dismiss or Abstain from Hearing Adversary Proceeding and Related Filings filed 7/1/19 doc. #53; Order Continuing Hearings Entered 7/1/19, doc. #54(XX)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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**

Tuesday, July 16, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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

Tuesday, July 16, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#45.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19; 3-12-19; 4/18/19; 7-11-19

Docket 3

***** VACATED *** REASON: CONTINUED TO SEPTEMBER 12, 2019 AT 2:00 P.M. PER ORDER APPROVING STIPULATION TO CONTINUE HEARING ENTERED 7/1/19 (XX)**

Courtroom Deputy:

CONTINUED: Stipulation to Continue (1) Hearing on Motion to Dismiss or Abstain from Hearing Adversary Proceeding and Related Filings filed 7/1/19 doc. #53; Order Continuing Hearings Entered on 7/1/19, doc. #54 (XX)

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required. (XX)

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

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

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

Tuesday, July 16, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, July 18, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/12/2019 AT 9:30 A.M.,
PER ORDER ENTERED 7/15/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 9/12/2019 at 9:30 a.m.,
Per Order Entered 7/15/2019 (XX) - td (7/15/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

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

Thursday, July 18, 2019

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

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19

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). Order Granting Motion for Entry of Judgment Against Defendant David P. Hutchens Lodged in LOU on 6/11/19, Order # 8292660. Patrick Swindell will be last defendant remaining - td (6/11/2019)

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.

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

January 31, 2019

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

April 18, 2019

In light of pending mediation, continue status conference to June 20, 2019 at 9:30 a.m.; updated status report must be filed by June 6, 2019. (XX)

Note: Appearance at this status conference is not required; Plaintiff to serve notice of the continued hearing date/time.

June 20, 2019

Continue status conference to July 18, 2019 at 9:30 a.m. in light of Plaintiff's pending motion for entry of default judgment as to Patrick Swindell, which motion is under review by the court. (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, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... **Thomas J Smith, III**

Chapter 7

July 18, 2019

Court's Comments re the Pending Motion for Default Judgment re Defendant David Hutchens:

1. Service:

On November 6, 2018, this court granted Plaintiff's application for permission to serve Hutchens with the summons and complaint by publication. The application indicated that Plaintiff had previously attempted to serve Hutchens at a post office box obtained through a skip trace search i.e., "P.O. Box 2313, Murphys, CA 92547" but that the service had been "refused." It is not clear whether the refusal was by Hutchens, the owner of the post office box, or the Post Office itself.

Pursuant to the November 6, 2018 Order (Publication Order), Plaintiff served the summons and complaint by publication in the Calaveras Enterprise.

Inexplicably, the Motion for Default Judgment was not served by publication but was instead served to the P.O. Box which had previously been refused *and* to a different zip code, 95287 and not 95247.

Based upon the foregoing it appears that service is not effective.

Merits

9011: FRBP 9011(c)(1)(A) includes a safe harbor provision, service of the request for sanctions 21 days before it is filed with the court. Re the failure to prosecute the adversary, Hutchens could not legally do so after September 1, 2017 because he was disbarred. Can't be sanctioned for that. As to the proof of claim, no compliance with the safe harbor provision. Further, after September 1, 2017, Hutchens could not represent the other defendants and, therefore, likely had no authority to withdraw the proof of claim even if the safe harbor provision had been complied with.

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

Legal Fees: The Motion appears to include all attorneys fees incurred by Plaintiff. Attorneys fees should be limited to matters specifically involving Hutchens during the time he was legally able to represent the other defendants, such as fees associated with Hutchens' failure to comply with LBR 7026 in the Swindell Adversary prior to his ineligibility to practice law on Sept. 1, 2017.

To the extent that fees are requested based on the allegation that Hutchens' purported false allegation caused the Trustee to file his adversary proceeding, such fees are not appropriate as the Trustee has an independent duty to investigate and to prosecute based on his own judgment.

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, July 18, 2019

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.,

#3.00 PRE-TRIAL CONFERENCE RE: Complaint For:1. Declaratory Relief (De Facto Merger); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; Counterclaim for Declaratory Relief (filed 8/17/18, document number

FR: 10-11-18

Docket 1

***** VACATED *** REASON: Another Summons Issued December 6, 2018.
Per Order Entered June 17, 2019, the Next Status Conference is Scheduled
for August 22, 2019 at 9:30 a.m**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued December 6, 2018. Per
Order Entered June 17, 2019, the Next Status Conference is Scheduled
for August 22, 2019 at 9:30 a.m.- mp (6/27/19)**

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

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... Team Business Solutions, Inc.
order consistent with the same.

Chapter 7

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, July 18, 2019

Hearing Room 5A

9:30 AM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:18-01123 Marshack (TR) v. Patow

#4.00 CON'TD PRE-TRIAL CONFERENCE RE: Complaint to Deny Discharge Pursuant to 11 U.S.C. Section 727(A)(4)and (A)(2)

FR: 9-20-18; 11-15-18, 3-21-19

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Judgment for Denial of Discharge Entered 4/25/2019

Courtroom Deputy:

OFF CALENDAR: Judgment for Denial of Discharge Entered 4/25/2019 - td (5/13/2019)

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.

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... James Christopher Patow

Chapter 7

Party Information

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, July 18, 2019

Hearing Room 5A

9:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#5.00 STATUS CONFERENCE RE: Complaint to Determine Validity of Certain Notes and Deeds of Trust and to Perfect Secured Liens

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Continue status conference to September 19, 2019 at 9:30 a.m. to allow the chapter 7 trustee the opportunity to intervene.

Special Note: It appears the complaint is seeking relief against property of the bankruptcy estate and, therefore, the chapter 7 trustee would be an indispensable party.

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Plaintiff shall serve notice of the continued hearing date/time (including service to the chapter 7 trustee).

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski

Pro Se

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

Thursday, July 18, 2019

Hearing Room 5A

9:30 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel

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, July 18, 2019

Hearing Room 5A

10:00 AM

8:15-13052 James Van Nguyen and Linh Hong Nguyen-Ha

Chapter 13

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

JPMORGAN CHASE BANK, NA

VS.

DEBTOR

Docket 119

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Debtors have provided what appears to be proof of recent payment of the delinquent amount indicated in the Motion. Movant to advise the court if such payment has been received and, if so, how it wishes to proceed with the Motion.

Party Information

Debtor(s):

James Van Nguyen

Represented By
Nima S Vokshori

Joint Debtor(s):

Linh Hong Nguyen-Ha

Represented By
Nima S Vokshori

Movant(s):

JPMorgan Chase Bank, National

Represented By
Von Mai
Nancy L Lee

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

Thursday, July 18, 2019

Hearing Room 5A

10:00 AM

CONT...

James Van Nguyen and Linh Hong Nguyen-Ha

Nathan F Smith

Shatonya R Jimmerson

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 18, 2019

Hearing Room 5A

10:00 AM

8:15-14425 Jose P. Hurtado

Chapter 13

#7.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

BAYVIEW LOAN SERVICING LLC

VS.

DEBTOR

FR: 5-30-19; 6-20-19

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

The parties are ordered to meet and confer re a possible resolution prior to the hearing. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are June 13, 2019 and June 20, 2019 at 10:00 a.m.

July 18, 2019

At least one party must appear to advise the court re the status of this matter. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are August 8, 2019, August 15, 2019 and August 22, 2019 at 10:00 a.m.

Party Information

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

Thursday, July 18, 2019

Hearing Room 5A

10:00 AM

CONT... Jose P. Hurtado

Chapter 13

Debtor(s):

Jose P. Hurtado

Represented By
Richard G Heston

Movant(s):

BAYVIEW LOAN SERVICING

Represented By
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, July 18, 2019

Hearing Room 5A

10:00 AM

8:16-13537 Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

#8.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

ABS REO TRUST II

VS.

DEBTORS

FR: 6-13-19

Docket 100

*** VACATED *** REASON: Order approving Stipulation for APO
entered 6/21/19

Courtroom Deputy:

**OFF CALENDAR: Order approving Stipulation for APO entered 6/21/19-
mp(6/27/19)**

Tentative Ruling:

June 13, 2019

Grant motion with 4001(a)(3) waiver unless Movant is agreeable to an
adequate protection order.

If both parties agree to the continuance of the hearing to allow time to
negotiate and APO, the parties may request a continuance at the time that
the clerk announces the roll call just prior to the hearing. Available continued
dates are June 20, 2019 at 10:00 a.m. and July 18, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Darryl L. Cazares

Represented By
James D. Hornbuckle

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

Thursday, July 18, 2019

Hearing Room 5A

10:00 AM

CONT... Darryl L. Cazares and DeAnna J. Cazares

Chapter 13

Joint Debtor(s):

DeAnna J. Cazares

Represented By
James D. Hornbuckle

Movant(s):

ABS REO Trust II

Represented By
Daniel K Fujimoto
Gilbert R Yabes
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, July 18, 2019

Hearing Room 5A

10:00 AM

8:18-13367 Nels Paul Billsten and Leigh Ann Billsten

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTORS

Docket 45

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 7/16/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 7/16/2019 - td (7/16/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nels Paul Billsten

Represented By
Rex Tran

Joint Debtor(s):

Leigh Ann Billsten

Represented By
Rex Tran

Movant(s):

U.S. Bank National Association, as

Represented By
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, July 18, 2019

Hearing Room 5A

10:00 AM

8:19-10996 Raju Gobindlal Shewa

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BANK OF AMERICA
VS.
DEBTOR

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

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):

Raju Gobindlal Shewa

Represented By
Leonard M Shulman

Movant(s):

Bank of America, N.A.

Represented By
Robert P Zahradka

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, July 18, 2019

Hearing Room 5A

10:00 AM

CONT... Raju Gobindlal Shewa

Jarrett S Osborne-Revis

Chapter 7

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

Thursday, July 18, 2019

Hearing Room 5A

10:00 AM

8:19-11542 Gregg Michael Snider

Chapter 7

#11.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTOR

FR: 6-20-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Continue hearing to July 18, 2019 at 10:00 a.m. to allow Movant to correct defective service -- Debtor's attorney of record was not served as required by LBR 4001-1. (XX)

Tentative ruling for 7/18/19 hearing (if unopposed): Grant with 4001(a)(3) waiver

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.

July 18, 2019

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

Thursday, July 18, 2019

Hearing Room 5A

10:00 AM

CONT... Gregg Michael Snider

Chapter 7

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):

Gregg Michael Snider

Represented By
R Gibson Pagter Jr.

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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 18, 2019

Hearing Room 5A

10:00 AM

8:19-12271 Raymond De Leon

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
ACT EQUITIES INC.
VS.
DEBTOR

Docket 7

*** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 7/1/2019

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/1/2019 - td (7/16/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond De Leon

Pro Se

Movant(s):

ACT EQUITIES,INC

Represented By
Helen G Long

Trustee(s):

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 18, 2019

Hearing Room 5A

10:30 AM

8:15-15646 Ali A. Neaimi-Pour

Chapter 13

#13.00 Hearing RE: Debtor's Objection to Lake Forest Town Center Associates L.P.
Proof of Claim No. 6-2

Docket 65

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Objection to Claim of Lake Forest Town Center Associates, LP filed
6/27/2019**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ali A. Neaimi-Pour

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, July 18, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#14.00 CONT'D Hearing RE: Objection to Claim Nos. 4-1, 9-1, 7-1, and 10-1 filed by Sylvie Masson, Filed by Petitioning Creditors Andrew Moore, Pacific M International Corp. **[Affects All Debtors]**

Cl. #4-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12110-ES)

Cl. #9-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12106-ES)

Cl. #7-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:12-12109-ES)

Cl. #10-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12112-ES)

FR: 3-12-19; 4-11-19; 6-20-19

Docket 289

***** VACATED *** REASON: CONTINUED TO AUGUST 22, 2019 AT 10:30 A.M. PER ORDER APPROVING STIPULATION TO CONTINUE HEARINGS ENTERED 7/1/19 (XX)**

Courtroom Deputy:

CONTINUED: Continued to 8/22/2019 at 10:30 a.m., Per Order Approving Stipulation to Continue Hearing Entered 7/1/19 (XX) - (liz/td) (7/1/19)

Tentative Ruling:

- NONE LISTED -

Party Information

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

Thursday, July 18, 2019

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
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, July 18, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#15.00 Hearing RE: Motion for Approval of Global Settlement Agreement and Dismissal of Adversary Actions With Prejudice

Docket 158

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Service:

Trustee to advise the court re the status of Debbie Steelman. If she is a creditor, service of the Motion is deficient -- less than 21 days notice -- and the hearing will need to be continued. See FRBP 9019(a); 2002(a)(3).

Merits:

If service is proper, grant motion on condition that a fully executed copy of the settlement agreement is filed with seven days of the hearing.

Note: Appearance at this hearing is required to address the service issue.

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

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, July 18, 2019

Hearing Room 5A

10:30 AM

CONT... Denny Roy Steelman

Faye C Rasch
Jeffrey I Golden

Chapter 7

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

Thursday, July 18, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

#16.00 CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim Pursuant to 11 U.S.C. Section 502:

Claim 1-1 American Express Bank, FSB

FR: 5-30-19

Docket 140

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

Grant in part; deny in part. Grant to disallow claim in the amount of \$97,632.47. Deny motion as to the remaining \$15,579.03.

Basis for Tentative Ruling

1. Per the analysis of the 9th Circuit in *In re Sterba*, 852 F.3d 1175 (9th Cir. 2017), the Ohio statute of limitations applies. Factually, this case is indistinguishable from *Sterba*. In *Sterba*, as in this case, the California 4-year statute of limitations expired prior to the filing of the bankruptcy petition. Nevertheless, the Court held that based upon its interpretation of the 2nd Restatement, the filing of the bankruptcy created a special exception. The court does not find the existence of Action bankruptcy to be a significant distinguishing factor.

2. The creditor always has the ultimate burden of proof. Here, American Express has only provided a copy of credit agreement that was sent to Debtor in June 2011 but cannot produce a copy of the original agreement. The court does not find persuasive the testimony of an assistant custodian that the agreement sent in 2011 was identical to the one provided to Debtor *twenty-nine years* earlier. Accordingly, the June 2011 contract only applies to the

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CONT... Denny Roy Steelman

Chapter 7

charges made after it was sent to debtor. This is consistent with Utah statutory law -- Utah Code Section 25-5-4(2)(e) which provides that a credit agreement is binding and enforceable without any signature by the party to be charged if (i) "*the debtor is provided with a written copy of the terms of the agreement*" and (iii) *after the debtor receives the agreement*, the debtor, or a person authorized by the debtor . . . *uses the credit card.*" (emphasis added)

July 18, 2019

Same tentative ruling as for May 30, 2019 hearing (see above) and which the Trustee has agreed to in its Response filed June 27, 2019 [docket #161].

The supplemental pleading filed by Amex provides no additional substantive legal analysis or authority and no persuasive new evidence to rebut the court's analysis in its May 30, 2019 tentative ruling.

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

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8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#17.00 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; 12-13-18; 4-18-19; 6-20-19

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.

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CONT... C.B.S.A. Family Partnership

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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

May 31, 2018

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the

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CONT... C.B.S.A. Family Partnership

Chapter 11

court shall issue an order to show cause why this case should not be 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. (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

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Chapter 11

continuances and time that has been granted to Debtor and the IRS with no 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.

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).

April 18, 2019

Dismiss case.

This case has now been pending for nearly two years with no contemplated plan of reorganization. Debtor wishes to continue to prop up this empty case up for the sole purpose of executing an agreement with an apparently reluctant IRS. The IRS apparently seems to have no sense of urgency regarding this case. Counsel for the IRS represented to the court on November 13, 2018 that approval from D.C. of the settlement should be obtained within 60-90 days. However, five months later, there is no approval in sight. Debtor will need to resolve its issues with the IRS outside bankruptcy.

June 20, 2019

In light of status report filed on 6/13/19 confirming approval of Debtor's settlement with the IRS by the Dept. of Justice [docket #144], continue this status conference to July 18, 2019 at 10:30 a.m.; updated status report must be filed by or before July 11, 2019 if a stipulation between Debtor and the government has not been filed by such date. (XX)

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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

July 18, 2019

In light of the finalization of the settlement with the IRS, continue status conference to September 19, 2019 at 10:30 a.m.; updated status conference report must be filed by September 5, 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 such compliance with the US Trustee prior to the hearing

Party Information

Debtor(s):

C.B.S.A. Family Partnership

Represented By
Jerome Bennett Friedman

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10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#18.00 CON'TD Hearing RE: Debtor in Possession's Disclosure Statement Describing Chapter 11 Plan of Reorganization

FR: 3-19-19; 6-20-19

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 19, 2019

Continue hearing to April 11, 2019 at 10:30 a.m. to allow Debtor to file an amended disclosure statement (DS) by March 26, 2019; response to amended DS to be filed by April 2, 2019, 2019; reply by April 5, 2019.

Court's Comments re the DS:

1. DS, pg.11: Debtor needs to clearly disclose the identity of its current shareholders (owners). On the one hand, Debtor states that Vvon Inc. purchased all the shares of Debtor postpetition. However, Debtor also states that it elected to become an S Corporation. Assuming 26 CFR 1.1361-1(a)(1) and 1.1361-1(f) applies to Debtor, a C corporation is ineligible to be a shareholder of an S corporation. Debtor needs to address this issue.
2. DS, pp. 22-24: The treatment of Classes 2F-2I should reflect the court's ruling re Debtor's objection to such claims. Also, regarding the treatment of Classes 2F-2I, what happens to equipment not picked up by the Effective Date or August 1, 2019?
3. DS, pg. 25 and Exh. 3: There is an inconsistency regarding the monthly payment to Class 4a. On page 25 of the DS, the monthly amount is stated as \$2,083/mo but mathematically the amount should be \$2,149 (\$128,940 x 60

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Chapter 11

mos) as indicated in the Plan.

4. DS, pg. 28: Neither the DS or the Plan discloses the compensation to be paid to insider management postconfirmation. Specifically, Sec. 1129(a)(5) (B) requires that a plan disclose "the identity of any insider that will be employed or retained by the reorganized debtor, *and the nature of any compensation for such insider.*" (emphasis added).

5. DS, pp. 35-36: There is a typo at on p. 35 at line 23 -- the "0" should be deleted from 1129(a)(8). On p. 36, line 2, there should be a cross-reference to the discussion of the Absolute Priority Rule in Section H at pp. 46-47 , and explaining that the New Value Exception Rule discussed in Section H provides a common law mechanism for satisfying the "fair and equitable" requirement of 1129(b)(2).

6. DS, pg. 47: The discussion at lines 6-16 seems to suggest that the Absolute Priority Rule does not apply to equity interest received postpetition. This analysis is inconsistent with 1129(b) which makes no distinction between prepetition acquired equity and postpetition acquired equity. Absent convincing legal authority supporting Debtor's position, the analysis is misleading and should be modified to disclose that Class 5 interest holders will be required to present evidence of "new value" at the time of the plan confirmation hearing if cram down becomes necessary.

7. DS, pg. 53: Re Exh.2, liquidation analysis, "costs" of liquidation are estimated at 7% (\$2,358) of the value of the unencumbered asset (\$33,675). However, Debtor later adds another liquidation cost of \$3,000 (auction costs). Why? If the liquidation costs does not include auction costs, what does it include?

Comments re Opposition to Approval of DS

1. Objection of Dogus Media: The plan is not patently unconfirmable. It could be determined to be unconfirmable IF an impaired class does not accept the plan, no impaired class accepts the plan and a junior class (Class 6) does not provide new value. This is an issue to be addressed at confirmation should cram down become necessary.

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Chapter 11

2. Objection of US Trustee: The court believes it has addressed this limited objection in its Comment 6 above.

July 18, 2019

Approve the First Amended Disclosure with minor correction regarding the total amount of payments to Class 4a.

The Plan states total payments to Class 4a will be \$198,855, as does Exh. 3 to the FAD. However, on page 28 of the FAD, the figure is \$198,940. Also, there may be an issue with the math: $\$49,915 + \$2,149 \times 60 = \$178,855$.

Confirmation Schedule:

Deadline to file final version of Plan/DS:	7/25/19
Deadline to serve plan/ds/ballots:	8/8/19
Deadline for creditors to return ballots/obj to plan:	9/6/19
Deadline for Debtor to file confirmation brief addressing all applicable 1129 requirements and to file ballot tally:	9/19/19
Confirmation hearing:	10/3/19 at 10:30 a.m.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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8:18-13119 DFH Network Inc.

Chapter 11

#19.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 10-25-18; 3-7-19; 3-19-19; 6-20-19

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: Feb. 7, 2019 at 10:30
a.m.

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.

March 19, 2019

No tentative ruling -- outcome will depend upon disposition of #22 on today's calendar (approval of disclosure statement).

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Chapter 11

June 20, 2019

Continue status conference to July 18, 2019 at 10:30 a.m., same date/time as hearing on approval of Debtor's disclosure statement. (XX)

Note: Appearances at today's hearing are not required.

July 18, 2019

Continue status conference to October 3, 2019 at 10:30 a.m.; updated status report not required.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

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Thursday, July 18, 2019

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10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#20.00 Hearing RE: First Interim Application for Allowance of Fees and Reimbursement of Expenses for the Period: October 5, 2018 through March 31, 2019

**[MARSHACK HAYS LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE
RICHARD A. MARSHACK]**

Docket 191

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Comments re the First Interim Fee Application:

1. The court is not inclined to award the 25% holdback at this time.
2. The amount of cash on hand is not apparent from the Application or the Trustee's declaration in support of the Application.
3. The court is concerned about a possible duplication of services as between this Applicant and special counsel Barnes & Thornburg. Both firms purport to be advising the Trustee re the Coverage Litigation, including handling discovery matters. More information is required regarding the delegation of services.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

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CONT... Friendly Village MHP Associates LP

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#21.00 Hearing RE: First Interim Fee Application for Compensation for the Period of October 27, 2018 Through April 30, 2019

[FORCE TEN PARTNERS, LLC, FINANCIAL ADVISOR FOR RICHARD A. MARSHACK CHAPTER 7 BANKRUPTCY TRUSTEE]

Docket 193

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood

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CONT...

Friendly Village MHP Associates LP

Tinho Mang

Chapter 7

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10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#22.00 Hearing RE: First Interim Application for Compensation for the Period October 15, 2018 Through June 18, 2019

[KARL T. ANDERSON CPA, INC., ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 189

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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CONT... Friendly Village MHP Associates LP

Chapter 7

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Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#23.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

**[GREBOW & RUBIN, LLP, SPECIAL COUNSEL FOR CHAPTER 7 TRUSTEE
RE CALIFORNIA MOBILEHOME PARK LAWS]**

Docket 183

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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Thursday, July 18, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#24.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses
(for the Period: 10/18/2018 to 5/31/2019)

**[BARNES & THORNBURG, LLP, SPECIAL COUNSEL FOR BANKRUPTCY
TRUSTEE FOR FRIENDLY VILLAGE MHP ASSOCIATES, L.P.]**

Docket 186

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
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CONT... Friendly Village MHP Associates LP

Chapter 7

**United States Bankruptcy Court
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Thursday, July 18, 2019

Hearing Room 5A

10:30 AM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#25.00 Hearing RE: Motion of Jacquelyn Mitchell to Extend Deadline to Object to Discharge

Docket 43

***** VACATED *** REASON: CONTINUED TO 7/18/2019 AT 2:00 P.M.
ON COURT'S OWN MOTION. Mr. Finney, Attorney for Movant Will
Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 7/18/2019 at 2:00 p.m. on Court's
Own Motion. Thomas Phinney, Attorney for Movant will Provide Notice
(XX) - td (6/20/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Trustee(s):

Richard A Marshack (TR)

Pro Se

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Hearing Room 5A

10:30 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

#26.00 Hearing RE: Objection filed by Creditor Lisa Wil, Trustee of the Zimmerman Living Trust, dated December 19, 1991 to Debtor's Homestead Exemption

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Deny motion.

Basis for Tentative Ruling

CCP § 704.730 provides an automatic homestead exemption in the event of a forced sale. Here, the forced sale requirement is satisfied because the filing of a bankruptcy petition constitutes a forced sale for purposes of the automatic homestead exemption. *In re Kelley*, 300 B.R. 11, 21 (BAP 9th Cir. 2003).

CCP § 704.730 provides that a person 65 years of age or older residing in the homestead may claim a homestead exemption of \$175,000. In this case, Debtor is over 65 years of age and resides in the Property. Debtor's Opposition, p. 11, ¶ 3-6 (Zimmerman Decl.).

"Unless a party in interest objects, the property claimed as exempt on such list is exempt." 11 U.S.C. § 522(l). The party claiming an exemption under California law bears the burden of proving the exemption. *Raleigh v. Illinois Dept. of Revenue*, 530 U.S. 15, 20-21 (2000); *In re Diaz*, 547 B.R. 329, 337 (BAP 9th Cir. 2016); *In re Tallerico*, 532 BR 774, 788 (Bankr. E.D. Cal. 2015); Cal Code Civ. P. §§ 703.130 (opt-out) and 703.580(b) (burden of proof). "Under the Bankruptcy Code and applicable California law,

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CONT... Alice L. Madonna Zimmerman

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exemptions are to be broadly and liberally construed in favor of the debtor." *In re Altmiller-Rubio*, 2011 WL 10639468 *1 , 4 (Bankr. E.D. Cal. Sep. 13, 2011)(allowing exemption under CCP § 704.140 because the personal injury proceeds were necessary for the debtors' support).

"A burden of production, however, is not a burden of proof." *Tallerico*, 532 B.R. at 790. Since claimed exemptions are presumptively valid under § 522(l), the party objecting to the exemption bears the initial "burden of production to produce an objection sufficient to overcome" the presumptive validity of an exemption. Once the objector has satisfied its burden of production to produce an objection sufficient to overcome the presumption embodied in the § 522(l) exemption-by-default provision the burden of production shifts on to the debtor to produce evidence in support of the exemption. At all times, the ultimate burden of proof, i.e., the burden of persuasion, remains on the debtor. *Carter*, 182 F.3d at 1029, fn. 3; *Tallerico*, 532 B.R. at 790-91. The shifting burden of production during exemption litigation, with the ultimate burden of proof remaining on the debtor, is similar to objections to claims where the objector bears the initial burden of production against the presumptive validity of the filed proof of claim but the claimant bears the ultimate burden of proof at all times. See, *Carter*, 182 F.3d at 1029 n. 3; *Diaz*, 547 B.R. at 336; *Tallerico*, 532 B.R. 787-88; *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000).

Here, Creditor argues Debtor cannot claim an exemption to the Property because Debtor only has a right to possession to the Property and does not own it. This argument is belied by the very legal authority cited by Creditor, *In re Moffit*, which holds that a life estate interest may qualify for a homestead exemption. In *Moffit*, the court correctly noted that:

"The trustee's contention that debtor cannot claim a homestead exemption in the subject dwelling because legal title to the property is not held by the bankruptcy estate is without merit. While title to the dwelling is in the Living Trust, as the trustee asserts, debtor holds various "legal interests" in the subject dwelling as a trustor and beneficiary of the living trust." 107 B.R. at 259.

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CONT...

Alice L. Madonna Zimmerman

Chapter 7

Creditor contends that Debtor "misrepresented" in her Schedules that she owns the property. This contention reflects a misconception of Schedule A/B. Schedule A/B, Part 1, paragraph 1 asks: "Do you own *or have any legal or equitable interest in any residence*, building, land, or similar property?" (emphasis added). According to Creditor's own Motion, Debtor has at least a life estate interest in the subject property. Motion at p. 1 ("Debtor is entitled to possession only during her lifetime."). Schedule A/B clearly includes within the scope of "ownership," a life estate interest when it states the following: "Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, *or a life estate*) (emphasis added). Thus, Creditor's premise that only a fee ownership interest is contemplated by Schedule A/B is faulty, as is the contention that Debtor unequivocally misrepresented her interest on the same.

Significantly, under Cal. CCP 704.820 a homestead right can be a "fee simple, joint tenancy, tenancy in common, leasehold, or lesser interest." California courts have adopted a liberal construction of the term "lesser interest" that includes naked possession of the land without benefit of fee title. See, e.g., *Tarlesson v. Broadway Foreclosure Investments, LLC*, 184 Cal.App. 4th 931, 936 (2010) (Debtor had a homestead right where the home had been her principal residence for over 20 years and the debtor continued to live in the home for nine months after she conveyed title to another). Indeed, the 9th Circuit has recognized California's liberal application of "homestead." For example, in *In re Fuentes*, 687 Fed.Appx. 542 (9th Cir. 2017), the court observed:

In order to qualify as a "homestead" under the automatic homestead exemption, certain residency requirements must be satisfied. Cal. Civ. Proc. Code § 704.710(c). If the residency requirements are satisfied, a judgment debtor can claim a homestead exemption in the interest he or she has in the property, "regardless of whether the judgment debtor's interest is a fee, leasehold, or lesser interest." Cal. Civ. Proc. Code § 704.820 Law Revision Commission Comments to 1982 Addition; see also *Elliott v. Weil (In re Elliott)*, 523 B.R. 188, 196 (9th Cir. BAP 2014) ("[T]he [California] automatic homestead exemption applies to *any* interest in

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CONT... Alice L. Madonna Zimmerman Chapter 7

the property if the debtor satisfies the continuous residency requirement.”).
(emphasis in original).

Alternatively, Creditor argues that to the extent Debtor owns a life estate in the Property (as opposed to a right to possession only), Debtor’s Homestead Exemption is limited to the value of the life estate, which has minimal value given Debtor’s advanced age. Creditor presents no legal authority, statutory or otherwise, for the assertion that the statutory homestead exemption is limited by the value of the property and the court is aware of no such authority. Even if Debtor’s life estate has minimal value, CCP 704.730 provides that if a debtor is 65 years of age or older, “the homestead exemption is...one hundred seventy-five thousand dollars.” Notably, CCP 704.730 does not state a homestead exemption can be *up to* one hundred seventy-five thousand dollars.

Without “a valid statutory basis for doing so,” courts cannot “refuse to honor” a claimed homestead exemption. *Law v. Siegel*, — U.S. —, 134 S.Ct. 1188, 1196, 188 L.Ed.2d 146 (2014). Creditor has provided no statutory basis for denying Debtor’s homestead exemption.

In sum, Creditor has failed to carry her initial burden of production to rebut the presumptive validity of Debtor’s Homestead Exemption. Since the presumptive validity of Debtor’s exemptions remains applicable, Debtor has carried her ultimate burden of proof.

As the ownership status of Debtor’s interest in the property is not relevant to the claim of a homesteady exemption, there is no need to continue this hearing for 90 days as requested by Creditor.

Party Information

Debtor(s):

Alice L. Madonna Zimmerman

Represented By
Leslie K Kaufman

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Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-10967 Brent Antario Elicke

Chapter 7

#27.00 Hearing RE: Order to Show Cause RE: Dismissal for Failure to Comply with Rule 1006(b) (\$83.00 Installment Payment Due 6/19/2019)) (OSC Issued 6/20/2019)

Docket 13

***** VACATED *** REASON: OFF CALENDAR: \$83.00 Fee Installment Payment Made 6/20/2019**

Courtroom Deputy:

OFF CALENDAR: \$83.00 Fee Installment Payment Made 6/20/2019 - td (6/20/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brent Antario Elicke

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

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

2:00 PM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#28.00 Hearing RE: Motion of Jacquelyn Mitchell to Extend Deadline to Object to Discharge

(reset from 7-18-19 at 10:30 am)

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Grant motion. No further extensions beyond August 8, 2019 will be granted.

Though the court is satisfied that Movant has acted diligently since the hearing on her first motion to extend the deadline, the court also finds that 120 days from April 8, 2019 is sufficient as the court must balance Debtors' right to finality re the dischargeability (or not) of their debt.

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

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 18, 2019

Hearing Room 5A

2:00 PM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#29.00 Hearing RE: Motion of Jacquelyn Mitchell for the Production of Documents Pursuant to Fed.R.Bankr.P. 2004; From Employers of Farhad Nasiri: (1) Mercedes-Benz of Laguna Niguel, (2) Fletcher Jones Motorcars; (3) Mercedes Benz of Beverly Hills

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Deny motion without prejudice due to insufficient service under LBR 2004-1(c)

LBR 2004-1(c) requires that the *motion* for a 2004 examination must be served on the entity to be examined. In this matter, Movant served employer entities with the *notice* but not with the motion itself.

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, July 18, 2019

Hearing Room 5A

2:00 PM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#30.00 Hearing RE: Motion of Jacquelyn Mitchell for the Production of Documents Pursuant to Fed.R.Bankr.P. 2004 From Wells Fargo Bank

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Deny motion without prejudice due to insufficient service under LBR 2004-1(c)

LBR 2004-1(c) requires that the *motion* for a 2004 examination must be served on the entity to be examined. In this matter, Movant served Wells Fargo with the *notice* but not with the motion itself.

As to the merits, Movant does not explain why she needs bank records from 2012, i.e., seven years. The court finds Debtors' objection on this point reasonable but is not persuaded by any of Debtors' other objections.

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

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2:00 PM

CONT... Farhad Nasiri and Renee C Nasiri

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, July 18, 2019

Hearing Room 5A

2:00 PM

8:18-14655 Farhad Nasiri and Renee C Nasiri

Chapter 7

#31.00 Hearing RE: Motion for Protective Order RE: Motion of Jacquelyn Mitchell for the Production of Documents From Debtors Pursuant to Rule 2004

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Deny the motion due to failure to comply with the requirements of LBR 2004-1(g) and LBR 7026-1(c).

Local Bankruptcy Rule (LBR) 2004-1(g) provides that the parties must resolve any dispute under this rule in accordance with LBR 7026-1(c). There is no evidence of compliance with 7026-1(c), to wit, meet and confer regarding this specific dispute and preparation of a stipulation re the dispute.

Re the merits, the court is inclined to deny the motion with the following caveats:

1. Respondent needs to explain the necessity for seeking documents for a 7-year period.
2. Debtor Renee Nasiri must prepare an attorney client privilege log -- all documents not referenced on the privilege log should be produced.

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

**United States Bankruptcy Court
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Hearing Room 5A

2:00 PM

CONT... Farhad Nasiri and Renee C Nasiri

Chapter 7

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11939 Stephen Charles Jones

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 6/5/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/5/2019 - td (6/7/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Charles Jones

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
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11931 Bernadette Ann Oliver

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernadette Ann Oliver

Represented By
Nicholas M Wajda

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

#3.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William R Roman Jr.

Represented By
Tony M Diab

Joint Debtor(s):

Lorraine Stephanie Roman

Represented By
Tony M Diab

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11913 Michael Dennis Harris and Laura Ann Harris

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Dennis Harris

Represented By
Nicholas M Wajda

Joint Debtor(s):

Laura Ann Harris

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, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11902 Robert Stoddard, II

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 7/30/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 7/30/2019 - td (7/30/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Stoddard II

Represented By
Bruce A Boice

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11870 Darlene Futrel

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

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, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11867 Augusta Ayona

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 6/3/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/3/2019 - td (6/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Augusta Ayona

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11829 Mario Alberto Diaz

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 6/3/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/3/2019 - td (7/10/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Alberto Diaz

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 30, 2019

Hearing Room 5A

1:30 PM

8:19-11775 John D. Armstrong and Lisa M. Chavez-Armstrong

Chapter 13

#9.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D. Armstrong

Represented By
Christine A Kingston

Joint Debtor(s):

Lisa M. Chavez-Armstrong

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
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

#10.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 26

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11763 Javier Ornelas and Martha Ornelas

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Ornelas

Represented By
Scott Dicus

Joint Debtor(s):

Martha Ornelas

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 30, 2019

Hearing Room 5A

1:30 PM

8:19-11762 Keith Thomas Sanducci and Maria Fernanda Sanducci

Chapter 13

#12.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keith Thomas Sanducci

Represented By
Andy J Epstein

Joint Debtor(s):

Maria Fernanda Sanducci

Represented By
Andy J Epstein

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11738 Shauna Barnhardt

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shauna Barnhardt

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11704 Brian D. Thaler

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian D. Thaler

Represented By
James D. Hornbuckle

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11683 Susana Martinez Torrezcano

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Martinez Torrezcano

Represented By
Rex Tran

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11677 Alicia Marie Richards

Chapter 13

#16.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Represented By
Omid J Shirazi

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11671 Zeta Jayectin Besas

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zeta Jayectin Besas

Represented By
Hasmik Jasmine Papian

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11635 Renu Bala Chauhan

Chapter 13

#18.00 Hearing Re: Confirmation of Chapter 13 Plan

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renu Bala Chauhan

Represented By
Jeffrey N Wishman

Movant(s):

Renu Bala Chauhan

Represented By
Jeffrey N Wishman

Trustee(s):

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 30, 2019

Hearing Room 5A

1:30 PM

8:19-11612 Jesse Pedroza

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):

Jesse Pedroza

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
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11549 Lan Anh Hoang

Chapter 13

#20.00 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 with
Restrictions §109(g)(2) and 1307(b) Entered 6/14/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 with Restrictions §109(g)(2) and
1307(b) Entered 6/14/2019 - td (6/14/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lan Anh Hoang

Represented By
Thinh V Doan

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11548 Veronica Romano

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Romano

Represented By
Thinh V 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 30, 2019

Hearing Room 5A

1:30 PM

8:19-11526 Richard Price Alexander and Donna Jean Alexander

Chapter 13

#22.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Price Alexander

Represented By
Christopher J Langley

Joint Debtor(s):

Donna Jean Alexander

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11506 Margoth Alvarenga Pineda

Chapter 13

#23.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margoth Alvarenga Pineda

Represented By
Christopher P Walker

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11497 Francine Rosu

Chapter 13

#24.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francine Rosu

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

1:30 PM

8:19-11450 Norman Joseph Nichols

Chapter 13

#25.00 Hearing RE: Confirmation of 1st Chapter 13 Plan

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norman Joseph Nichols

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
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Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-11449 Jill Allyn Rosoff

Chapter 13

#26.00 CON'T Hearing RE: Confirmation of Chapter 13 Plan

FR: 6-25-19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jill Allyn Rosoff

Represented By
Kelly H. 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, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-10751 Nien T Fraser

Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19; 6-25-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nien T Fraser

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, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-10483 Emil Peter Joros

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19; 6-25-19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emil Peter Joros

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 30, 2019

Hearing Room 5A

1:30 PM

8:19-10247 Loren Tramontano and Monique Chevalier

Chapter 13

#29.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 5-21-19; 6-25-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loren Tramontano

Represented By
Paul Y Lee

Joint Debtor(s):

Monique Chevalier

Represented By
Paul Y 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**

Tuesday, July 30, 2019

Hearing Room 5A

1:30 PM

8:19-10236 Dawn Marie Baker

Chapter 13

#30.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 6-25-19

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Marie Baker

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 30, 2019

Hearing Room 5A

1:30 PM

8:19-10037 Ryan Phillip Jones and Sandy Gee Yung Kim

Chapter 13

#31.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 5-21-19; 6-25-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Phillip Jones Pro Se

Joint Debtor(s):

Sandy Gee Yung Kim 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 30, 2019

Hearing Room 5A

2:30 PM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

#32.00 Hearing RE: Motion For Order Determining Value Of Collateral
[11 U.S.C. § 506(a), FRBP 3012)

Docket 27

***** VACATED *** REASON: OFF CALENDAR: Hearing Re-scheduled
for 8/8/2019 at 10:30 a.m.; Giovanni Orantes, Attorney for Movant/Debtor
Will Provide Notice (XX)**

Courtroom Deputy:

**OFF CALENDAR: Hearing Re-scheduled for 8/8/2019 at 10:30 a.m.;
Giovanni Orantes, Attorney for Movant/Debtor Will Provide Notice (XX) -
td (7/8/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

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 30, 2019

Hearing Room 5A

2:30 PM

8:19-10271 Herminigilda Garcia Manalo

Chapter 13

#33.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 29

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
Entered 6/25/19.**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Herminigilda Garcia Manalo

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 30, 2019

Hearing Room 5A

2:30 PM

8:19-10043 Kevin S. Yoneda

Chapter 13

#34.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 23

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:18-12507 James Vea Niua and Sharon Jane Niua

Chapter 13

#35.00 Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) to Modify Plan or Suspend Plan Payments

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:18-12507 James Vea Niua and Sharon Jane Niua

Chapter 13

#36.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 6-25-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:17-14785 Valerie E. LaHaye

Chapter 13

#37.00 Hearing RE: Trustee's Motion to Dismiss Case

Docket 53

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:17-14708 Stephen LeRoy Garis

Chapter 13

#38.00 Hearing RE: Trustee's for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 38

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:17-11542 Thomas John Snodgrass and Kristina Renee Snodgrass

Chapter 13

#39.00 Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

Docket 81

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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**

Tuesday, July 30, 2019

Hearing Room 5A

2:30 PM

8:17-10565 Ryan Correos Ordinario and Samantha Ordinario

Chapter 13

#40.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to make plan payments

FR: 6-25-19

Docket 79

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Correos Ordinario

Represented By
Halli B Heston

Joint Debtor(s):

Samantha Ordinario

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 30, 2019

Hearing Room 5A

2:30 PM

8:15-15646 Ali A. Neaimi-Pour

Chapter 13

#41.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ali A. Neaimi-Pour

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:14-15974 Miguel Garcia Perez

Chapter 13

#42.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

Docket 131

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:14-15621 Marcella Suzanne McKenzie

Chapter 13

#43.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 6-25-19

Docket 76

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, July 30, 2019

Hearing Room 5A

2:30 PM

8:16-13106 Douglas Thomas Kintz

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 86

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Thomas Kintz

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**

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#1.00 CON'TD STATUS CONFERENCE RE: First Amended Complaint Against Steve Woo; Jolnne Woo; Kelsey Woo; Related Management; and Kaufman Wu, Manager for Related Management for (1) Avoidance of Fraudulent Transfers Pursuant to 11 USC 548

FR: 4-11-19; 5-9-19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 9, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required.
(XX)

Note: Appearances at this hearing are not required.

May 9, 2019

Status conference continued to August 1, 2019 at 9:30 a.m.; updated joint status report must be filed by July 16, 2019. (XX)

August 1, 2019

Continue status conference to August 22, 2019 at 2:00 p.m., same date/time as hearing on defendants' motion to dismiss. Updated status report not required.

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

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

CONT... EQD Corporation

Chapter 7

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Pro Se

Kaufman Related Mamagement

Pro Se

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

8:17-11063 Kareem Angelica Blair
Adv#: 8:17-01112 Herrera et al v. Blair

Chapter 7

#2.00 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; 12-6-18; 1-24-19; 4-11-19; 7-11-19

Docket 1

***** VACATED *** REASON: PRE-TRIAL CONFERENCE
CONTINUED AS A STATUS CONFERENCE TO 12/19/2019 AT 10:30 A.M.;
Updated Status Report to be Filed by 12/12/2019. Updated Status Report
Must Address the Status of Any State Court Probate Proceeding (Matter
Continued at Hearing Held on 6/13/2019) (XX)**

Courtroom Deputy:

**CONTINUED -- PRETRIAL CONFERENCE CONTINUED AS A STATUS
CONFERENCE TO DECEMBER 19, 2019 AT 10:30 A.M.; UPDATED
STATUS REPORT TO BE FILED BY DECEMBER 12, 2019. UPDATED
STATUS REPORT MUST ADDRESS THE STATUS OF ANY STATE COURT
PROBATE PROCEEDING. (MATTER CONTINUED AT HEARING HELD ON
JUNE 13, 2019 -- eas (XX) - td (6/14/2019)**

Tentative Ruling:

September 21, 2017

Discovery Cut-off Date:	Feb. 28, 2018
Deadline to Attend Mediation:	Mar. 30, 2018
Pretrial Conference Date: a.m.	May 3, 2018 at 9:30 (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.

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

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

CONT... Karem Angelica Blair

Chapter 7

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.

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.

Party Information

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

Thursday, August 1, 2019

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, August 1, 2019

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

#3.00 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; 12-20-18; 5-2-19; 7-11-19

Docket 6

***** VACATED *** REASON: CONTINUED TO 9/12/2019 AT 9:30 A.M.
AS A STATUS CONFERENCE, PER ORDER ENTERED 7/30/2019 (XX)**

Courtroom Deputy:

SPECIAL NOTE: 1) Order Approving Stip. for Discharge of Educational Loan Debt, Dismissal of Certain Defendants, and to Add Educational Credit Mgmt Corp. as a Defendant in this Adv. Proceeding Entered 4/24/2018 - td (5/8/2018). 2) Order Approving Stip. RE: Determination that Student Loan is Dischargeable Pursuant to 11 U.S.C. §523(a)(8) as Between Plaintiff Jacqueline R. Escolar-Chua and Defendant Wells Fargo Bank, N.A. Only Entered 9/19/18. Judgment Entered 9/19/18. Two Defendants Remaining - td (9/19/2018)

CONTINUED: Pre-trial Conference Continued to 9/12/2019 at 9:30 a.m. as a Status Conference, Per Order Entered 7/30/2019 (XX) - td (7/30/2019)

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

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

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

CONT... John Paul Marc Z. Escolar-Chua Chapter 7
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):

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, August 1, 2019

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

#4.00 CON'TD PRE-TRIAL 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; 12-20-18; 6-20-19

Docket 1

***** VACATED *** REASON: CONTINUED TO OCTOBER 3, 2019 AT 9:30 A.M. PER ORDER RE STIPULATION FOR ORDER CONTINUING ENTERED 7/1/19 (XX)**

Courtroom Deputy:

CONTINUED: Pre-trial Conference Continued to 10/3/2019 at 9:30 a.m., Per Order Re Stipulation for Order Continuing Pretrial Conference to October 3, 2019 entered 7/1/2019 (XX) - (liz/td) (7/1/2019)

Tentative Ruling:

December 20, 2018

Discovery Cut-off Date:	May 3, 2019
Pretrial Conference Date:	June 20, 2019 at 9:30 a.m.
	(XX)
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

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

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

CONT... Jack G. Gaglio

Chapter 7

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, August 1, 2019

Hearing Room 5A

9:30 AM

8:19-10275 Michael J Duff

Chapter 7

Adv#: 8:19-01084 Constantin et al v. Duff

#5.00 STATUS CONFERENCE RE: Complaint to Deny Debtor's Discharge

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

Discovery Cut-off Date:	Nov. 4,, 2019
Deadline to Attend Mediation:	Dec. 20, 2019
Pretrial Conference Date:	Jan. 30, 2020 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Jan. 16, 2020

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):

Michael J Duff	Pro Se
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Defendant(s):

Michael J. Duff	Pro Se
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Plaintiff(s):

Holly Constantin	Represented By Alan W Forsley
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Michael Constantin	Represented By
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, August 1, 2019

Hearing Room 5A

9:30 AM

CONT...

Michael J Duff

Alan W Forsley

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, August 1, 2019

Hearing Room 5A

10:00 AM

8:16-12477 Nathan M. Donahue

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
CAPITAL ONE AUTO FINANCE
VS.
DEBTOR

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

Grant with 4001(a)(3) waiver and co-debtor relief unless Movant is willing to enter into an adequate protection agreement with Debtor, in which case the parties may request a continuance of the hearing at the time of the calling of the calendar prior to hearing. Available hearing dates: 8/22/19, 9/5/19, 9/12/19 at 10:00 a.m.

Special note: If Movant is not willing to enter into an adequate protection order, the motion will be granted as noted above as Debtor has not presented evidence in his opposition sufficient to rebut the evidence presented by Movant -- specifically that he is current with postpetition payments. Failure to comply with the confirmed plan is a basis for granting relief from stay under 362(d)(1) irrespective of equity.

Party Information

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

Thursday, August 1, 2019

Hearing Room 5A

10:00 AM

CONT... Nathan M. Donahue

Chapter 13

Debtor(s):

Nathan M. Donahue

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

Trustee(s):

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 1, 2019

Hearing Room 5A

10:00 AM

8:19-11304 James Omer Hursh

Chapter 7

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

U.S. BANK, N.A.

VS.

DEBTOR

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

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):

James Omer Hursh

Pro Se

Movant(s):

U.S. BANK, NA AS LEGAL TITLE

Represented By
Diane Weifenbach

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, August 1, 2019

Hearing Room 5A

10:00 AM

8:19-11546 Joseph Ra

Chapter 7

#8.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
AMERICAN HONDA FINANCE CORPORATION
VS.
DEBTOR

Docket 24

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 7/25/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 7/25/2019 - td (7/25/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

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, August 1, 2019

Hearing Room 5A

10:00 AM

8:19-11674 Gabriela Anabel Hatchett Grijalva

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
NISSAN MOTOR ACCEPTANCE CORPORATION
VS.
DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

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):

Gabriela Anabel Hatchett Grijalva

Represented By
Violeta Delgado

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

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 1, 2019

Hearing Room 5A

10:00 AM

CONT... Gabriela Anabel Hatchett Grijalva

Chapter 7

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

Thursday, August 1, 2019

Hearing Room 5A

10:00 AM

8:19-11766 Trinidad Garza

Chapter 7

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

BANK OF AMERICA, NA

VS.

DEBTOR

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

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):

Trinidad Garza

Represented By
Christopher Hewitt

Movant(s):

Bank of America, N.A.

Represented By
Robert P Zahradka

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, August 1, 2019

Hearing Room 5A

10:00 AM

CONT... Trinidad Garza

Chapter 7

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

Thursday, August 1, 2019

Hearing Room 5A

10:00 AM

8:19-10878 Randall J Russell

Chapter 7

#10.10 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

DIRECT CAPITAL, A DIVISION OF CIT BANK, N.A.

VS.

DEBTOR

FR: 7-16-19

Docket 15

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 7/25/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 7/25/2019 - td (7/25/2019)**

Tentative Ruling:

July 16, 2019

Deny motion due to insufficient supporting evidence.

Basis for Tentative Ruling:

1. There is insufficient evidence showing that Movant is a creditor of Debtor. All supporting contracts and UCC-1 Statements indicate that Movant is a creditor of RJ Russell Equipment, Inc., a corporate entity. None of the contracts indicate that Debtor guaranteed the debt of RJ Russell Equipment, Inc. or otherwise assumed liability for such debt. Moreover, Debtor doesn't list the property on his schedules.

2. No evidence of value of the subject property has been provided to show lack of adequate protection (362(d)(1)) or lack of equity (362(d)(2)).

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

Thursday, August 1, 2019

Hearing Room 5A

10:00 AM

CONT... Randall J Russell

Chapter 7

Party Information

Debtor(s):

Randall J Russell

Represented By
William P White

Movant(s):

c/o Ferns, Adams \$ A DIRECT

Represented By
Amanda N Ferns

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, August 1, 2019

Hearing Room 5A

10:30 AM

8:18-13296 Roman Gabriel Machutt

Chapter 7

#11.00 Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Debtor to: (1) Cooperate with the Trustee Pursuant to 11 U.S.C. § 521; and (2) Attend the Meeting of Creditors Pursuant to 11 U.S.C. § 341(a)

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

Grant the motion. If Debtor appeared at the July 25, 2019 341(a) creditors' meeting, the ruling applies to any and all future continued 341(a) creditors' meetings scheduled by the trustee.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Roman Gabriel Machutt

Represented By
Brian J Soo-Hoo

Movant(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello

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, August 1, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#12.00 Hearing RE: U.S. Trustee's Motion to Approve Stipulation Dismissing Chapter 11 Case of SPN IP, LLC

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 1, 2019

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):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Thursday, August 8, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#1.00 CON'TD PRE-TRIAL 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)

FR: 6-21-18; 1-31-19; 5-2-19; 5-7-19

Docket 1

*** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 9:30 A.M.,
Per Order Entered 6/5/2019 (XX)

Courtroom Deputy:

**CONTINUED: Pre-trial Conference Continued to 11/21/2019 at 9:30 a.m.,
Per Order Entered 6/5/2019 (XX) - td (6/5/2019)**

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.
	(XX)
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

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

Thursday, August 8, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

Chapter 7

Defendant(s):

Maria H. Helton-Rehburg Pro Se

Plaintiff(s):

Lisa M. Rehburg Represented By
Bradley D Blakeley

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, August 8, 2019

Hearing Room 5A

10:00 AM

8:15-12630 Vanessa Frazier Elrousan

Chapter 13

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

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Vanessa Frazier Elrousan

Represented By
Eliza Ghanooni

Movant(s):

The Bank of New York Mellon as

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**

Thursday, August 8, 2019

Hearing Room 5A

10:00 AM

CONT... Vanessa Frazier Elrousan

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 8, 2019

Hearing Room 5A

10:00 AM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

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

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

Docket 121

*** VACATED *** REASON: CONTINUED: Hearing Continued to
9/12/2019 at 10:00 a.m., Per Order Entered 8/7/2019 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 9/12/2019 at 10:00 a.m., Per Order
Entered 8/7/2019 (XX) - td (8/7/2019)**

Tentative Ruling:

August 8, 2019

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):

Bert Ranelycke-Svensson

Represented By
Scott Dicus

Movant(s):

JPMorgan Chase Bank, National

Represented By
Nathan F Smith

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

Thursday, August 8, 2019

Hearing Room 5A

10:00 AM

CONT... Bert Ranelycke-Svensson

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 8, 2019

Hearing Room 5A

10:00 AM

8:16-12941 Margarita Calderon

Chapter 13

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

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Margarita Calderon

Represented By
Stephen R Wade
W. Derek May

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Erica T Loftis Pacheco

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

Thursday, August 8, 2019

Hearing Room 5A

10:00 AM

CONT... Margarita Calderon

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 8, 2019

Hearing Room 5A

10:00 AM

8:19-12051 Akbar Tajdini

Chapter 7

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

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Akbar Tajdini

Represented By
Kian Mottahedeh

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Erica T Loftis Pacheco

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

Thursday, August 8, 2019

Hearing Room 5A

10:00 AM

CONT... Akbar Tajdini

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:11-11153 Beneficial Services, Inc.

Chapter 7

#6.00 Hearing RE: Trustee's Final Report and Application for Compensation

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 216

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Beneficial Services, Inc.

Represented By
J Scott Williams
Paul J Kurtzhall

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:11-11153 Beneficial Services, Inc.

Chapter 7

#7.00 Hearing RE: Third and Final Application for Approval of Fees and Reimbursement of Expenses

[SHULMAN, HODGES, & BASTIAN, ATTORNEY FOR TRUSTEE]

Docket 185

*** VACATED *** REASON: OFF CALENDAR: Fees Allowed per Order Entered 3/31/2017, Document #195

Courtroom Deputy:

OFF CALENDAR: Fees Allowed per Order Entered 3/31/2017, Document #195 - td (7/30/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beneficial Services, Inc.

Represented By
J Scott Williams
Paul J Kurtzhall

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:11-25430 Uliana A Kozeychuk

Chapter 7

#8.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Uliana A Kozeychuk 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, August 8, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

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 125

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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 Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:13-16853 Brian Delmer Couch and Sandra Lynn Couch

Chapter 7

#10.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses from January 8, 2018 Through May 10, 2019

[HAHN FIFE & COMPANY LLP, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 122

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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 Delmer Couch

Represented By
Bert Briones

Joint Debtor(s):

Sandra Lynn Couch

Represented By
Bert Briones

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

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

#11.00 Hearing RE: Woodlawn Colonial L.P.'s Motion (1) to Dismiss Plaintiff's First and Second Claims for Relief Without Prejudice; and (2) For Entry of Judgment on Woodlawn's Third Claim for Relief

Docket 111

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

Court's comments regarding the Motion/Opposition/Reply:

1. As a preliminary matter, the court does not believe that, upon achieving partial summary judgment as to a particular claim, a plaintiff should be compelled to litigate the remaining claims. See, e.g., *In re Delpit*, 2006 WL 6810932 (9th Cir. BAP 2006) (Court upheld the bankruptcy court's granting of partial summary judgment and the plaintiffs' subsequent dismissal of the remaining claim without prejudice, noting that "[p]laintiffs were entitled to dismiss the remaining claims after partial summary judgment was granted).

2. Plaintiff has moved for dismissal under FRCP 41(a)(2) which permits an "action" to be dismissed by order of the court. Defendant is correct that the Ninth Circuit has interpreted FRCP 41(a)(2) as allowing an entire action to be dismissed and not individual claims. See, *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 638, 687-688 (9th Cir. 2005). In *Hells Canyon*, the Court held that there is no analytical distinction between Rule 41(a)(1) and Rule 41(a)(2) and that Rule 41(a) only provides for dismissals of entire actions and not of individual claims.

3. Notably, in *Hells Canyon*, the Ninth Circuit held that the plaintiff's Rule 41(a)(2) motion could be deemed to be a motion to amend the complaint

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT...

Chad Paul Delannoy

Chapter 7

under FRCP 15 which governs "the withdrawals of individual claims against a given defendant" and opined that "the fact that a vountary dismissal of a claim under Rule 41(a) is properly labeled an amendment under Rule 15 is a technical, not a substantive, distinction." 403 F.3d at 687, 689.

4. Applying the ruling in *Hells Canyon*, this court can deem the instant Rule 41(a) motion as a Rule 15 amendment of the complaint to withdraw the first and second claims for relief.

5. Defendant takes issue with the dismissal without prejudice. The court is unaware of any legal authority that would toll the statutory deadling for filing a nondischargeability complaint after its expiration or allow the filing time to spring back upon the re-filing of claim previously dismissed without prejudice. See, e.g., *In re Ryan*, 408 B.R. 143, 160 (Bankr.N.D. Ill. 2009)("The dismissal of a matter without prejudice permits refiling but only within the original limitations period . . . the dismissal of the matter without prejudice does not mean that the subsequent matter need not comply with the statute of limitations." See also, *In re Domingo*, 2017 WL 6601773 (BAP 9th Cir. 2017) ("The 'without prejudice' condition permists a plaintiff to refile the complaint as if it had never been filed."). The time to extend the time to file a nondischargeability complaint has long expired and this court lacks authority to grant such an extention. *Willms v. Sanderson*, 723 F.3d 1094, 1100 ("the sixty-day time, limit for filing nondischargeability complaints under 11 U.S.C. § 523(c) is strict and, without qualification, cannot be extended unless a motion is made before the 60–day limit expires").

6. Rule 54(b) certification appears to be appropriate in light of the fact that a) the unadjudicated counterclaim is separate and independent, b) it is unlikely that that certification would result in piecemeal appellate review, c) Plaintiff will suffer prejudice by delay in recovery on its nondischargeable claim, d) the court is inclined to grant the request to dismiss the first and second claims for relief, thereby leaving no just cause for delay in prosecuting any appeal of the courts partial summary judgment in favor of plaintiff as to 523(a)(6).

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Chad Paul Delannoy

Chapter 7

Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#12.00 CON'TD Hearing RE: Motion to Determine Fees Expenses and Charges Claimed by Premier Home Solutions, Inc.

FR: 4-18-18, 5-16-19; 6-20-19

Docket 66

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Withdrawal of Motion, filed 8/5/2019**

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Withdrawal of Motion, filed
8/5/2019 - td (8/6/2019)**

Tentative Ruling:

May 16, 2019

The parties are to advise the court re the status of this matter.

Special note: The parties should continue to pursue an amicable resolution. Absent such a resolution, a continued hearing will be set to permit the creditor to provide documentary evidence of attorneys fees along with task descriptions. The note permits reasonable attorneys fees. Debtor is entitled to object to the reasonableness of the fees. The court cannot ascertain the reasonableness of the fees without a breakdown of the fees by task.

June 20, 2019

The parties are to advise the court regarding the status of this matter.

Party Information

Debtor(s):

Daphne Alt

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, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Daphne Alt

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 8, 2019

Hearing Room 5A

10:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

#13.00 CONT'D 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

FR: 7-16-19

Docket 75

***** VACATED *** REASON: OFF CALENDAR: Chapter 7 Trustee's
Voluntary Dismissal/Withdrawal of Motion, filed 8/5/2019**

Courtroom Deputy:

**OFF CALENDAR: Chapter 7 Trustee's Voluntary Dismissal/Withdrawal of
Motion, filed 8/5/2019 - td (8/6/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:18-14388 Francis J. Marzec

Chapter 7

#14.00 Hearing RE: Trustee's Application to Employ Anerio V. Altman, Esq. as General Insolvency Counsel Pursuant to 11 U.S.C. Sec. 330

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

Approve employment application *nunc pro tunc* as of March 14, 2019.

Special Note: This matter was set for hearing as this was the second employment application involving this trustee that was filed untimely without an adequately stated basis for retroactive employment. The court wishes to avoid sending a message that it will rubberstamp any and all applications seeking retroactive employment without explanation. Both Applicant and the trustee should take care in future cases to make sure that employment applications are timely filed. One factor courts consider in deciding whether to approve such employment is where the applicant has track record of untimely filings.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

Francis J. Marzec

Represented By
Christine A Kingston

Trustee(s):

Richard A Marshack (TR)

Represented By
Anerio V Altman

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#15.00 Hearing RE: Debtor's Disclosure Statement Describing Debtor's Chapter 11 Plan of Reorganization

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

Deny approval of the Disclosure Statement.

1. Debtor failed to comply with this court's March 13, 2019 Order which required that Debtor file a plan and disclosure statement no later than May 30, 2019. As of August 5, 2019, Debtor has not filed a plan.
2. Though Debtor filed a disclosure statement, the disclosure statement describes an unfiled plan, rendering the same inappropriate and ineffective.
3. The objections filed by the IRS, U.S. Bank, Rancho Del Rio Master Association, and the U.S. Trustee are well-taken and are incorporated herein by reference as an additional basis for not approving the disclosure statement.
4. Notice and service were improper. Debtor has not provided any proof of service of either the disclosure statement or notice of the disclosure statement hearing on all creditors.

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels
Jeffrey P Spencer

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Walt Dodge

Chapter 11

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#16.00 CON'TD STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 2-12-19; 3-12-19; 6-20-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Debtor's counsel to address the following issues:

1. In light of Debtor's prior unsuccessful chapter 11 case and ultimate dismissal on the basis of bad faith, what are the changed circumstances that will result in a successful end to this case?
2. Why has Debtor been unable to pay mortgage payments since 2016?
3. On his Schedule I, Debtor lists monthly income of \$15,000. Has Debtor actually grossed this amount since the filing in December 2018?
4. On his Schedule J, Debtor lists monthly expenses for water/sewage/garbage collection in the amount of \$2,000, telephone/cell/internet/satellite in the amount of \$2500 and electricity in the amount of \$500. An explanation of monthly utility expenses of \$5,000 will be required.

Claims bar date: 5/20/19 (notice to creditors by 3/20/19)

Deadline to file plan/disc. stmt: 5/30/19

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Walt Dodge Chapter 11

Continued status conference: 6/20/19 at 10:30am; updated status report must be filed by 6/6/19 unless a plan and disc stmt have been timely filed, in which case the requirement of an updated report will be waived. (XX)

Note: Appearance at this hearing is required.

June 20, 2019

Continue status conference to August 8, 2019 at 10:30 a.m., same date/time as hearing on approval of 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 the responsibility of Debtor to confirm substantial compliance with the US Trustee prior to the hearing.

August 8, 2019

Dismiss the case.

Debtor was admonished via the court's March 13, 2019 Order that this case would be dismissed or converted if a plan and disclosure statement was not filed by May 30, 2019. More than 60 days later, no plan has been filed, no request for an extension of time to file a plan was filed and no explanation has been provided for the failure to comply with the Order. The court notes parenthetically that even when objecting parties pointed out the absence of a filed plan, Debtor failed to take heed and file a plan.

Party Information

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Walt Dodge

Chapter 11

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

8:19-10298 Robert W Hickman

Chapter 13

#17.00 Hearing RE: Debtor's Objection to Sedona Community Association, Proof of Claim No. 5-1

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

Overrule objection.

Basis for Tentative Ruling:

1. Re Debtor's argument re merger of the assessment lien into the abstract of judgment which was avoided in his prior 2017 case, no 17-13129, the court incorporates by reference here in its September 4, 2018 Order granting Debtor's motion to avoid the abstract of judgment under 522(f) but expressly noting that it made "no finding or ruling regarding the continued viability of the underlying assessment lien." Thus, Debtor's argument that this issue was decided in the 2017 case is incorrect.

2. The court also incorporates by reference herein, its tentative ruling from the March 29, 2018 hearing which is copied below. The court clearly indicated that it was following the procedural analysis of *In re Coy*, 552 B.R. 199, which would require the commencement of an adversary proceeding. The filing of an objection to claim is not the equivalent of an adversary proceeding. See, FRBP 3007(b) which provides that a party "shall not include a demand for relief of a kind specified in Rule 7001 in an objection to the allowance of a claim."

3. Claimant has provided sufficient evidence in its opposition re the amount of the claim (e.g., re attorneys fees).

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Robert W Hickman

Chapter 13

4. Tentative ruling for March 29, 2018 hearing in case no. 17-13129:

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 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

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

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

CONT... Robert W Hickman

Chapter 13

Fritz J Firman

Movant(s):

Robert W Hickman

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, August 8, 2019

Hearing Room 5A

10:30 AM

8:19-11304 James Omer Hursh

Chapter 7

#18.00 Hearing RE: U.S. Trustee's Motion for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

Grant 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):

James Omer Hursh	Pro Se
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Trustee(s):

Karen S Naylor (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

**#19.00 CON'TD Hearing RE: Motion For Order Determining Value Of Collateral
[11 U.S.C. § 506(a), FRBP 3012)**

FR: 7-30-19

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

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 8, 2019

Hearing Room 5A

10:30 AM

8:19-11913 Michael Dennis Harris and Laura Ann Harris

Chapter 13

#20.00 Hearing RE: Debtors' Motion for Order Determining Value of Collateral [Creditor Holding Collateral to be Valued: Consumer Portfolio Services, Inc.]

Docket 19

***** VACATED *** REASON: OFF CALENDAR: Withdrawal of Debtor's Motion, filed 8/5/2019**

Courtroom Deputy:

OFF CALENDAR: Withdrawal of Debtor's Motion, filed 8/5/2019 - td (8/5/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Dennis Harris

Represented By
Nicholas M Wajda

Joint Debtor(s):

Laura Ann Harris

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**

Thursday, August 8, 2019

Hearing Room 5A

10:30 AM

8:19-12509 Scott T. Vu and Thu M. Nguyen

Chapter 13

#21.00 Hearing RE: Debtors' Motion to Avoid Junior Lien on Principal Residence
[Creditor Holding Junior Lien: The Bank of New York Mellon]

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 8, 2019

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):

Scott T. Vu

Represented By
Christopher J Langley

Joint Debtor(s):

Thu M. 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**

Thursday, August 8, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#22.00 Hearing RE: Debtor's Amended Objection to Proof of Claim Filed by Steward Financial LLC [Claim No. 19]

Docket 740

***** VACATED *** REASON: CONTINUED TO 9/19/2019 at 2:00 P.M.,
Per Order Entered 7/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 9/19/2019 at 2:00 p.m., Per Order
Entered 7/12/2019 (XX) - td (7/15/2019)**

Tentative Ruling:

- 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**

Thursday, August 8, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#23.00 Hearing RE: Defendant's Motion for Order Dismissing with Prejudice All Claims for Relief in First Amended Complaint to Determine Non-Dischargeability of Debt Under Bankruptcy Code Section 523 Pursuant to F.R.C.P. 12(b)(6)

Docket 78

***** VACATED *** REASON: CONTINUED TO 9/19/2019 AT 2:00 P.M.,
Per Order Entered 7/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 9/19/2019 at 2:00 p.m., Per Order
Entered 7/12/2019 (XX) - am/td (7/15/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby 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, August 8, 2019

Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#1.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE: Enforcement of Judgment

FR: 7-16-19

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

Debtor(s):

Stephen J Haythorne

Represented By
David S Henshaw

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne
Adv#: 8:16-01247 Damon v. Haythorne

Chapter 7

#2.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19

Docket 130

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

Debtor(s):

Stephen J Haythorne

Represented By

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Stephen J Haythorne

Chapter 7

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#3.00 CONT'D STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

(Another Summons Issued 1/31/19)
FR: 1-31-19; 4-18-19; 5-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

January 31, 2019

Impose sanctions in the amount of \$100 against attorney for Plaintiff for failing to timely file a status report. In addition, no proof of service has been filed showing proper service to defendants. Continue hearing to March 21, 2019 at 9:30 a.m. Court to issue OSC re Dismissal for Failure to Prosecute which will be heard on the same date/time as the continued hearing.

Note: Appearance at this hearing is required.

April 18, 2019

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

Continue hearing to May 16, 2019 at 9:30 a.m.; updated status report must be filed by May 2, 2019. (XX)

Note: Appearance at this hearing is required. Plaintiff to serve notice of the continued hearing date/time

May 16, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated status report required by August 1, 2019 if the settlement has not been approved by such date. (XX)

August 15, 2019

In light of settlement, continue status conference to October 17, 2019 at 9:30 a.m.; updated status report must be filed by October 3, 2019 if an order approving the settlement has not been entered by such date.

Special note: As of August 8, 2019, there were no pending lodged orders re the settlement.

Note: Appearances at this hearing is not required. Plaintiff to serve notice of the continued hearing date/time

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E Winfield

Defendant(s):

Kevin Liebeck

Pro Se

Kevin Liebeck

Pro Se

Shaunah Lynn Steelman

Pro Se

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Denny Roy Steelman

Chapter 7

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#4.00 CONT'D 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

FR: 9-20-18; 3-21-19

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01071 Bral v. Beitler

#5.00 CONT'D 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

FR: 9-20-18; 3-21-19

Docket 20

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020.

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01092 Beitler v. Bral

#6.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine
Non-dischargeability of Debt under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status
report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint
status report to be filed by August 1, 2019. (XX)

***Note: If all parties accept the foregoing tentative ruling, appearances at
the March 21, 2019 hearing are not required.***

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status
report must be filed by January 16, 2020.

***Note: Appearances at this hearing are not required; Plaintiff to serve
notice of the continued date/time.***

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01094 Beitler & Associates, Inc. dba Beitler Commercial v. Bral

#7.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. (XX)

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to January 30, 2020 at 9:30 a.m.; updated status report must be filed by January 16, 2020.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#8.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19

Docket 35

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. **Deadline for Defendant to file responsive pleading to the FAC: June 20, 2019. (XX)**

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to September 19, 2019 at 2:00 p.m.; an updated status report is not required.

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... John Jean Bral

Chapter 11

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

Adv#: 8:18-01143 Marshack v. Nguyen

#9.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery, and Preservation of Preferential Transfers

FR: 10-11-18; 12-6-18; 1-24-19; 3-21-19; 5-30-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order on Stipulation for Dismissal of Adversary Proceeding Entered 6/21/2019**

Courtroom Deputy:

OFF CALENDAR: Order on Stipulation for Dismissal of Adversary Proceeding Entered 6/21/2019 - td (6/21/2019)

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, (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

January 24, 2019

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... AA-TEK Machining, Inc.

Chapter 7

Continue Status Conference to March 21, 2019 at 9:30 a.m.; updated status report must be filed by March 7, 2019 if the settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required.

March 21, 2019

In light of pending settlement, continue Status Conference to May 30, 2019 at 9:30 a.m.; updated status report must be filed by May 16, 2019 if the settlement has not been approved by such date. (XX)

Note: Appearances at this hearing are not required.

May 30, 2019

In light of pending settlement continue hearing one final time to August 15, 2019 at 9:30 a.m.; updated status report must be filed by August 8, 2019 if the settlement agreement has not been approved by such date. (XX)

Note: Appearances at this status conference 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

Defendant(s):

Natalie Nguyen

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Kelly Zinser

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... AA-TEK Machining, Inc.

Chapter 7

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, August 15, 2019

Hearing Room 5A

9:30 AM

8:18-10971 James Christopher Patow

Chapter 7

Adv#: 8:19-01061 Marshack (TR) v. Patow et al

- #10.00** STATUS CONFERENCE RE: First Amended Complaint for: (1) Avoidance, Recovery, and Preservation of Actual Fraudulent Transfer; (2) Avoidance, Recovery, and Preservation of Constructive Fraudulent Transfer; (3) Declaratory Relief as to Whether, and to what Extent, Assets Constitute Property of the Estate; (4) Turnover of Estates Interest in Trust Assets; and (5) Injunctive Relief

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Discovery Cut-off Date: 11/30/19
Pretrial Conference Date: 1/16/20
Deadline to file Pretrial Stipulationr: 1/9/20

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):

James Christopher Patow

Represented By
Kevin J Kunde

Defendant(s):

James Christopher Patow

Pro Se

Alvin and Linda Patow 2006 Trust

Pro Se

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... James Christopher Patow Chapter 7

Linda Patow, as Trustee of the Alvin Pro Se

Linda 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, August 15, 2019

Hearing Room 5A

9:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

Adv#: 8:19-01135 Richards v. Richards

#11.00 STATUS CONFERENCE RE: Notice of Removal (RE: Verified Complaint for: 1. Fraud in Fact; 2. Sexual Conduct; 3. Right of Privacy; 4. Intentional Infliction of Emotional Distress; 5. Defamation of Character; 6. Threats and Spousal Abuse; 7. Breach of Contract and Covenants; 8. Detriment; 9. Breach of Fiduciary Duty (Superior Court of the State of California, County of Orange, Case Number 30-2018-00986705-CU-FR-CJC)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Continue this status conference to September 12, 2019 at 10:30 a.m., same date/time as hearing on pending motion to remand.

Note: Appearances at today's status conference are waived (no appearance required).

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Defendant(s):

Ryal W. Richards Pro Se

Plaintiff(s):

Alicia Marie Richards Pro Se

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Alicia Marie Richards

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 15, 2019

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

#11.10 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; 11-1-18; 5-16-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Granting Joint Stipulation Dismissing Adversary Proceeding Entered 8/6/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Joint Stipulation Dismissing Adversary Proceeding Entered 8/6/2019 - td (8/6/2019)

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.

May 16, 2019

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

Thursday, August 15, 2019

Hearing Room 5A

9:30 AM

CONT... Koller Coatings Corporation

Chapter 7

Continue status conference to August 15, 2019 at 9:30 a.m.; updated status report required by August 1, 2019. (XX)

Note: Appearances at this hearing is not required. Plaintiff to serve notice of the continued hearing date/time

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**

Thursday, August 15, 2019

Hearing Room 5A

10:00 AM

8:15-14425 Jose P. Hurtado

Chapter 13

#12.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

BAYVIEW LOAN SERVICING LLC

VS.

DEBTOR

FR: 5-30-19; 6-20-19; 7-18-19

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

The parties are ordered to meet and confer re a possible resolution prior to the hearing. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are June 13, 2019 and June 20, 2019 at 10:00 a.m.

July 18, 2019

At least one party must appear to advise the court re the status of this matter. If more time is needed, the parties may request a continuance at the time that the clerk announces the roll call just prior to the hearing. Available continued dates are August 8, 2019, August 15, 2019 and August 22, 2019 at 10:00 a.m.

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

Thursday, August 15, 2019

Hearing Room 5A

10:00 AM

**CONT... Jose P. Hurtado
August 15, 2019**

Chapter 13

At least one party must appear to advise the court re the status of this matter.

Party Information

Debtor(s):

Jose P. Hurtado

Represented By
Richard G Heston

Movant(s):

BAYVIEW LOAN SERVICING

Represented By
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, August 15, 2019

Hearing Room 5A

10:00 AM

8:19-12841 Augusta Ayona

Chapter 13

#13.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Deny motion.

Basis for tentative ruling:

1. The court cannot make a finding that this case was filed in good faith as there is insufficient evidence that Debtor has regular income sufficient to fund a plan.
2. Debtor lists income of \$4600, \$2100 of which is from "family contribution." Debtor also lists monthly expenses of \$3599, leaving "net income of \$1,000 to fund her plan.
3. Absent the family contributions, Debtor has a monthly shortfall of over \$1,000 and nothing to fund a plan.
4. The motion does not include any evidence concerning the family contribution, e.g., a) identification of the contributor(s); b) declaration of the contributor(s) re the ability to make such a large monthly contribution and the commitment to pay \$126,000 into Debtor's plan (\$1000 x 60).

Party Information

Debtor(s):

Augusta Ayona

Represented By
Jaime A Cuevas Jr.

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

Thursday, August 15, 2019

Hearing Room 5A

10:00 AM

CONT... Augusta Ayona

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 15, 2019

Hearing Room 5A

10:30 AM

8:14-14297 Valerie A Joy

Chapter 11

#14.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[HABERBUSH & ASSOCIATES, LLP, ATTORNEY FOR DEBTOR AND
DEBTOR-IN-POSSESSION]**

Docket 159

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

Valerie A Joy

Represented By
Vanessa M Haberbush
David R Haberbush

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

8:14-14297 Valerie A Joy

Chapter 11

#15.00 Hearing RE: Reorganized Debtor's Motion for Entry of a Discharge and Order Closing Case

Docket 161

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

Valerie A Joy

Represented By
Vanessa M Haberbush
David R Haberbush

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

8:16-11349 Carmen Louisa Ponce

Chapter 7

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

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 130

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

Carmen Louisa Ponce

Represented By
Bert Briones

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 15, 2019

Hearing Room 5A

10:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

#17.00 Hearing RE: Plaintiff's Amended Motion in Limine for an Order Excusing Testimony Regarding the Previously Deemed Admitted Requests for Admissions

Docket 123

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

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

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

CONT... 29 Prime, Inc.

Chapter 7

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:18-10200 TodoCast, Inc.

Chapter 7

#18.00 Hearing RE: Chapter 7 Trustee's Final Report and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:18-10200 **TodoCast, Inc.**

Chapter 7

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

[GOE & FORSYTHE, LLP, COUNSEL FOR CHAPTER 7 TRUSTEE]

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:18-10200 TodoCast, Inc.

Chapter 7

#20.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From May 8, 2018 Through September 11, 2018

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#21.00 Hearing RE: Chapter 7 Trustee's Motion for Leave to Intervene as Plaintiff and Authorizing Filing of Complaint in Intervention to Determine Estate's Interest in Real Property and Validity and Extent of Liens

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

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):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski

Represented By
Michael Jones
Ronald Appel

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel
Michael Jones

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:19-11071 Lan Anh Hoang

Chapter 13

#22.00 CONT'D 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: 6-20-19

Docket 23

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Grant motion in part as follows: Debtor's counsel, Thin V Doan, must 1) file a Rule 2016(b) statement by or before July 18, 2019, and 2) submit to the United States Trustee any state court or bankruptcy retainer agreements, as well as an attorney client ledger by or before July 18, 2019. The hearing on this motion will be continued to August 15, 2019 at 10:30 a.m. for a determination as to the reasonableness and/or disgorgement/cancellation of any fees related to this case. Movant shall file any supplemental pleading in support of the motion by or before July 25, 2019; Debtor's counsel must file any response thereto by or before August 1, 2019 and any reply by Movant must be filed by or before August 8, 2019. (XX)

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is waived and Movant shall lodge an order consistent with the same.

August 15, 2019

No Rule 2016 statement has been filed by Attorney Think V Doan. The court will

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

CONT... Lan Anh Hoang

Chapter 13

issue an Order to Show Cause why Attorney Doan should not be held in contempt of the Court's June 25, 2019 Order and why sanctions in the amount of \$1,000 should not be imposed for such contempt.

Party Information

Debtor(s):

Lan Anh Hoang

Represented By
Thinh V 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**

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

8:19-11317 Charles William Hutchison

Chapter 13

#23.00 CON'TD Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence
[Creditor: Real Time Resolutions, Inc.]

FR: 7-16-19

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Continue hearing to August 15, 2019 at 10:30 a.m. to allow respondent to obtain an authenticated valuation that includes interior/exterior property inspection. Respondent's supplemental pleading must be filed by August 1, 2019; any reply by Debtor must be filed by August 8, 2019. Debtor shall allow access to the property upon 1 business day's notice. (XX)

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

August 15, 2019

Set matter for evidentiary hearing regarding the value of the property as of the date of the filing. Both appraisers must be present for cross examination. Federal Rules of Bankruptcy Procedure (FRBP), Federal Rules of Civil Procedure (as incorporated by the FRBP), and the Federal Rules of Evidence apply.

Available evidentiary hearing dates: September 23, 2019 at 9:00 a.m. or
September 27, 2019 at 9:00 a.m.

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

Thursday, August 15, 2019

Hearing Room 5A

10:30 AM

CONT... Charles William Hutchison

Chapter 13

Debtor's request in his Reply brief is denied -- the court may not weigh the declaration testimony of one declarant over another.

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Charles William Hutchison

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, August 15, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#24.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Schools First Credit Union (Claim #4)

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling

A. Service Issues:

1. Federal Rules of Bankruptcy Procedure (FRBP) 3007 governs the manner of service of an objection to claim. Rule 3007(a)(2)(A)(ii) requires that if an objection is to the claim of an "insured depository institution" service of the objection and notice must be a) to the person designated on the claimant's proof of claim by first class mail, AND b) in the manner provided by Rule 7004(h).
2. FRBP 7004(h) requires that service to an insured depository institution must be made by certified mail addressed to an officer of the institution unless the institution has appeared by its attorney, in which case the attorney shall be served by first class mail.
3. Bankruptcy Code Section 101(35)(B) defines "insured depository institution" as including "an insured credit union."
4. Because SchoolsFirst Federal Credit Union ("SchoolsFirst" or "Claimant") is an insured credit union, Rule 3007(a)(2)(A)(ii) applies.

**United States Bankruptcy Court
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CONT... Alicia Marie Richards

Chapter 13

5. There is no record of an attorney appearing on behalf of SchoolsFirst in this case and, therefore, service by certified mail to the attention of an officer was required. Such service was not made.

B. Merits of the Objection:

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. *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).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to *prima facie* validity under Rule 3001(f).

Because the Claim is entitled to *prima facie* validity, Debtor is required to present affirmative evidence to overcome the *prima facie* validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of

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the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Community Debt

Debtor also argues that the debt owed to SchoolsFirst is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection on the basis of assigned liability to Mr. Richards.

Arrears of \$912.24 Referenced in the Proof of Claim

On this issue, Debtor appears to have satisfied her burden of showing that she is likely current with respect to the payments made to SchoolsFirst. However, the court cannot sustain her objection at this time on this issue because of the service problem. See Service discussion above.

Based upon all of the foregoing, Debtor has not satisfied her burden of presenting affirmative evidence to overcome the presumption of its validity by

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CONT... Alicia Marie Richards Chapter 13

showing facts tending to defeat the claim by probative force equal to that of the allegations of the subject proof of claim.

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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8:19-11677 Alicia Marie Richards

Chapter 13

#25.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Schools First Credit Union (Claim #5)

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling

A. Service Issues:

1. Federal Rules of Bankruptcy Procedure (FRBP) 3007 governs the manner of service of an objection to claim. Rule 3007(a)(2)(A)(ii) requires that if an objection is to the claim of an "insured depository institution" service of the objection and notice must be a) to the person designated on the claimant's proof of claim by first class mail, AND b) in the manner provided by Rule 7004(h).
2. FRBP 7004(h) requires that service to an insured depository institution must be made by certified mail addressed to an officer of the institution unless the institution has appeared by its attorney, in which case the attorney shall be served by first class mail.
3. Bankruptcy Code Section 101(35)(B) defines "insured depository institution" as including "an insured credit union."
4. Because SchoolsFirst Federal Credit Union ("SchoolsFirst" or "Claimant") is an insured credit union, Rule 3007(a)(2)(A)(ii) applies.

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CONT... Alicia Marie Richards

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5. There is no record of an attorney appearing on behalf of SchoolsFirst in this case and, therefore, service by certified mail to the attention of an officer was required. Such service was not made.

B. Merits of the Objection:

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. *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).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to *prima facie* validity under Rule 3001(f).

Because the Claim is entitled to *prima facie* validity, Debtor is required to present affirmative evidence to overcome the *prima facie* validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of

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CONT... Alicia Marie Richards

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the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Adequacy of the Proof of Claim

Debtor argues in conclusory manner without any legal support or authority that Claimant has not provided "adequate proof" of its claims and that "statements on the account from 2013 to present" is required. The court is unaware of any such requirement.

Rule 3001(a) requires that the proof of claim must "confirm substantially to the appropriate Official Form." In this case, the proof of claim is filed on Official Form 410.

Rule 3001(c)(3) provides that when a claim is based on an open-end or revolving consumer credit agreement, certain information is required such as, the name of the entity to whom the debt is owed, the date of the last transaction, the date of the last payment on the account and the date on which the account was charged off.

The statement attached to the proof of claim indicates that it is a revolving credit card debt and, therefore, Rule 3001(c)(3)(A) applies. The statement appears to include all of the required information. Rule 3001(c)(3)(A) does not require that all monthly statements be attached.

Community Debt

Debtor also argues that the debt owed to SchoolsFirst is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt . . ." In this case, the credit obligation is in the name of both Debtor and her ex-spouse and is a community debt, as she admits. Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

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Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection.

Based upon all of the foregoing, Debtor has not satisfied her burden of presenting 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 subject proof of claim.

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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Thursday, August 15, 2019

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10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#26.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Claimant Jefferson Capital Systems, LLC aka Aspire Card (Claim #10)

Docket 81

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Take matter off-calendar as moot. Parties have stipulated to Claimant withdrawing Claim #10 and Debtor withdrawing this objection to claim. A proposed order approving the stipulation must be filed within 7 days of today's hearing.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#27.00 Hearing RE: Debtor's Objection and Opposition to Claim Number 0 Submitted by Claimant Omid Sharizi, Esq. in the Amount of \$2,600.00

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling:

1. Service issues: The Amended Objection to Claim was not timely filed for this hearing date. FRBP Rule 3007(a)(1) requires that objections to claim be filed at least 30 days prior to the scheduled hearing -- this includes amended objections to claim. Here, the Amended Objection to Claim was filed July 25, 2019, only twenty days prior to today's hearing.

2. Merits: Even if the Amended Objection to Claim was timely, no relief can be fashioned because Mr. Sharizi did not file a proof of claim. Further, though the original chapter 13 plan filed by Mr. Sharizi on behalf of Debtor included \$2600 in fees to be paid through the plan, Debtor has since filed a superceding amended plan that does not provide for such fees.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#28.00 Hearing RE: Debtor's Objection and Opposition to Claim Number 9 Submitted by Claimant Verizon by American Info Source as Agent in the Amount of \$220.85

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling:

1. Service issues: The Amended Objection to Claim was not timely filed for this hearing date. FRBP Rule 3007(a)(1) requires that objections to claim be filed at least 30 days prior to the scheduled hearing -- this includes amended objections to claim. Here, the Amended Objection to Claim was filed July 30, 2019, only sixteen days prior to today's hearing and includes new argument and evidence that were not included in the original objection to claim filed July 9, 2019.

2. Merits: Even if the Amended Objection to Claim was timely, Debtor's arguments regarding disallowance of the claim are not persuasive and not supported by legal support or authority.

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. *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

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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*, 233 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).

Debtor's Arguments:

1. Inadequate Proof of Debt: Debtor argues that Claimant filed a contract between American Info Source ("American") and Verizon but did not provide a contract between Debtor and American or Verizon.

First, the contract between American and Verizon simply memorializes a servicing agreement between the two entities that authorizes American to file a bankruptcy proof of claim on behalf of Verizon. The contract states in part "This Short Form Services Agreement will allow American Infosource to file, amend or withdraw bankruptcy related proof of claim (POC) filings on behalf of of Verizon." The servicing agreement has no bearing on Debtor's or the bankruptcy estate's liability for the debt.

Second, the proof of claim, filed on Official Form 410, also includes a Statement of Accounts with Debtor's name, address, account number, and summary of charges with the amount due, last transaction date, charge-off date, etc.. This is sufficient to satisfy Rule 3001(a) and is entitled to prima facie validity under Rule 3001(f).

Third, Debtor asserts that there ia a discrepancy between the amount on the March 25, 2017 invoice, \$225.15, and the amount on the proof of claim, \$220.85. However, as the Statement of Accounts indicates an amount due of \$200.85, which matches the amount on the proof of claim, this argument is not

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persuasive as a basis for disallowing the claim.

2. Community Debt

Debtor contends that the debt owed to Verizon is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" In this case, the credit obligation is in the name of both Debtor and her ex-spouse and is a community debt, as she admits. Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

3. Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection. As for Debtor's argument that the claim needs to be "offset" against her ex-spouse, no legal authority is stated for offsetting a community claim from one spouse to another absent a family court order. The February 22, 2016 Order attached to the Objection does not assign liability of this particular debt solely to Mr. Richards.

4. Service of Proof of Claim: There is no rule or statute requiring a creditor to serve its proof of claim on a debtor. FRBP 3002 only requires that the proof of claim be filed with the court.

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Alicia Marie Richards

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In sum, because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039. Debtor has not met that burden of proof.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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9:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

#1.00 CON'TD 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; 12-20-18; 5-2-19; 5-7-19

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.	(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
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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 7, 2019

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Central District of California
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CONT... 29 Prime, Inc.

Chapter 7

Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.
3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?
4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.
5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

Note: Appearances at this hearing are required.

August 22, 2019

Comments re the Joint Pretrial Stipulation filed 8/16/19:

1. Who has signed off on the JPS. No signatures for either of the remaining defendants, Russell Wallace or Haleh Fardi. Did either of them participate in the preparation of this JPS?
2. The JPS is supposed to include a section on all admitted facts that require no proof. So, why does that section include the statement that Ms. Fardi "disputes" the admitted facts? That would make them NOT admitted. Which facts does

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CONT... 29 Prime, Inc.
she actually dispute?

Chapter 7

3. Why does the admitted facts section include Nos. 13, 18 - 48 which all appear to be DISPUTED FACTS????

4. Why does (f) state that plaintiff "intends to file a motion *in limine*" when such a motion was already filed as of August 16, 2019, the date the JPS was submitted?

Special Note: If at all possible, the court would like for the trustee, Richard Marshack to participate in this hearing.

Note: Appearances at this hearing are required.

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

1Network.Com

Pro Se

Plaintiff(s):

Richard A. Marshack

Represented By
Rosemary Amezcua-Moll

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CONT... 29 Prime, Inc.

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By

Caroline Djang

Rosemary Amezcua-Moll

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9:30 AM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:19-01031 Bral v. Samini et al

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) Legal Malpractice; (3) Breach of Fiduciary Duty

FR: 5-9-19; 7-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Discovery Cut-off Date: Dec. 16, 2019
Pretrial Conference Date: Jan. 30, 2020 at 9:30 a.m.

Deadline to File Pretrial Stipulation: Jan. 16, 2020

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 Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini
Dean A Ziehl

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CONT... John Jean Bral

Chapter 11

Defendant(s):

Babak Samini

Represented By
David Choi

Matthew Hoesly

Represented By
David Choi

Samini Scheinberg, APC

Represented By
David Choi

Plaintiff(s):

John Jean Bral

Represented By
Gary A Pemberton
Alan J Friedman

**United States Bankruptcy Court
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Santa Ana
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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., et al

#3.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19; 3-12-19; 4-4-19; 4-16-19; 6-20-19

Docket 55

***** VACATED *** REASON: CONTINUED TO 11/7/2019 AT 9:30 A.M.,
PER ORDER ENTERED 8/21/2019 (XX)**

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

**CONTINUED: Status Conference Continued to 11/7/2019 at 9:30 a.m., Per
Order Entered 8/21/2019 (XX) - td (8/21/2019)**

Tentative Ruling:

June 20, 2019

Joint status report not filed by June 13, 2019 pursuant to this court's order entered 4/25/19. Impose sanctions in the amount of \$100 against each party for the failure to do so.

Note: Appearances at this hearing are required.

August 22, 2019

Joint status report not filed by August 8, 2019 pursuant to this court's order entered June 17, 2019. Impose sanctions in the amount of \$100 against each

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CONT... Team Business Solutions, Inc.
party's attorney for the failure to do so.

Chapter 7

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Pro Se

Kirk Nelson

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, August 22, 2019

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#4.00 CONT'D 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)

FR: 12-6-18; 1-24-19; 4-18-19; 6-20-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/19/2019 AT 9:30 A.M.,
Per Order Entered 8/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 9/19/2019 at 9:30 a.m., Per
Order Entered 8/8/2019 (XX) - td (8/8/2019)**

Tentative Ruling:

June 20, 2019

No tentative ruling. This tentative will be trailed to the 2:00 p.m. calendar along with the Motion to Dismiss

Party Information

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

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

Thursday, August 22, 2019

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Chapter 7

Moises S Bardavid

Plaintiff(s):

Add2Net, Inc.

Represented By
Kevin Meek

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 22, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01044 Van der Laan v. Phong

#5.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. Section 727

FR: 6-20-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Continue Status Conference to August 22, 2019 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: Appearance at this hearing is not required; 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, August 22, 2019

Hearing Room 5A

9:30 AM

**CONT... Samantha Sim Phong
August 22, 2019**

Chapter 7

In light of pending motion for default judgment, continue status conference to September 12, 2019 at 9:30 a.m.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

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 22, 2019

Hearing Room 5A

9:30 AM

8:19-10898 Alicia K Pipitone

Chapter 13

Adv#: 8:19-01108 Pipitone v. Choice Motor Credit, LLC

#6.00 STATUS CONFERENCE RE: Complaint to Compel Turnover of Property to the Estate

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue Status Conference to October 3, 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: Appearance at this hearing is not required; Plaintiff to serve Defendant with notice of the continued status conference date/time.

Party Information

Debtor(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

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

Thursday, August 22, 2019

Hearing Room 5A

9:30 AM

CONT... Alicia K Pipitone

Chapter 13

Defendant(s):

Choice Motor Credit, LLC

Pro Se

Plaintiff(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Trustee(s):

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 22, 2019

Hearing Room 5A

10:00 AM

8:15-13052 James Van Nguyen and Linh Hong Nguyen-Ha

Chapter 13

#7.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

JPMORGAN CHASE BANK, NA

VS.

DEBTOR

FR: 7-18-19

Docket 119

***** VACATED *** REASON: OFF CALENDAR: Voluntary Dismissal of
Movant's Motion, filed 8/6/2019**

Courtroom Deputy:

**OFF CALENDAR: Voluntary Dismissal of Movant's Motion, filed 8/6/2019 -
td (8/6/2019)**

Tentative Ruling:

July 18, 2019

Debtors have provided what appears to be proof of recent payment of the delinquent amount indicated in the Motion. Movant to advise the court if such payment has been received and, if so, how it wishes to proceed with the Motion.

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, August 22, 2019

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

Nathan F Smith

Shatonya R Jimmerson

Trustee(s):

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 22, 2019

Hearing Room 5A

10:00 AM

8:18-11445 Dominga Cuenca Morales

Chapter 13

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

DITECH FINANCIAL LLC

VS.

DEBTOR

Docket 42

***** VACATED *** REASON: CONTINUED TO 10/3/2019 AT 10:00 A.M.,
PER ORDER ENTERED 8/21/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 10/3/2019 at 10:00 a.m., Per Order
Entered 8/21/2019 (XX) - td (8/21/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Dominga Cuenca Morales

Represented By
Scott Dicus

Movant(s):

Ditech Financial LLC

Represented By
Julian T Cotton
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, August 22, 2019

Hearing Room 5A

10:00 AM

8:18-11765 Sergio Rubio Sanchez and Silvia Sanchez

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.
VS.
DEBTORS

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

Sergio Rubio Sanchez

Represented By
Raymond Perez

Joint Debtor(s):

Silvia Sanchez

Represented By
Raymond Perez

Movant(s):

The Bank of New York Mellon Trust

Represented By

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

**CONT... Sergio Rubio Sanchez and Silvia Sanchez
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, August 22, 2019

Hearing Room 5A

10:00 AM

8:18-12003 Jack G. Gaglio and Laura A. Gaglio

Chapter 7

#10.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

PACIFIC WESTERN BANK

VS.

DEBTORS

Docket 53

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Grant the motion to allow the matter to proceed in state court now that the subject property interests have been abandoned to Debtor and to suspend the adversary proceeding. The court is especially concerned about the fact that the state court action includes multiple non-debtors as defendants, over which this court has no jurisdiction. The court sees no appreciable prejudice to Debtors in allowing the matter to proceed to judgment in state court but does see potential significant legal prejudice to the Movant if it has to litigate the same or related matters in two forums -- potentially resulting in inconsistent rulings. As for the pending summary judgment motion, such motion will be held in abeyance without prejudice to Debtors presenting the motion in the state court action.

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

CONT... Jack G. Gaglio and Laura A. Gaglio

Chapter 7

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

Movant(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, August 22, 2019

Hearing Room 5A

10:00 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

#11.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK NATIONAL ASSOCIATION

VS.

DEBTOR

FR: 4-4-19; 6-20-19

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

The parties are to advise the court regarding the status of this matter.

August 22, 2019

The parties are to advise the court regarding the status of this matter.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Movant(s):

U.S. Bank National Association, as

Represented By

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

Angie M Marth
Kelsey X Luu

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, August 22, 2019

Hearing Room 5A

10:00 AM

8:18-13047 Esteban Carrasco and Maria L Carrasco

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
21ST MORTGAGE CORPORATION
VS.
DEBTORS

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

The parties are to advise the court regarding the status of this matter. If more time is need to explore a resolution, a request may be made at the time of the calendar roll call before the hearing for a continued hearing date. Available dates are September 5, 12 and 19 at 10:00 a.m.

Party Information

Debtor(s):

Esteban Carrasco

Represented By
Seema N Sood

Joint Debtor(s):

Maria L Carrasco

Represented By
Seema N Sood

Movant(s):

21st Mortgage Corporation

Represented By
Amy Dukes

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

**CONT... Esteban Carrasco and Maria L Carrasco
Diane Weifenbach**

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 22, 2019

Hearing Room 5A

10:00 AM

8:19-12642 Brett J McNamara and Magda C McNamara

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FINANCIAL SERVICES VEHICLE TRUST
VS.
DEBTORS

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

Brett J McNamara

Represented By
Parisa Fishback

Joint Debtor(s):

Magda C McNamara

Represented By
Parisa Fishback

Movant(s):

Financial Services Vehicle Trust

Represented By

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

**CONT... Brett J McNamara and Magda C McNamara
Cheryl A Skigin**

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, August 22, 2019

Hearing Room 5A

10:00 AM

8:19-12775 Michelle Hancock Altobelli

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

VICTORIA MELLO, TRUSTEE

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Grant motion without waiver of Rule 4001(a)(3) and without extraordinary relief requested in Requests for Relief #s 7, 9, 10, and 11 due to insufficient grounds stated for such extraordinary relief.

Basis for Tentative Ruling:

Because the Notice to Pay or Quit and Unlawful Detainer Complaint were filed prepetition, Debtor's tenancy in the subject residence was terminated prior to the filing of the bankruptcy, subject to a determination of the state court following trial that the termination was proper. See, *In re Windmill Farms*, 841 F.2d 1467, 1469 (9th Cir. 1988). The filing of the bankruptcy case does not have the effect of reversing the termination of the tenancy.

Whether or not the moving party violated the automatic stay is a separate issue and beyond the scope of a hearing on the motion for relief from the stay.

Debtor has stated no legal basis for denial of the motion, especially in light of her

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

Thursday, August 22, 2019

Hearing Room 5A

10:00 AM

CONT... Michelle Hancock Altobelli Chapter 7

statement that she intends to vacate the premises by the end of this month. As the court is granting the motion without the waiver of Federal Rules of Bankruptcy 4001(a)(3), the order grant relief from stay will not become effective until 14 days following the entry of the order on the court docket.

Moving party has requested that relief from stay be effective in any future bankruptcy for a period of 180 days. This is considered extraordinary relief -- no grounds have been stated for such relief.

Relief from stay is being granted to permit the moving party to obtain a writ of possession. Relief from stay is not being granted to permit the execution of any money judgment.

Party Information

Debtor(s):

Michelle Hancock Altobelli	Pro Se
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Movant(s):

Victor Mello, Trustee	Represented By Michael F Obrand
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#15.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Amended and Superseded Claim No. 2-1 of Toyota Motor Credit Corporation Pursuant to 11 U.S.C. Section 502

Docket 391

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#16.00 Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Duplicate Claim 10-1 of Micro Electronics, Inc., dba Micro Center, Pursuant to 11 U.S.C. Section 502

Docket 393

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#17.00 CONT'D Hearing RE: Objection to Claim Nos. 4-1, 9-1, 7-1, and 10-1 filed by Sylvie Masson, Filed by Petitioning Creditors Andrew Moore, Pacific M International Corp.
[Affects All Debtors]

Cl. #4-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12110-ES)

Cl. #9-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12106-ES)

Cl. #7-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:12-12109-ES)

Cl. #10-1 Sylvie Masson \$2,003,901.12
(filed in Case No. 8:16-bk-12112-ES)

FR: 3-12-19; 4-11-19; 6-20-19; 7-18-19

Docket 289

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

The parties are to advise the court re the status of this matter.

In light of the recent BAP order dismissing the appeal of this court's order

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

approving the compromise between the trustee, claimant Sylvie Mason and others, the court presumes that the petitioning creditors have reached a resolution with claimant.

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, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-10359 Fantasy Aces LP

Chapter 7

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

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 172

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

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, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-10359 Fantasy Aces LP

Chapter 7

#19.00 Hearing RE: Third and Final Application for Allowance of Fees and Costs

[MARSHACK HAYS LLP, GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE]

Docket 171

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

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, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-10359 Fantasy Aces LP

Chapter 7

#20.00 Hearing RE: Application by Accountant for Chapter 7 Trustee for Second and Final Compensation for the Period October 23, 2018 Through May 22, 2019

[KARL T. ANDERSON, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 170

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

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):

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, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#21.00 Hearing RE: Debtor in Possession's Motion for Order Authorizing Postpetition Financing Pursuant to 11 U.S.C. Section 364(c) and (d) and for Determination that Lender is a "Good Faith" Lender Within the Meaning of Section 364(e)f

Docket 157

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Before the court will approve the Motion, Debtor's counsel will need to address the following issues:

Service:

Service to the "County of Riverside District Attorney" is insufficient in light of 1) Debtor seeks approval of a priming lien that would be superior to the County of Riverside's lien, 2) service is not to the attention of a particular person, and 3) as the lien secures the debt of Debtor's tenant, there is no obvious connection to Debtor, further necessitating proper service.

1. What is Debtor's exit strategy for this case? To pay the IRS and then dismiss the case? If so, what will prevent the need for a subsequent bankruptcy filing if Debtor cannot pay the \$1M advance to PBC by January 31, 2020?
2. When do the \$15,000 interest payments re the \$1M advance commence. How will Debtor make that payment as well as the \$5,000+ payment for the first PBC loan?
3. How will Debtor make payments to PBC and to the County for its substantial property tax delinquency?

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

4. Are there any unsecured creditors?

On the face of the Motion, it appears Debtor is seeking a quick way to pay the IRS claim without any articulated thought as to how it will actually perform under the modified agreement with PBC.

Party Information

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, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#22.00 Hearing RE: Debtor's Claim Objection to the Proof of Claim of Cavalry SPV 1-Proof of Claim #3

Docket 226

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party].

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#23.00 Hearing RE: Debtor's Amended Claim Objection to the Proof of Claim of LVNV Funding, LLC its Successors and Assigns as Assignee of Citibank (South Dakota), N.A. - Proof of Claim #6

Docket 232

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party].

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#24.00 Hearing RE: Debtor's Claim Objection to the Proof of Claim of Pinnacle Credit Services, LLC, its Successors and Assigns as Assignee of Cellco Partnership d/b/a Verizon Proof of Claim #7

Docket 230

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party].

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#25.00 Hearing RE: Debtor's Objection to Secured Creditor, Premier Home Solutions Inc.'s Proof of Claim 1

Docket 90

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

The court is inclined to sustain the objection as to accrued interest and to overrule the objection as to the principal debt, i.e., \$120,000.

The parties are to address the following issues:

Debtor:

1. This court has already abstained from hearing the merits of case involving this loan in light of a pending state court action that *Debtor* initiated prepetition involving multiple plaintiffs and defendants. Debtor is to advise the court re the status of the state court litigation.
2. The court finds Debtor's argument that she doesn't owe anything to Claimant because she "never received the money," strains credulity in light of the joint venture agreement she entered into regarding the acquisition of the Sea Island property and her subsequent acknowledgement of the purchase. See Claimant's Opposition, Declaration of Angel Santiago and exhibits attached thereto; Declaration of Michael Van Ness, Exhibit 1.
3. Debtor's Objection does not explain or provide any legal analysis regarding relevance of Claimant's lack of a real estate license. She simply declares Claimant is not exempt from usury laws without any legal analysis. The court

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10:30 AM

CONT... **Daphne Alt**

Chapter 13

declines to do Debtor's research for her.

4. As of July 26, 2019, it appears Claimant is active and no longer suspended.
5. Even if the interest is usurious, the principal balance remains. Further, even if, because of the lack of notice, the note has not yet matured, the principal debt remains and has to be treated through Debtor's chapter 13 plan.

Claimant

1. Claimant's assertion of the nonapplicability of Cal. Civ. Code 2966 is unpersuasive in light of the fact that the note itself expressly states that "this note is subject to Section 2966 . . . which provides that the holder . . . shall give written notice to the trustor . . . at least 90 and not more than 150 days before any balloon payment is due." Thus, whether or not Section 2966 would have otherwise applied or not, Claimant clearly intended to provide the protections of Section 2966 by including it in the note that it presumably drafted. Absent notice given pursuant to the note, it has not yet matured.

2. The note is clearly usurious under California Constitution Article XV Section 1 as it exceeds 10% per annum. Claimant has the ultimate burden of proof and has not provided any basis for it being exempt from the usury law.

3. The court is not persuaded that Debtor's claim is time-barred. See Debtor's reply.

Special note: This court's ruling as to this claim objection cannot be used by or against any person or entity other than Debtor and Premier Home Solutions, Inc. in any other state or federal action. Further any ruling by this court regarding the subject proof of claim is without prejudice to Premier seeking prejudgment interest at the legal rate once notice is properly given under the note.

Party Information

Debtor(s):

Daphne Alt

Represented By
Joseph A Weber

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CONT... Daphne Alt

Fritz J Firman

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:18-10566 Eugene Martin Huapaya

Chapter 7

#26.00 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 98

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Grant motion with order to include language requested by MTGLQ Investors, LP.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Eugene Martin Huapaya

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

**United States Bankruptcy Court
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#27.00 Hearing RE: Debtors' Second Amended Chapter 11 Plan of Reorganization
(Set at DS Hrg. Held 6-6-19)

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Deny Confirmation.

Basis for Tentative Ruling:

A. Service: There is no proof of service showing service of the Third Amended Disclosure Statement, the Third Amended Plan or the Order Approving the Third Amended Disclosure Statement on all creditors.

B. Merits

1. Failure to comply with June 21, 2019 Order ("Order") requiring that ballots be filed with the court by August 12, 2019. No ballots and no ballot tally analysis filed.

2. Failure to comply with Order requiring the filing of a confirmation brief by August 12, 2019 addressing compliance with all the applicable confirmation requirements of 11 U.S.C. 1129, including without limitation, the best interests test (1129(a)(7)), feasibility (1129(a)(11)), cramdown provisions for secured creditors under 1129(b) (including without limitation evidence of present value and evidence in support of interest rate as to US Bank).

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CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

3. Failure to address issue of marketing of the Camino Santa Elise Property, which is critical to the feasibility of the Plan.

4. Failure to address issues raised by objecting creditors Shellpoint and U.S. Bank.

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
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Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#28.00 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; 12-20-18; 1-31-19; 3-21-19; 4-18-19; 6-6-19

Docket 1

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)

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CONT... Amir Keivan Hedayat and Minou M. Hedayat
filed)

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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

March 21, 2019

Continue chapter 11 status conference to April 18, 2019 at 10:30 a.m., same date/time as hearing on approval of disclosure statement. Updated status report not required. (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

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CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11

Debtor's responsibility to confirm compliance with the UST prior to the hearing.

April 18, 2019

No tentative ruling; outcome will depend upon the disposition of #24 on today's calendar.

June 6, 2019

No tentative ruling; outcome will depend upon the disposition of #16 on today's calendar.

August 22, 2019

No tentative ruling; disposition will depend upon outcome of plan confirmation hearing

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
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:19-11357 John T. Bishop

Chapter 13

#29.00 Hearing RE: Stipulation on Nondischargeable Claims

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Deny approval of the stipulation.

This stipulation is essentially a reaffirmation agreement which does not comply with the requirements 11 USC 524(c). Notably, no adversary proceeding was timely filed.

Party Information

Debtor(s):

John T. Bishop

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Coast Restaurant Group, Inc.

Represented By
Eric J Fromme

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#30.00 Hearing RE: Debtor's Motion to Alter or Amend Order Granting Relief from Automatic Stay Non Bankruptcy Forum Filed by Movant, Ryal W. Richards [Docket 16 and Docket 64]

Docket 100

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Deny Motion.

Basis for Tentative Ruling:

Debtor argues that under FRCP 59(e), the Court should reconsider the Relief From Stay Order entered by this court on June 26, 2019 ("RFS Order") because the Family Law Court denied Debtor her due process rights during the divorce proceeding, including failing to hold hearings on Debtor's requests and entering orders beyond the scope of its jurisdiction. Moreover, lifting the automatic stay was "clear error and manifestly unjust" under FRCP 59(e) because it places Debtor back into the same court that previously denied her due process rights. See, Mot., p. 7:1-26.

These argument are unpersuasive for several reasons. First, FRCP 59(e), made applicable herein by Rule 9023, is no longer available for Debtor to rely upon because the Motion is untimely. FRCP 59(e) provides that the Motion needed to be filed no later than 14 days after entry of the RFS Order. The RFS Order was entered on June 26, 2019, so the 14-day deadline was July 10, 2019. Debtor did not file the Motion until July 12, 2019. Thus, FRCP 59(e) is inapplicable here.

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CONT...

Alicia Marie Richards

Chapter 13

Even if the court deems the Motion to be one under FRCP 60(b) (Relief from a Judgment or Order), no grounds have been stated for relief from the RFS Order. Reconsideration or relief from an order 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). There are four basic grounds upon which a FRCP 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 Wright, Federal Practice and Procedure § 2810.1 (2nd ed. 1995); *In re Arden Properties, Inc.*, 248 B.R. 164, 168 (Bankr. D. Ariz. 2000).

Moreover, the courts in the Ninth Circuit have also recognized that a motion for reconsideration is not permitted (a) to assert new legal theories that could just as well have been raised before the initial hearing; (b) to present new facts which could have been presented before the initial hearing; or (c) to re-argue the same arguments made the first time or simply express an opinion that the court was wrong. See *MGIC Indemnity Corp. v. Weisman*, 803 F.2d 500, 505 (9th Cir.1986). Thus, to avoid being frivolous, such a motion must provide a valid ground for reconsideration. *All Hawaii Tours v. Polynesian Cultural Center*, 116 F.R.D. 645, 648 (D.Hawaii 1987).

Debtor's argument focuses on the first ground for a FRCP 59(e)- manifest error of law or fact. Debtor has failed to demonstrate any manifest error of law or fact in this Court. Instead, Debtor's argument focuses on alleged errors committed by the FLC. As noted by the Court in its tentative ruling on the RFS Motion, however, "The bankruptcy court is a court of limited jurisdiction and cannot be used to avoid state court rulings/orders that a party believes were wrongfully decided or unjust -- the appropriate avenue is the appeal of such rulings or orders." Finally, Debtor's due process contentions represent an re-argument the same arguments that were previously presented to the Court, both in Debtor's pleadings and at oral argument. See, Debtor's Mem. of Points and Authorities, p. 2:2-15 [dkt. #36]. Accordingly, Debtor's request under FRCP 59(e)

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CONT... Alicia Marie Richards
should be denied.

Chapter 13

The Court is Not Persuaded that Mr. Richard's Attorney Perpetrated a
Fraud on the Court

Debtor next argues that the RFS Order should be reconsidered under FRCP 60(3), because Mr. Richards' attorney committed fraud on the Court by failing to inform the Court that the family court orders are not final orders because they are currently on appeal, and that the orders are void due to the FLC's violations of Debtor's rights and lack of jurisdiction. See, Mot., p. 8:26-11:15.

Under FRCP 60(b)(3), made applicable herein by Rule 9024, a bankruptcy court may also grant relief from an order that is based on fraud, misrepresentation, or other misconduct by the adverse party. "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).

In this case, Debtor's argument is factually inaccurate because Mr. Richards' attorney fully disclosed to the Court that the orders are on appeal in his declaration filed in support of the RFS Motion. See, RFS Mot., p. 2, ¶10-4:1. In fact, Debtor herself disclosed that the FLC orders were on appeal in her pleadings and at oral argument. See, Debtor's Mem. of Points and Authorities, p. 2:2-15 [dkt. #36]. Accordingly, the Court cannot make a finding that Mr. Richards' attorney was committed fraud on the Court. As to the alleged violations of Debtor's due process rights by the FLC, this court has no jurisdiction to correct any such violations if they occurred -- that is within the exclusive jurisdiction of the state appellate court.

FRCP 62 Is Inapplicable in Contested Matters Such as Motion for Relief
From Stay

Debtor's third argument is that the Court should issue a stay under FRCP 62. Under the Federal Rules of Bankruptcy Procedure 7062, FRCP 62 is applicable only in adversary proceedings. The RFS Motion is a contested matter

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Alicia Marie Richards

Chapter 13

governed by FRBP 9014 which incorporates some but not all of the Federal Rules of Civil Procedure into contested matters. FRCP 62 is not one of the Rules made applicable to contested matters by FRBP 7062. Furthermore, the Court notes that Rule 62 provides for the stay of proceedings to "enforce a judgment." The RFS Order does not provide for the lifting of the stay to enforce a judgment -- it simply allows the parties to continue the family law litigation in state court.

For all of the foregoing reasons, Debtor has state no grounds for reconsideration of the RFS Order.

1. Granting relief from the automatic stay to allow family law related litigation to be fully adjudicated in state court is entirely consistent with the law of this circuit. *See, MacDonald v. MacDonald (In re MacDonald)*, 755 F.2d 715, 717 (9th Cir.1985) ("It is appropriate for bankruptcy courts to avoid incursions into family law matters "out of consideration of court economy, judicial restraint, and deference to our state court brethren and their established expertise in such matters." ... *Schulze v. Schulze*, 15 B.R. 106, 109 (Bankr.S.D.Ohio 1981) (granting debtor's wife relief

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Alicia Marie Richards

Chapter 13

from stay to complete state proceedings for divorce, child custody and property division)".

2. The bankruptcy court is a court of limited jurisdiction and cannot be used to avoid state court rulings/orders that a party believes were wrongfully decided or unjust -- the appropriate avenue is the appeal of such rulings or orders. Under 28 U.S.C. 1334(c)(1), this court has the discretion to abstain from hearing matters where 1) state law predominates over bankruptcy issues, 2) there is an existing related proceeding in state court (at either the trial or appellate level), 3) there is no federal jurisdiction other than the filing of the bankruptcy petition, 4) the likelihood that the filing of the bankruptcy case involved forum shopping by the debtor, 5) the presence of nondebtor parties, and 6) the lack of any substantive effect on the administration of the bankruptcy case if abstention is exercised. See, *In re Tucson Estates*, 912 F.2d 1162, 1166-68 (9th Cir. 1990). As the issues to be adjudicated in this case involve all state law issues regarding marital property division and distribution, there is an existing related state court proceeding, there is no federal jurisdiction beyond the filing of the bankruptcy petition, there are affected nondebtor parties, the adjudication in state court will not substantively impact the administration of this estate because this is essentially a two-party dispute between Debtor and her former spouse that cannot be resolved through the chapter 13 claim or plan process, and Debtor has admitted in her supplemental opposition pleadings that this case was filed to avoid the affect of various state court rulings (forum shopping).

3. Under 11 U.S.C. § 362(a), a bankruptcy filing imposes an automatic stay of virtually all civil litigation against the debtor. A bankruptcy court "shall" lift the automatic stay "for cause." 11 U.S.C. § 362(d)(1); *Tucson Estates*, 912 F.2d at 1166. " 'Cause' has no clear definition and is determined on a case-by-case basis." *Id.* "Where a bankruptcy court may abstain from deciding issues in favor of an imminent state court trial involving the same issues,

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Alicia Marie Richards

Chapter 13

cause may exist for lifting the stay as to the state court trial." *Id.*, citing *Piombo Corp. v. Castlerock Props. (In re Castlerock Props.)*, 781 F.2d 159, 163 (9th Cir.1986).

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#31.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Cavalry SPV I, LLC (Claim #1)

Docket 48

Courtroom Deputy:

**CONTINUED: HEARING CONTINUED TO SEPTEMBER 19, 2019 AT
10:30AM BY REQUEST OF THE DEBTOR AT UNRELATED HEARING HELD
ON AUGUST 15, 2019. DEBTOR MUST SERVE ANY AMENDED
OBJECTION RE THIS CLAIM NO LATER THAN AUGUST 20, 2019 -- eas
8/15/19 (XX) - td**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#32.00 Hearing RE: Debtor's Amended Objection and Opposition to Claim Submitted by Wells Fargo Bank (Claim #2)

Docket 44

Courtroom Deputy:

CONTINUED: HEARING CONTINUED TO SEPTEMBER 19, 2019 AT 10:30AM BY REQUEST OF THE DEBTOR AT UNRELATED HEARING HELD ON AUGUST 15, 2019. DEBTOR MUST SERVE ANY AMENDED OBJECTION RE THIS CLAIM NO LATER THAN AUGUST 20, 2019 -- eas 8/15/19 (XX) - td

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#33.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Eugene V. Zech (Claim #3)

Docket 51

Courtroom Deputy:

**CONTINUED: HEARING CONTINUED TO SEPTEMBER 19, 2019 AT
10:30AM BY REQUEST OF THE DEBTOR AT UNRELATED HEARING HELD
ON AUGUST 15, 2019. DEBTOR MUST SERVE ANY AMENDED
OBJECTION RE THIS CLAIM NO LATER THAN AUGUST 20, 2019 -- eas
8/15/19 (XX) - td**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
-----------------------	--------

Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#34.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Kevin E. Robinson (Claim #6)

Docket 54

Courtroom Deputy:

**CONTINUED: HEARING CONTINUED TO SEPTEMBER 19, 2019 AT
10:30AM BY REQUEST OF THE DEBTOR AT UNRELATED HEARING HELD
ON AUGUST 15, 2019. DEBTOR MUST SERVE ANY AMENDED
OBJECTION RE THIS CLAIM NO LATER THAN AUGUST 20, 2019 -- eas
8/15/19 (XX) - td**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
-----------------------	--------

Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
------------------------	--------

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10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#35.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Merrick Bank (Claim #8)

Docket 57

Courtroom Deputy:

CONTINUED: HEARING CONTINUED TO SEPTEMBER 19, 2019 AT 10:30AM BY REQUEST OF THE DEBTOR AT UNRELATED HEARING HELD ON AUGUST 15, 2019. DEBTOR MUST SERVE ANY AMENDED OBJECTION RE THIS CLAIM NO LATER THAN AUGUST 20, 2019 -- eas 8/15/19

Tentative Ruling:

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

#36.00 Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 20

*** VACATED *** REASON: OFF CALENDAR: Chapter 13 Trustee's
Notice of Withdrawal filed 8/20/2019

Courtroom Deputy:

**OFF CALENDAR: Chapter 13 Trustee's Notice of Withdrawal filed
8/20/2019 - td (8/20/2019)**

Tentative Ruling:

August 22, 2019

Deny motion as moot in light of Debtors' amended Schedule C filed 7/24/19 [docket #22] in which the subject exemption has been reduced from \$175,000 to \$75,000.

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

Party Information

Debtor(s):

William R Roman Jr. Pro Se

Joint Debtor(s):

Lorraine Stephanie Roman Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-12002 Jesse C Peck

Chapter 13

#37.00 Hearing RE: Chapter 13 Trustee's Objection to Debtor's Claims of Exemption

Docket 15

***** VACATED *** REASON: OFF CALENDAR: Chapter 13 Trustee's
Notice of Withdrawal filed 8/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Chapter 13 Trustee's Notice of Withdrawal filed
8/15/2019 - td (8/15/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse C Peck

Represented By
Christopher Hewitt

Trustee(s):

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 22, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

**#38.00 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:

August 22, 2019

Deadline to file Plan and Disclosure Statement: 10/21/19

Continued Status Conference Date: 11/21/19 at 10:30 a.m.

Updated Status Report due date: 11/7/19 unless a plan
& DS

have been
filed, in which case

the
requirement of a report will

be waived.

*Special Note: The court does not ordinarily set a deadline for the filing of
objections to claim.*

***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.***

Party Information

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

Thursday, August 22, 2019

Hearing Room 5A

10:30 AM

CONT... Orange County Bail Bonds, Inc.

Chapter 11

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

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

Thursday, August 22, 2019

Hearing Room 5A

2:00 PM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#39.00 Hearing RE: Defendants' Joint Motion to Dismiss or in the Alternative, to Quash Service of Plaintiff's Adversary Action, Pursuant to FRCP 12(b)(5)

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Pro Se

Kaufman Related Mamageent

Pro Se

Related Management, a New York

Represented By
Michael A Shakouri

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels
Kent Salveson

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

Thursday, August 22, 2019

Hearing Room 5A

2:00 PM

CONT... EQD Corporation

Chapter 7

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, August 22, 2019

Hearing Room 5A

2:00 PM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#40.00 CON'TD STATUS CONFERENCE RE: First Amended Complaint Against Steve Woo; Johnne Woo; Kelsey Woo; Related Management; and Kaufman Wu, Manager for Related Management for (1) Avoidance of Fraudulent Transfers Pursuant to 11 USC 548

FR: 4-11-19; 5-9-19; 8-1-19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 9, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required. (XX)

Note: Appearances at this hearing are not required.

May 9, 2019

Status conference continued to August 1, 2019 at 9:30 a.m.; updated joint status report must be filed by July 16, 2019. (XX)

August 1, 2019

Continue status conference to August 22, 2019 at 2:00 p.m., same date/time as hearing on defendants' motion to dismiss. Updated status report not required. (XX)

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

Thursday, August 22, 2019

Hearing Room 5A

2:00 PM

CONT... EQD Corporation

Chapter 7

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Pro Se

Kaufman Related Mamagement

Pro Se

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12352 Cary Gold

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 7/8/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/8/2019 - td (7/8/2019)**

Party Information

Debtor(s):

Cary Gold

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12349 Michael Alan Kohn

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alan Kohn	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12294 Dushan Michael Gunasekera

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 7/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/2/2019 - td (8/8/2019)**

Party Information

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12289 Douglas Paul Westfall and Jacqueline Ann Westfall

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Paul Westfall

Represented By
Don Emil Brand

Joint Debtor(s):

Jacqueline Ann Westfall

Represented By
Don Emil Brand

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12275 Barrie J Edlin and Jackie Lee Edlin

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Barrie J Edlin

Represented By
Julie J Villalobos

Joint Debtor(s):

Jackie Lee Edlin

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12272 Debra V Green

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Debra V Green

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12271 Raymond De Leon

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 7/1/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/1/2019 - td (8/8/2019)**

Party Information

Debtor(s):

Raymond De Leon

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12263 Karla Golbert

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

***** VACATED *** REASON: CONTINUED TO 10/22/2019 AT 1:30 P.M.,
PER ORDER ENTERED 8/14/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Confirmation Hearing Continued to 10/22/2019 at 1:30
p.m., Per Order Entered 8/14/2019 (XX) - td (8/14/2019)**

Party Information

Debtor(s):

Karla Golbert

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12260 Timothy Madison Seagondollar

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 7

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Madison Seagondollar

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12238 Nimfa Albaniel Vibal

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nimfa Albaniel Vibal

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**

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12225 Rock Leo Hudson and Paula Agnes Hudson

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Rock Leo Hudson

Represented By
Nicholas Nicholas Wajda

Joint Debtor(s):

Paula Agnes Hudson

Represented By
Nicholas Nicholas 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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12210 Lorli Penny Giolli

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lorli Penny Giolli

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12153 Dennis Thien Dinh

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 22

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Dennis Thien Dinh

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12146 Darryl Wayne Norman

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 8/20/2019

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 8/20/2019 - td (8/20/2019)**

Party Information

Debtor(s):

Darryl Wayne Norman

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12141 Stephen Tague La Fountain and Rosemary Ann La

Chapter 13

#15.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Tague La Fountain

Represented By
Kevin Tang

Joint Debtor(s):

Rosemary Ann La Fountain

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**

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12116 Carlos J Calvillo

Chapter 13

#16.00 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 6/18/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/18/2019 - td (8/7/2019)**

Party Information

Debtor(s):

Carlos J Calvillo

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12102 Michael Alan Kohn

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case
for Failure to File Schedules, Statements, and/or Plan Entered 6/18/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/18/2019 - td (8/7/2019)**

Party Information

Debtor(s):

Michael Alan Kohn 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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12101 Juan Carlos Salinas

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Salinas

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12099 Sonny Pai

Chapter 13

#19.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Sonny Pai

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12060 Juan Carlos Melgarejo

Chapter 13

#20.00 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 6/17/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 6/17/2019 - td (6/17/2019)**

Party Information

Debtor(s):

Juan Carlos Melgarejo Pro Se

Movant(s):

Juan Carlos Melgarejo 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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-12002 Jesse C Peck

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jesse C Peck

Represented By
Christopher Hewitt

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11985 Charles A Thomas and Theresa A. Thomas

Chapter 13

#22.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Charles A Thomas

Represented By
Joseph C Rosenblit

Joint Debtor(s):

Theresa A. Thomas

Represented By
Joseph C Rosenblit

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11931 Bernadette Ann Oliver

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 13

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 8/27/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 8/27/2019 - td (8/27/2019)**

Party Information

Debtor(s):

Bernadette Ann Oliver

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 7-30-19

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

William R Roman Jr. Pro Se

Joint Debtor(s):

Lorraine Stephanie 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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11913 Michael Dennis Harris and Laura Ann Harris

Chapter 13

#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 17

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Michael Dennis Harris

Represented By
Nicholas M Wajda

Joint Debtor(s):

Laura Ann Harris

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11683 Susana Martinez Torrezcano

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Susana Martinez Torrezcano

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11635 Renu Bala Chauhan

Chapter 13

#27.00 CON'TD Hearing Re: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 5

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Renu Bala Chauhan

Represented By
Jeffrey N Wishman

Movant(s):

Renu Bala Chauhan

Represented By
Jeffrey N Wishman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11357 John T. Bishop

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 6-25-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

John T. Bishop

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-11317 Charles William Hutchison

Chapter 13

#29.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 6-25-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Charles William Hutchison

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-10794 Fernando Serrano

Chapter 13

#30.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 5-21-19; 6-25-19

Docket 10

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 7/30/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 7/30/2019 - td (7/30/2019)**

Party Information

Debtor(s):

Fernando Serrano

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:19-10298 Robert W Hickman

Chapter 13

#31.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 6-25-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert W Hickman

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:18-14640 Pejman Pirmoradi

Chapter 13

#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-26-19; 4-23-19; 5-21-19; 6-25-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Pejman Pirmoradi

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, August 27, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#33.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19; 3-26-19; 5-21-19; 6-25-19

Docket 10

Courtroom Deputy:

- 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, August 27, 2019

Hearing Room 5A

2:30 PM

8:19-10043 Kevin S. Yoneda

Chapter 13

#34.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 7-30-19

Docket 23

Courtroom Deputy:

- 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, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

#35.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 69

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 7/22/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 7/22/2019 - td (7/23/2019)

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-13583 Eric Michael Webber and Celena Renee Webber

Chapter 13

#36.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 48

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 8/26/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 8/26/2019 - td (8/26/2019)

Party Information

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**

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-13494 Nicole H. Hazlett

Chapter 13

#37.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 41

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nicole H. Hazlett

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#38.00 CON'TD Hearing RE: Debtors' Modify Under LBR 3015-1(n) and (3) to Modify Plan or Suspend Plan Payments

FR: 5-21-19; 6-25-19

Docket 30

Courtroom Deputy:

- NONE LISTED -

Party Information

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#39.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-26-19; 4-23-19; 5-21-19; 6-25-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:18-10408 Deborah Ambrose

Chapter 13

#40.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 71

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Motion, filed 8/6/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Motion, filed
8/6/2019 - td (8/7/2019)

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-14708 Stephen LeRoy Garis

Chapter 13

#41.00 CONT'D Hearing RE: Trustee's for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 7-30-19

Docket 38

Courtroom Deputy:

- 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, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#42.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19; 5-21-19; 6-25-19

Docket 113

Courtroom Deputy:

- 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**

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#43.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 92

Courtroom Deputy:

- 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, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-12177 Christopher Quentin Chappell

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 57

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 7/17/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 7/17/2019 - td (7/17/2019)

Party Information

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

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-11542 Thomas John Snodgrass and Kristina Renee Snodgrass

Chapter 13

#45.00 CON'TD Hearing RE: Trustee's Motion to Dismiss Case for failure to make plan payments

FR: 7-30-19

Docket 81

*** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 8/26/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 8/26/2019 - td (8/26/2019)

Party Information

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**

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-10751 Grace A Craft

Chapter 13

#46.00 Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 35

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Grace A Craft

Represented By
Charles W Daff

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

Tuesday, August 27, 2019

Hearing Room 5A

2:30 PM

8:17-10565 Ryan Correos Ordinario and Samantha Ordinario Chapter 13

#47.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for failure to make plan payments

FR: 6-25-19; 7-30-19

Docket 79

***** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 8/20/2019; Case Converted to Chapter 7**

Courtroom Deputy:

OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 8/20/2019; Case Converted to Chapter 7 - td (8/21/2019)

Party Information

Debtor(s):

Ryan Correos Ordinario

Represented By
Halli B Heston

Joint Debtor(s):

Samantha Ordinario

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:16-15227 Christopher Michael Brooksbank and Suzanne Michelle

Chapter 13

#48.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 59

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 8/20/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 8/20/2019 - td (8/20/2019)

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:16-13106 Douglas Thomas Kintz

Chapter 13

#49.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 7-30-19

Docket 86

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/21/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/21/2019 - td (8/21/2019)

Party Information

Debtor(s):

Douglas Thomas Kintz

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:15-15921 Chalice Ann Addis

Chapter 13

#50.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 38

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trustee's Motion, filed 7/24/2019

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed
7/24/2019 - td (7/24/2019)

Party Information

Debtor(s):

Chalice Ann Addis

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:14-16259 Justin William Mize and Heather Ann Mize

Chapter 13

#51.00 CON'TD Hearing RE: Chapter 13 Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 4-23-19; 6-25-19

Docket 111

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/21/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/21/2019 - td (8/21/2019)

Party Information

Debtor(s):

Justin William Mize

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Heather Ann Mize

Represented By
Misty A Perry Isaacson

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, August 27, 2019

Hearing Room 5A

2:30 PM

8:14-15974 Miguel Garcia Perez

Chapter 13

#52.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

FR: 7-30-19

Docket 131

Courtroom Deputy:

- 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**

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

8:16-12477 Nathan M. Donahue

Chapter 13

#1.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

CAPITAL ONE AUTO FINANCE

VS.

DEBTOR

FR: 8-1-19

Docket 95

*** VACATED *** REASON: Order Approving Stipulation Entered
8/29/19

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation Entered 8/29/2019 - td
(8/29/2019)**

Tentative Ruling:

August 1, 2019

Grant with 4001(a)(3) waiver and co-debtor relief unless Movant is willing to enter into an adequate protection agreement with Debtor, in which case the parties may request a continuance of the hearing at the time of the calling of the calendar prior to hearing. Available hearing dates: 8/22/19, 9/5/19, 9/12/19 at 10:00 a.m.

Special note: If Movant is not willing to enter into an adequate protection order, the motion will be granted as noted above as Debtor has not presented evidence in his opposition sufficient to rebut the evidence presented by Movant -- specifically that he is current with postpetition payments. Failure to comply with the confirmed plan is a basis for granting relief from stay under 362(d)(1) irrespective of equity.

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... Nathan M. Donahue

Chapter 13

Party Information

Debtor(s):

Nathan M. Donahue

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Capital One Auto Finance, a division

Represented By
Cheryl A Skigin

Trustee(s):

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 5, 2019

Hearing Room 5A

10:00 AM

8:18-11018 Gerardo Caravez and Rafaela Caravez

Chapter 13

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

NATIONSTAR MORTGAGE LLC

VS.

DEBTORS

Docket 82

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

Gerardo Caravez

Represented By
Michael D Franco

Joint Debtor(s):

Rafaela Caravez

Represented By
Michael D Franco

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... Gerardo Caravez and Rafaela Caravez

Chapter 13

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

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, September 5, 2019

Hearing Room 5A

10:00 AM

8:18-11993 Mario P. Guerrero and Niza B. Guerrero

Chapter 13

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

NEWREZ LLC

VS.

DEBTORS

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

Mario P. Guerrero

Represented By
Gary S Saunders

Joint Debtor(s):

Niza B. Guerrero

Represented By
Gary S Saunders

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... Mario P. Guerrero and Niza B. Guerrero

Chapter 13

Movant(s):

NewRez LLC dba Shellpoint

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, September 5, 2019

Hearing Room 5A

10:00 AM

8:19-10893 SPN Investments Inc

Chapter 11

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

WELLS FARGO BANK, N.A.

VS.

DEBTOR

Docket 86

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Deny motion unless Movant can direct the court to evidence that reflects Ddbtor's interest, legal or otherwise, in the subject real property.

The Business Loan Agreement does not appear to reference the property and the Mortgage does not mention Debtor. Finally Debtor is not the legal owner of the property.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

Movant(s):

Wells Fargo Bank, National

Represented By
Yvonne Ramirez-Browning
Raffi Khatchadourian

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... SPN Investments Inc

Chapter 11

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

8:19-12698 Jesse Vaughn Ray

Chapter 7

#5.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
WESTERRA CREDIT UNION
VS.
DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

Jesse Vaughn Ray

Represented By
Christopher J Langley

Movant(s):

Westerra Credit Union

Represented By
Scott S Weltman

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... Jesse Vaughn Ray

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 5, 2019

Hearing Room 5A

10:00 AM

8:19-12741 Michael E. Silbermann

Chapter 13

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
JOHN DEERE CONSTRUCTION & FORESTRY COMPANY
VS.
DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

Michael E. Silbermann

Represented By
Joseph C Rosenblit

Movant(s):

John Deere Construction & Forestry

Represented By
James MacLeod

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

Thursday, September 5, 2019

Hearing Room 5A

10:00 AM

CONT... Michael E. Silberman

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 5, 2019

Hearing Room 5A

10:30 AM

8:15-11100 Mir Mohammad Motamed

Chapter 7

Adv#: 8:15-01274 Smelli, Inc v. Motamed

#7.00 Hearing RE: Claim of Exemption filed by Nastaran Maboudi

Docket 195

Courtroom Deputy:

**SPECIAL NOTE: Motion to Request the New Court Hearing Date filed
8/28/2019; Order For Motion to Request the New Court Hearing - Denied
9/3/2019 - td (9/3/2019)**

Tentative Ruling:

September 5, 2019

Deny exemption claim

Basis for Tentative Ruling:

1. Under CCP 706.051, an exemption may be claimed for expenses that are "necessary for the support of the judgment debtor or the judgment debtor's family supported in whole or in part by the judgment debtor." Unfortunately, Section 706.051 does not provide a definition of what constitutes a "necessary" expense.
2. The court is neither bound nor persuaded by the ruling in *Ratzlaff v. Portillo*, 14 Cal App 3d 1013 (1971), cited by Judgment Recovery Assistance LLC ("JRA") in which the court held that an automobile is not a "common necessary of life" (interpreting the predecessor to 706.051). Some courts have held that automobiles may be a necessity. See, *Franco v. Gennaco*, 2015 WL 4776522 (Dist.Ct.C.D.Cal). Ultimately, the burden of proof is on the person claiming the exemption and the determination of what is necessary for support may differ with each judgment debtor. *Id.*
3. In this matter, the court finds that the monthly automobile expenses of \$1700 (or \$20,400 per year) for two cars are not entirely necessary for support based

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

CONT... **Mir Mohammad Motamed**
upon the following circumstances:

Chapter 7

a. Judgment debtor Mir Motamed (Ms. Maboudi's spouse) is/was apparently self-employed as an automobile/truck dealer. His bankruptcy petition and schedules indicate that operates or operated a business known as Shawn Auto Truck Dealer. According to his schedule B, neither he or his spouse owned any automobiles at the time of the filing of this case.

b. Apparently, the judgment debtors purchased two cars after the bankruptcy filing for a total purchase price of more than \$50,000 at a time when they had to have known that there was a nondischargeability action pending (or that a default judgment of nondischargeability had been entered). Even accepting that cars may be necessary for transportation to/from work, the court can take judicial notice of the fact that the judgment debtors could have purchased two pre-owned cars for half that amount, especially given Mr. Motamed's experience in the automobile sale industry.

c. The the monthly expense of \$850 (or \$10,200 per year) for insurance, gas and repair for the two vehicles is unreasonably high.

4. In paragraph 11 of the Claim of Exemption and Financial Declaration, Ms. Maboudi declares that as of May 24, 2019, she intended to spend \$1100/mon for summer camp for two children, suggesting that the family had disposable income of that amount.

5. Though Mr. Motamed received a discharge in June 2015, he and/or Ms. Maboudi have apparently incurred more than \$9,000 in new debt to Capital One, Synchrony and American Express, resulting in postpetition monthly debt service in the amount of \$400. No explanation has been provided as to why such credit card debt constitutes a "necessity."

Party Information

Debtor(s):

Mir Mohammad Motamed

Represented By
Randal A Whitecotton

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

CONT... Mir Mohammad Motamed

Chapter 7

Defendant(s):

Mir Mohammad Motamed

Pro Se

Plaintiff(s):

Smelli, Inc

Represented By
Marvin Maurice Oliver
David K Compton

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 5, 2019

Hearing Room 5A

10:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

#8.00 Hearing RE: Motion by Gordon Rees Scully Mansukhani, LLP to Withdraw as Counsel for Defendant 29 Prime, Inc., or in the Alternative, to Lift the Stay to Allow Gordon Rees Scully Mansukhani LLP to Withdraw as Counsel

Docket 53

Courtroom Deputy:

Tentative Ruling:

September 5, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow Movant to correct service issues: Failure to comply with Local Bankruptcy Rule 9013-1(c) (notice of deadline to file opposition); Failure to serve Debtor per FRBP 7004(b)(3) as required by FRBP 9014 for contested matters (motion was not served to the attention of an officer, director or agent for service of process as to Debtor); Chapter 7 trustee was not properly served.

Tentative ruling for 10/3/19 hearing (if unopposed): Deny motion as to the request to withdraw as state court counsel and grant motion as to the alternative request for relief from the automatic stay to move withdrawal in the state court case.

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall give 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
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CONT... 29 Prime, Inc.

Chapter 7

Christine D Barker

Trustee(s):

Richard A Marshack (TR)

Represented By
Caroline Djang
Rosemary Amezcua-Moll

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8:16-14227 Denny Roy Steelman

Chapter 7

#9.00 CON'TD Hearing RE: Chapter 7 Trustee's Motion for Order Disallowing Claim Pursuant to 11 U.S.C. Section 502:

Claim 1-1 American Express Bank, FSB

FR: 5-30-19; 7-18-19

Docket 140

Courtroom Deputy:

Tentative Ruling:

May 30, 2019

Grant in part; deny in part. Grant to disallow claim in the amount of \$97,632.47. Deny motion as to the remaining \$15,579.03.

Basis for Tentative Ruling

1. Per the analysis of the 9th Circuit in *In re Sterba*, 852 F.3d 1175 (9th Cir. 2017), the Ohio statute of limitations applies. Factually, this case is indistinguishable from *Sterba*. In *Sterba*, as in this case, the California 4-year statute of limitations expired prior to the filing of the bankruptcy petition. Nevertheless, the Court held that based upon its interpretation of the 2nd Restatement, the filing of the bankruptcy created a special exception. The court does not find the existence of Action bankruptcy to be a significant distinguishing factor.

2. The creditor always has the ultimate burden of proof. Here, American Express has only provided a copy of credit agreement that was sent to Debtor in June 2011 but cannot produce a copy of the original agreement. The court does not find persuasive the testimony of an assistant custodian that the agreement

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CONT... **Denny Roy Steelman**

Chapter 7

sent in 2011 was identical to the one provided to Debtor *twenty-nine years* earlier. Accordingly, the June 2011 contract only applies to the charges made after it was sent to debtor. This is consistent with Utah statutory law -- Utah Code Section 25-5-4(2)(e) which provides that a credit agreement is binding and enforceable without any signature by the party to be charged if (i) "*the debtor is provided with a written copy of the terms of the agreement*" and (iii) *after the debtor receives the agreement*, the debtor, or a person authorized by the debtor . . . *uses the credit card.*" (emphasis added)

July 18, 2019

Same tentative ruling as for May 30, 2019 hearing (see above) and which the Trustee has agreed to in its Response filed June 27, 2019 [docket #161].

The supplemental pleading filed by Amex provides no additional substantive legal analysis or authority and no persuasive new evidence to rebut the court's analysis in its May 30, 2019 tentative ruling.

September 5, 2019

Grant motion and allow the claim in the amount of \$15,579.03.

The latest supplemental pleadings filed by Amex provides no additional substantive legal analysis or authority and no persuasive new evidence to rebut the court's analysis in its May 30, 2019 tentative ruling. The Utah law cited in the May 30, 2019 tentative ruling clearly intends the contract to apply prospectively (i.e., when notice is given and when the card is used) and not retroactively as to any and all prior charges as Amex is necessarily arguing. Amex has the ultimate burden of proof and it has not proven liability of the debtor (as distinguished from the corporate entity Action Electric, Inc.) for the \$97,632.47.

This matter remains under review by the court; a tentative ruling may be posted at any time prior to the hearing.

Party Information

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Chapter 7

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

**United States Bankruptcy Court
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10:30 AM

8:17-13342 David C. Park

Chapter 7

#10.00 Hearing RE: Application for Payment of Interim Fees and/or Expenses

[LAW OFFICES OF NEIL R. ANAPOL, SPECIAL COUNSEL FOR TRUSTEE]

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

David C. Park

Represented By
Raymond J Seo

Trustee(s):

Richard A Marshack (TR)

Represented By
Neil Anapol

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Hearing Room 5A

10:30 AM

8:18-10548 Lenore LuAnn Albert-Sheridan

Chapter 7

#11.00 Hearing RE: Debtor's Motion For Stay Pending Appeal

Docket 567

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Deny motion in its entirety.

Basis for Tentative Ruling:

An appellant seeking a discretionary stay pending appeal under Bankruptcy Rule 8005 must prove: (1) appellant is likely to succeed on the merits of the appeal; (2) appellant will suffer irreparable injury; (3) no substantial harm will come to appellee; and (4) the stay will do no harm to the public interest." *Universal Life Church v. United States*, 191 B.R. 433, 444 (E.D.Cal.1995), citations omitted. "The party moving for a stay has the burden on each of these elements." In re Shenandoah Realty Partners, L.P., 248 B.R. 505, 510 (W.D.Va.2000). Movant's failure to satisfy one prong of the standard for granting a stay pending appeal dooms the motion. *In re Irwin*, 338 B.R. 839 (E.D. Cal. 2006); *In re Deep*, 288 B.R. 27, 30 (N.D.N.Y.2003)

Even when a movant makes a colorable showing under each of those four factors, however, the decision to stay an order pending appeal is "an exercise of judicial discretion." *Niken v. Holder*, 556 U.S. 418, 433 (2009)

A. Settlement Order Dated Dec. 27, 2018 ("Settlement Order")

1. Likelihood of Success on the Merits

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Debtor argues that this court's approval of the settlement agreement between the chapter 7 trustee ("Trustee") and Ford was in error because the settlement included the compromise of certain prepetition personal tort claims (intentional infliction of emotional distress) that are not assignable under California law. Stated otherwise, Debtor contends that because of the personal nature of the tort claims, the Trustee had no authority to settle the claims with Ford and this court had no authority to approve the settlement. Debtor cites the court to a number of California court cases in support thereof. However, as a matter of bankruptcy law, personal injury claims, including emotional distress claims are property of the bankruptcy estate under 11 U.S.C. Section 541, irrespective of any state anti-assignment laws. See, *Sierra Switchboard Co. v. Westinghouse Elec. Corp.*, 789 F.2d 705, 707-709 (9th Cir. 1986) ("a debtor's pre-petition emotional distress claim is property of the bankruptcy estate under 11 U.S.C. § 541 regardless of state law"); *Bronner v. Gill*, 135 B.R. 645, 747 (9th Cir. BAP 1992); *Karlins v. Hotel Ramada of Nevada*, 138 Fed.Appx. 9 (unpub. 9th Cir. 2005) (recognized long-standing precedent that a debtor's tort claim is an asset of bankruptcy estate, and thus has to be pursued, if at all, by the bankruptcy trustee).

Even California state courts have recognized this truism. See, *Office of Statewide Health Planning and Development v. Musick, Peeler & Garrett*, 76 Cal.App.4th 830, 834 (1999):

"Under federal law, all legal and equitable interests of the debtor become part of the bankruptcy estate. (11 U.S.C. § 541; *Baum v. Duckor, Spradling & Metzger* (1999) 72 Cal.App.4th 54, 69–70, 84 Cal.Rptr.2d 703; *Sierra Switchboard Co. v. Westinghouse Elec. Corp.* (9th Cir.1986) 789 F.2d 705–709.) It follows that even claims that are not assignable under state law transfer to the bankruptcy estate. (*Baum v. Duckor, Spradling & Metzger, supra*, 72 Cal.App.4th 54, 69, 84 Cal.Rptr.2d 703.) Once the claim becomes part of the bankruptcy estate, the trustee is authorized to prosecute it and to hire agents to do so on the trustee's behalf."

To the extent that *Baum v. Duckor* holds that tort claims are property of the estate but may not be administered by a bankruptcy trustee, the court rejects such a holding as contrary to statutory bankruptcy law. Section 704(a)(1)

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expressly provides that a trustee shall "collect and reduce to money the *property of the estate* for which such trustee serves" (emphasis added).

Here, the Trustee clearly exercised his Code authorized duty to administer and liquidate assets of the estate. This court is not aware of any reported or unreported decision in this Circuit ruling that an emotional distress claim cannot be prosecuted and settled by a chapter 7 trustee. Notably, the subject settlement agreement itself does not provide for an "assignment" of the tort claims but rather for the dismissal of the cross-complaint, which is well within his authority to do. In sum, likelihood of success on appeal has not been established by Debtor and, on that basis alone the motion cannot be granted as to the Settlement Order.

2. Irreparable Injury

Debtor has not presented any substantive argument or facts indicating she will suffer irreparable injury if a stay is not granted. The court notes that the settlement proceeds currently being held by the Trustee cannot be distributed without an order of this court on notice to creditors *and* Debtor. The failure to satisfy this prong alone warrants denial of the motion as to the Settlement Order.

3. Substantial Harm to the Trustee

The only potential harm to the Trustee if a stay is imposed would be to prevent the Trustee from seeking to pay administrative expenses of the estate from the settlement proceeds during the pendency of the appeal. The court does not consider this to be a "substantial" harm. However, as Debtor has not satisfied the first and second prongs, the lack of substantial harm to the Trustee is effectively irrelevant.

4. Harm to the Public Interest

The court perceives of no harm to the public interest if a stay were imposed. However, as Debtor has not satisfied the first and second prongs, the lack of substantial harm to the public interest is effectively irrelevant.

B. Exemption Order Entered December 27, 2018 ("Exemption Order")

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1. Likelihood of Success on Appeal

Debtor has not established that success on appeal is likely. First, she misunderstands the effect of this court's May 18, 2018 Order sustaining Ford's objection to her exemption claim that was made during the pendency of the chapter 13 (before conversion to chapter 7). The May 18 Order was final when entered. A bankruptcy court's order denying a claim of exemption is a final, appealable order. *Preblich v. Battley*, 181 F.3d 1048, 1055–56 (9th Cir.1999). Second, the court did not intend that the order be anything other than final as to Ford's exemption objection. In the excerpt of the transcript of the May 3, 2018 hearing, this court merely recognized Debtor's right to amend the exemption at a later date -- a right every debtor, with some exceptions, has under FRBP 1007. Importantly, after recognizing that right to amend, the court also added that if an amended exemption was filed, the court would "deal with any *objections that follow*." (emphasis added. Motion at p. 3. FRBP Rule 4003(b)(1) allows for the filing of an objection to any amendment within 30 days after the amendment is filed. Accordingly, the doctrines of *res judicata* and collateral estoppel do not apply. Third, Debtor did not file a timely opposition to the Trustee's objection to her amended exemption.

In sum, likelihood of success on appeal has not been established by Debtor and, on that basis alone the motion cannot be granted as to the Exemption Order.

2. Irreparable Injury

Debtor has not presented any substantive argument or facts indicating she will suffer irreparable injury if a stay is not granted. The court notes that the settlement proceeds currently being held by the Trustee cannot be distributed without an order of this court on notice to creditors *and* Debtor. The failure to satisfy this prong alone warrants denial of the motion as to the Exemption Order.

3. Substantial Harm to the Trustee

The only potential harm to the Trustee if a stay is imposed would be to prevent the Trustee from seeking to pay administrative expenses of the estate from the

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settlement proceeds during the pendency of the appeal. The court does not consider this to be a "substantial" harm. However, as Debtor has not satisfied the first and second prongs, the lack of substantial harm to the Trustee is effectively irrelevant.

4. Harm to the Public Interest

The court perceives of no harm to the public interest if a stay were imposed. However, as Debtor has not satisfied the first and second prongs, the lack of substantial harm to the public interest is effectively irrelevant.

C. Equitable Mootness

As Debtor has not met all of the requirements for the imposition of a stay pending appeal based on the court's analysis above, the court need not decide the issue of equitable mootness. Should Debtor seeks a stay from the BAP, the issue will be determined by the BAP.

Party Information

Debtor(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Jonathan A Michaels Eric P Israel Aaron E de Leest
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8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#12.00 Hearing RE: Trustee's Motion to Approve Use, of Estate Property Under Section 363 to Install Water Main Valves

Docket 226

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#13.00 Hearing RE: Chapter 7 Trustee's Motion for Order Further 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 228

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#14.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further 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 230

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#15.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further Extending the Time to Assume or Reject General Liability and Environmental Liability Insurance Policies as Executory Contract or, in the Alternative, Authorizing the Trustee to Assume Insurance Contracts and Executory Contracts Pursuant to 11 U.S.C. Section 365(a)

Docket 232

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#16.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further 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 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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 GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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8:18-13864 Friendly Village GP, LLC

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Motion for Order: Further 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 96

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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 GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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8:18-13864 Friendly Village GP, LLC

Chapter 7

#18.00 Hearing RE: Chapter 7 Trustee's Motion for Order Further 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 98

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant motion to extend the time to assume to and including December 6, 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 GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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10:30 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

Adv#: 8:19-01035 SJO Investments, LLC v. Gilbert-Bonnaire

#19.00 Hearing RE: Defendant's Motion for Protective Order

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

In light of Plaintiff's most recently filed pleading indicating its intent not to prosecute this adversary proceeding, dismiss adversary with prejudice and deny Defendant's motion for protective order as moot.

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required and Plaintiff shall lodge an order consistent with the same.

Party Information

Debtor(s):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

Defendant(s):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

Plaintiff(s):

SJO Investments, LLC

Represented By
Jon Alan Enochs

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CONT... Paula Gilbert-Bonnaire

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Trustee(s):

Thomas H Casey (TR)

Pro Se

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10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#20.00 Hearing RE: Disclosure Statement Describing Chapter 11 Plan of Reorganization

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Continue hearing to November 7, 2019 at 10:30 a.m. to allow Debtor to correct service issue and file amended disclosure statement no later than September 26, 2019.

Basis for Tentative Ruling:

Service:

1. Service is untimely under FRBP 2002(b) and LBR 3017 -- 28 days notice of time to file objection to disclosure statement. As objections are due 14 days prior to the hearing, a total of 42 days' notice is required. Here, only 36 days' notice was given.
2. Creditors were not noticed with the deadline for filing objections to approval of the disclosure statement. See Notice of Motion and Motion for Order Approving Disclosure Statement.
3. It would be wise for Debtor to serve secured creditors per 7004(b) in light of Debtor's unconventional plan treatment as to certain secured creditors.

Merits:

1. Debtor shall use non-military dates, e.g., January 4, 2017 and not 4 January

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CONT... **Royal Express Processing**

Chapter 11

2017. All dates in the disclosure statement must be so corrected.

2. Under Section II.A., there shall be separate headings for each property and its estimated value, e.g., 1. 1210 Alta Vista Drive, Bakersfield, California ("Alta Vista Property") - Estimated Fair Market Value: \$90,000. As currently, drafted, it is very difficult to follow the discussion of each property and liens against each.

3. There is an inconsistency in the DS re the third position lien of Medeiros Charitable Remainder Trust ("Medeiros"). This lien secures debt of \$31,166.68 and is cross-collateralized by both the Burchfield and Norwalk Properties (3rd position lien on both properties). On page 9 of the DS, Debtor also mentions a fourth position lien on the Burchfield property, that of the Georgia M Bank Living Trust ("Georgia M"). However, though Medeiros has a recorded 3rd position lien on the Burchfield property, such lien is not treated at all under the plan. Instead, the Georgia M lien is elevated from 4th to 3rd position. See DS at p. 27. Even though Medeiros is cross-collateralized, the court is unaware of any legal basis for "stripping" a valid lien under these circumstances.

4. Though there are at least two undersecured creditors -- Medeiros as to the Burchfield property and Real Estate Services, Inc. ("RES") as to the Alta Vista property, there is no mention of 11 U.S.C. 1111(b)(1)(A) and 1111(b)(2) and the rights of such undersecured creditors to make an 1111(b) election, not to mention the impact such an election would have on the feasibility of Debtor's plan.

5. Page 11: At line 8, the "principal of the business" should be modified to the "principal of the Debtor."

6. Page 13: At paragraph 4, Debtor should simply state that it is seeking to sell the Burchfield and Norwalk properties. In fact, every reference in the DS to "liquidating" properties should be changed to "selling" properties. The language in the DS is unnecessarily cumbersome.

7. Page 16: As the LA County Tax Assessor has filed a proof of claim asserting a secured claim, it should be treated as a secured creditor and not a priority creditor under the plan. Also, there is a small typo re the Kern County tax claim --

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CONT... **Royal Express Processing** **Chapter 11**

should be \$1,032.09 instead of \$1.032.09. Same typo appears in the plan at p. 7.

8. Page 26: At lines 21-22, "\$075.00" needs to be changed to "\$75.00". Same in plan at p. 17.

9. Page 27: Class 2G -- this is the curious treatment of Georgia M as a third priority lienholder on the Burchfield property when Medeiros actually holds this position.

10. At various places in the DS, e.g., the treatment of Classes 2A, 2B, 2C, 2D, 2E, etc., provide that if the particular property is not liquidated (sold) within 12 months of the effective date, the affected secured creditor can proceed with foreclosure under state law but no deficiency will be permitted against "the Debtor *or its affiliates*." Who are Debtor's "affiliates?"

11. Page 34: Line 20 reads "Debtor is a real estate professional (broker?) and capable of handling the sale itself". However, Debtor is described earlier in the the DS as merely a holding company. Is it Debtor's *principal* who is the real estate professional? Also, the DS should disclose that the Norwalk sale is scheduled to close this month (per the purchase agreement). Is that likely to happen? The court is not aware of any pending motion to sell.

12. Page 35: The representation regarding Debtor as a real estate professional is repeated. Needs to be corrected if not true.

13. Page 35: Debtor projects that the sale of the Burchfield property will net \$126,100 based upon a value of \$130,000 and. Further, the \$126,100 plus an additional \$22,445 of "added value" funds from Debtor's principal will pay the property tax claim of \$1,032.09, and Classes 2E, 2F and 2G* in full. However, the math does not work. $\$126,100 + 22,445 = \mathbf{\$148,545}$. $\$1,032.09 + 95,000 + 15,000 + \$37,500 = \$148,545$ PLUS $\$832 \times 4 \text{ mos } (\$3,328) = \mathbf{\$151,873}$. According to the DS, the amounts owed to Classes 2E, 2F and 2G were as of March 16, 2019. According to Debtor's most recent MOR, three postpetition payments to Lendinghome (\$832/mo) were not made as of July 2019. Presumably, no payment was made in August either. Accordingly, as of August, total postpetition payments owed to Lendinghome was \$3,329.00. This number

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CONT... Royal Express Processing Chapter 11
increases each month that payments are not made and a plan is not confirmed.

*The DS at p. 35, Line 13 erroneously refers to 2D instead of 2G.

14. Where will the funds come from to enable Debtor's principal to make the \$25,000 added value payment?

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#21.00 CON'TD STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR:5-16-19; 7-16-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Debtor's counsel will need to address the following issues:

1. The projected adequate protection payments listed on Exhibit A requires explanation:

a. The projection provides for monthly adequate protection payments for *all three* properties of only \$1700, yet the debt service on the Norwalk property alone is \$3300 per month (1st and 2nd).

b. The artificially low adequate protection payments skews the projections -- in reality, Debtor will be operating at a significant deficit for all 6 months, especially after property taxes, insurance, maintenance and management fees are added.

c. It is not clear from the projections whether Debtor is paying \$100 in management fees per month for one, two or all three properties. Who is the property manager?

d. The projections include rent for the Burchfield property of \$1300 but there is no evidence that Debtor has procured a tenant for that property.

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing

Chapter 11

e. The monthly operating report for March shows no income and no expenses for any property.

2. Debtor does not plan to file a cash collateral motion. So, how will the projected expenses for the properties be paid?

Claims Bar Date: July 30, 2019 (notice to creditors by 5/30/19;
declaration re non-opp must be filed by 5/23)

Deadline to file Plan/Discl St.: Aug. 1, 2019

Continued status conference: July 16, 2019 at 10:30 a.m.; updated report must be filed by July 9, 2019.

Special Note: The continued chapter 11 status conference is being continued less than 60 days to allow the court to monitor the progress of this case, including a review of the April and May MORs.

Note: Appearance at this status conference is required.

July 16, 2019

The updated status report filed in 7/9/19 does not address the following issues:

1. Debtor indicated at the 5/16/19 hearing that an inside buyer would be purchasing the Norwalk property and that a motion to sell would be filed within 30 days of the hearing, i.e., June 16, 2019. To date, no such motion has been filed.

2. Debtor represents that no cash collateral is being used -- so how are the properties being maintained? Landscaping? Property management fees? What was the source of the payment of \$674 for office supplies?

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing

Chapter 11

3. Debtor represents that two of the properties generate monthly combined income of \$3450 per month. However, the most recent MOR shows income of only \$3214.

4. Why does the Burchfield property remain unrented after four months?

Note: Appearance at this hearing is required.

September 5, 2019

Continue status conference to November 7, 2019 at 10:30 a.m., same date/time as the continued hearing re approval of the Disclosure Statement. Updated status report not required.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

8:19-11612 Jesse Pedroza

Chapter 13

#22.00 Hearing RE: Debtor's Motion for Order Disallowing Claim of Internal Revenue Service (Claim #4 on Court Docket) - \$7,868.50

Docket 20

*** VACATED *** REASON: OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Internal Revenue Service, filed 8/7/2019

Courtroom Deputy:

OFF CALENDAR: Debtor's Withdrawal of Objection to Claim of Internal Revenue Service, filed 8/7/2019 - td (8/8/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse Pedroza

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**

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

8:19-12698 Jesse Vaughn Ray

Chapter 7

#23.00 Hearing RE: Order to Show Cause Why Case Should Not Be Dismissed Pursuant to the Petition That Was Filed on July 11, 2019; Petition Lists Residence as 2205-928 Beatty St., Vancouver, BC V6Z-3G6, Canada 00000 (OSC Issued 7/25/2019)

Docket 7

Courtroom Deputy:

SPECIAL NOTE: Application for Permission for Debtor to Appear Telephonically at OSC Hearing, or in the Alternative Request to Continue Hearing on OSC filed 8/30/2019; Order on Application Lodged in LOU on 8/30/2019, Order #8925206 - td (8/30/2019)

Tentative Ruling:

September 5, 2019

Based upon the Declaration of Jesse Vaughn Ray submitted in support of the Response to the Order to Show Cause Why Case Should not be Dismissed ("OSC"), the OSC is vacated and the matter shall be taken off calendar.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Jesse Vaughn Ray

Represented By
Christopher J Langley

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 5, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#23.10 CON'TD Hearing RE: Debtor in Possession's Motion for Order Authorizing Postpetition Financing Pursuant to 11 U.S.C. Section 364(c) and (d) and for Determination that Lender is a "Good Faith" Lender Within the Meaning of Section 364(e)f

FR: 8-22-19

Docket 157

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Before the court will approve the Motion, Debtor's counsel will need to address the following issues:

Service:

Service to the "County of Riverside District Attorney" is insufficient in light of 1) Debtor seeks approval of a priming lien that would be superior to the County of Riverside's lien, 2) service is not to the attention of a particular person, and 3) as the lien secures the debt of Debtor's tenant, there is no obvious connection to Debtor, further necessitating proper service.

1. What is Debtor's exit strategy for this case? To pay the IRS and then dismiss the case? If so, what will prevent the need for a subsequent bankruptcy filing if Debtor cannot pay the \$1M advance to PBC by January 31, 2020?

2. When do the \$15,000 interest payments re the \$1M advance commence. How will Debtor make that payment as well as the \$5,000+ payment for the first PBC loan?

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

Thursday, September 5, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

3. How will Debtor make payments to PBC and to the County for its substantial property tax delinquency?

4. Are there any unsecured creditors?

On the face of the Motion, it appears Debtor is seeking a quick way to pay the IRS claim without any articulated thought as to how it will actually perform under the modified agreement with PBC.

September 5, 2019

No opposition by the Riverside District Attorney has been filed as of September 3, 2019 (deadline was August 29, 2019). Accordingly, the motion is unconditionally 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 immediately notified.

Party Information

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, September 5, 2019

Hearing Room

5A

2:00 PM

8:18-12003 Jack G. Gaglio

Chapter 7

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

#24.00 Hearing RE: Defendants' Motion for Summary Judgment or in the Alternative for Partial Summary Adjudication

Docket 29

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Grant partial summary judgment as to Defendant Laura Gaglio only as to the First Claim for Relief (727(a)(2)); Deny partial summary judgment as to the First Claim for relief as to Defendant Jack Gaglio. Grant partial summary judgment in favor of Defendants as to the Second Claim for Relief (523(a)(6)).

Basis for Tentative Ruling:

Summary judgment must be granted "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." FRCP 56(a); *see also In re Kaypro*, 218 F.3d 1070, 1073 (9th Cir. 2000); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986); *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986)(restating same).

The moving party has the initial burden of demonstrating the absence of a disputed issue of material fact. *Celotex, supra*, at 323. Once such a showing has been made, the non-moving party must present "specific facts showing that there is a genuine issue for trial." FRCP56(e). The party opposing summary judgment "may not rely on conclusory allegations or unsubstantiated speculation." *Scotto v. Almenas*, 143 F.3d 105, 114 (2d. Cir. 1998). Moreover, not every disputed factual issue is material in light of the substantive law that governs the case. "Only disputes over facts that might affect the outcome of the

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

Thursday, September 5, 2019

Hearing Room 5A

2:00 PM

CONT... Jack G. Gaglio

Chapter 7

suit under the governing law will properly preclude summary judgment."
Anderson, supra, at 248.

When the nonmoving party has the burden of proof at trial, the moving party need only point out 'that there is an absence of evidence to support the nonmoving party's case.' *Devereaux v. Abbey*, 263 F.3d 1070, 1076 (9th Cir. 2001)(citing *Celotex, supra*, at 325)(en banc). "Under the federal summary judgment] standard a moving defendant may shift the burden of producing evidence to the nonmoving plaintiff merely by 'showing' - that is, pointing out through argument - the absence of evidence to support plaintiff's claim." *Fairbank v. Wunderman Cato Johnson*, 212 F.3d 528, 532 (9th Cir. 2000); see also *Devereaux, supra*, at 1076 ("When the nonmoving party has the burden of proof at trial, the moving party need only point out 'that there is an absence of evidence to support the nonmoving party's case.'"). "The Ninth Circuit has explained that 'showing' a lack of evidence may be done simply by argument." *Speier v. Argent Mgmt., LLC (In re Palmdale Hills Prop., LLC)*, 577 B.R. 858 (Bankr. C.D. Cal. 2017).

First Claim for Relief - Denial of Discharge - 727(a)(2)(A)

Courts have held that a debtor may be denied a discharge under 727(a)(2)(A) when the debtor is shown to have concealed an equitable interest in property held nominally by a third party. *In re Ogalin*, 303 B.R. 552, 557-58 (Bankr.D.Conn.2004 ("Chapter 7 debtor's knowing acquiescence in scheme by his wife to divert assets acquired by debtor's and his wife's labor in family-owned business away from claims of their creditors, by placing assets, including home in which family lived, in name of their 20-year-old daughter, was sufficient to warrant denial of debtor's discharge under 727(a)(2)(A), where debtor continued to enjoy beneficial use of assets, and this use continued into one-year reach-back period of "fraudulent transfer" discharge exception). A "continuing concealment" doctrine is well-settled in sister Circuits. Under the classic formulation of that doctrine, a debtor's transfer of legal title to property prior to one year before the bankruptcy petition date, coupled with a retention of certain attributes of beneficial ownership into the one-year reach-back period of Section 727(a)(2)(A), can constitute a "concealment" within the meaning of that Section. *Id.* See also, *Rosen v. Bezner (In re Rosen)*, 996 F.2d 1527, 1532 (3d Cir.1993); *In re Olivier*,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, September 5, 2019

Hearing Room 5A

2:00 PM

CONT... **Jack G. Gaglio**

Chapter 7

819 F.2d 550, 553 (5th Cir.1987); *In re Kauffman*, 675 F.2d 127, 128 (7th Cir.1981).

In this case there are numerous issues of material fact concerning the formation and operation of the dairy brokerage company known as JJ's Dairy Group, LLC ("Company.") as well as compensation Defendant Jack Gaglio receives from the Company and his alleged equitable interest in the Company. See, e.g., Plaintiff's disputed issues of material fact #s 15, 16, 20, 21, 24, 25, 28, 30. These disputed matters should be resolved in the pending state court action for which this court has already granted relief from stay.

However, there appear to be no disputed issues of fact as to Defendant Laura Gaglio.

Second Claim for Relief -- 523(a)(6)

This court agrees with the analysis and reasoning of the court in *In re Vanwinkle*, 562 BR 671 (Bankr.E.D.KY 2016), a case in which alleged fraudulent conduct occurred after the objecting creditor obtained a contract based judgment against the debtors. The court ruled that:

Section 523(a)(6) provides that a § 727 discharge "does not discharge an individual debtor from any debt ... for willful and malicious injury by the debtor to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). "From the plain language of the statute, the judgment must be for an injury that is both willful and malicious. The absence of one creates a dischargeable debt." *Markowitz v. Campbell (In re Markowitz)*, 190 F.3d 455, 463 (6th Cir. 1999).

The Supreme Court narrowly defined the scope of the § 523(a)(6) exception to discharge, holding that it only applied to "acts done with the actual intent to cause injury," and not to "acts, done intentionally, that cause injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61, 118 S.Ct. 974, 140 L.Ed.2d 90 (1998). As the Sixth Circuit summarized in *Markowitz*, "unless 'the actor desires to cause consequences of his act, or ... believes that the consequences are substantially certain to result from it,' ... he has not committed a 'willful and malicious injury' as defined under § 523(a)(6)." *Markowitz*, 190 F.3d at 464 *679 (quoting Restatement (Second) of Torts § 8A, at 15 (1964)). The allegations in the Amended Complaint do not contain any facts that suggest *the contract debt that was liquidated to judgment by the Kentucky state court was based on willful and malicious conduct. The allegations only describe possibly willful and malicious conduct that occurred after the Kentucky state court*

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

Thursday, September 5, 2019

Hearing Room 5A

2:00 PM

CONT... **Jack G. Gaglio** **Chapter 7**

found liability in the Partial Summary Judgment. Hence, the § 523(a)(6) cause of action must fail for the same reasons the § 523(a)(2)(A) claim failed.

The Plaintiffs have failed to state a claim upon which relief can be granted. The allegations in the Amended Complaint paint an unattractive picture of a scheme to prevent collection of the Plaintiffs' State Court Judgment. But the allegations do not establish a case for non-dischargeability under §§ 523(a)(2)(a) and (a)(6) because the alleged fraudulent scheme had nothing to do with the creation of the underlying liability. (emphasis added)

In this case, several years transpired between the creation of the debt (and entry of the contract-based state court judgment) and the creation of the Company. As a matter of law, the debt is not one based on willful and malicious injury.

EVIDENTIARY OBJECTIONS TO THE DECLARATION OF JOSEPH J. GAGLIO

<u>Objection #</u>	<u>Ruling</u>
A	Overruled
B	Overruled
C	Sustained
D	Sustained
E	Sustained
F	Overruled
G	Overruled

Party Information

Debtor(s):

Jack G. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

Defendant(s):

Jack G. Gaglio

Represented By
Thomas J Eastmond

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

Thursday, September 5, 2019

Hearing Room 5A

2:00 PM

CONT... **Jack G. Gaglio**
Laura A. Gaglio

Represented By
Thomas J Eastmond

Chapter 7

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

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, September 12, 2019

Hearing Room 5A

9:30 AM

8:19-10913 Cassandra Dean Duerscheidt

Chapter 7

Adv#: 8:19-01122 M.G.B. Construction, Inc. v. Duerscheidt

#1.00 STATUS CONFERENCE RE:Complaint for: 1. Objection to Discharge [11 U.S.C. §727(a)(2)]; 2. Objection to Discharge [11 U.S.C. §727(a)(4)]

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Continue Status Conference to November 7, 2019 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: Appearance at today's Status Conference is not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Cassandra Dean Duerscheidt

Represented By
Brian J Soo-Hoo

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

Thursday, September 12, 2019

Hearing Room 5A

9:30 AM

CONT... Cassandra Dean Duerscheidt

Chapter 7

Defendant(s):

Cassandra Dean Duerscheidt

Pro Se

Plaintiff(s):

M.G.B. Construction, Inc.

Represented By
Scott A Kron

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 12, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19; 7-18-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 9:30 A.M.,
PER ORDER ENTERED 8/30/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 11/21/2019 at 9:30 a.m., Per
Order Entered 8/30/2019 (XX) - td (8/30/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Nobie Moore

Pro Se

Andrew Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot

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

Thursday, September 12, 2019

Hearing Room 5A

9:30 AM

CONT...

Stuart Moore (USA) Ltd.

Jeffrey I Golden

Chapter 7

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

Thursday, September 12, 2019

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

#3.00 STATUS 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; 12-20-18; 5-2-19; 7-11-19; 8-1-19

Docket 6

***** VACATED *** REASON: OFF CALENDAR: Judgment Pursuant to Stipulation Between Plaintiff Jacqueline Escolar-Chua and Defendants Educational Credit Management Corporaiton and United States Department of Education for Entry of Judgment; Closing of Adversary Proceeding Entered 8/22/2019**

Courtroom Deputy:

SPECIAL NOTE: 1) Order Approving Stip. for Discharge of Educational Loan Debt, Dismissal of Certain Defendants, and to Add Educational Credit Mgmt Corp. as a Defendant in this Adv. Proceeding Entered 4/24/2018 - td (5/8/2018). 2) Order Approving Stip. RE: Determination that Student Loan is Dischargeable Pursuant to 11 U.S.C. §523(a)(8) as Between Plaintiff Jacqueline R. Escolar-Chua and Defendant Wells Fargo Bank, N.A. Only Entered 9/19/18. Judgment Entered 9/19/18. Two Defendants Remaining - td (9/19/2018)

OFF CALENDAR: Judgment Pursuant to Stipulation Between Plaintiff Jacqueline Escolar-Chua and Defendants Educational Credit Management Corporaiton and United States Department of Education for Entry of Judgment; Closing of Adversary Proceeding Entered 8/22/2019 - td (8/22/2019)

Tentative Ruling:

May 17, 2018

Discovery Cut-off Date: Sept. 1, 2018
Deadline to Attend Mediation: Oct. 5, 2018

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

Thursday, September 12, 2019

Hearing Room 5A

9:30 AM

CONT... **John Paul Marc Z. Escolar-Chua** **Chapter 7**

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.

Party Information

Debtor(s):

John Paul Marc Z. Escolar-Chua Represented By
Christine A Kingston

Defendant(s):

Navient Solutions, LLC Represented By
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

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

Thursday, September 12, 2019

Hearing Room 5A

9:30 AM

CONT... John Paul Marc Z. Escolar-Chua

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 12, 2019

Hearing Room 5A

9:30 AM

8:17-14406 Kirk M. Nelson

Chapter 7

Adv#: 8:19-01016 Marshack v. Nelson

#4.00 CON'TD STATUS CONFERENCE RE: Complaint: 1. To Determine Non-Dischargeability Of Debt Pursuant to 11 U.S.C. Section 523(a)(3)(B)

FR: 4-11-19; 5-30-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/7/2019 AT 9:30 A.M.,
PER ORDER ENTERED 8/30/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 11/7/2019 at 9:30 a.m., Per
Order Entered 8/30/2019 (XX) - td (8/30/2019)**

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required. (XX)

Note: Appearances at this hearing are not required.

May 30, 2019

No tentative ruling -- trail matter to the 2:00pm calendar

Party Information

Debtor(s):

Kirk M. Nelson

Represented By
J Scott Williams

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

Thursday, September 12, 2019

Hearing Room 5A

9:30 AM

CONT... Kirk M. Nelson

Chapter 7

Defendant(s):

Kirk M Nelson

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Robert P Goe
Thomas J Eastmond

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 12, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01044 Van der Laan v. Phong

#5.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. Section 727

FR: 6-20-19; 8-22-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

Continue Status Conference to August 22, 2019 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: Appearance at this hearing is not required; 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 12, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong
August 22, 2019

Chapter 7

In light of pending motion for default judgment, continue status conference to September 12, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required.

September 12, 2019

Declaration re non-opposition to pending motion for default judgment not filed. Continue status conference one final time to October 17, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

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 12, 2019

Hearing Room 5A

9:30 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

Adv#: 8:19-01123 Will v. Madonna Zimmerman

#6.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §523(a)(2), 523(a)(4), and 523(a)(6)

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons Issued 7/8/2019; New Status Conference Set for 9/19/2019 at 9:30 a.m. (xx)**

Courtroom Deputy:

OFF CALENDAR: Another Summons Issued 7/8/2019; New Status Conference Set for 9/19/2019 at 9:30 a.m. (xx) - td (7/8/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice L. Madonna Zimmerman

Represented By
Leslie K Kaufman

Defendant(s):

Alice L. Madonna Zimmerman

Pro Se

Plaintiff(s):

Lisa Will

Represented By
Bert Briones

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 12, 2019

Hearing Room 5A

10:00 AM

8:15-12630 Vanessa Frazier Elrousan

Chapter 13

#7.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

FR: 8-8-19

Docket 128

***** VACATED *** REASON: Order Approving APO Entered 9/11/19**

Courtroom Deputy:

OFF CALENDAR: Order Approving APO Entered 9/11/19- mp/td (9/11/19)

Tentative Ruling:

August 8, 2019

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.

September 12, 2019

The parties are 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 12, 2019

Hearing Room 5A

10:00 AM

CONT... Vanessa Frazier Elrousan

Chapter 13

Debtor(s):

Vanessa Frazier Elrousan

Represented By
Eliza Ghanooni

Movant(s):

The Bank of New York Mellon as

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, September 12, 2019

Hearing Room 5A

10:00 AM

8:15-15494 Bert Ranelycke-Svensson

Chapter 13

#8.00 CONTG'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

FR: 8-8-19

Docket 121

*** VACATED *** REASON: Order approving APO Entered 9/9/19

Courtroom Deputy:

OFF CALENDAR: Order approving APO Entered 9/9/19- mp/td (9/9/19)

Tentative Ruling:

August 8, 2019

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):

Bert Ranelycke-Svensson

Represented By
Scott Dicus

Movant(s):

JPMorgan Chase Bank, National

Represented By

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... Bert Ranelycke-Svensson

Nathan F Smith

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 12, 2019

Hearing Room 5A

10:00 AM

8:16-10509 Douglas Allen Dawson and Jennifer Ann Dawson

Chapter 13

#9.00 Hearing RE: Regarding Default Under Adequate Protection Order -- Motion for Relief from Stay - Real Property filed by Creditor Deutsche Bank National Trust Company, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2005-AR1

Docket 111

***** VACATED *** REASON: OFF CALENDAR: Withdrawal of Declaration RE: Default Under Adequate Protection Order; Request for Entry of Order Granting Relief from Stay filed 8/21/2019**

Courtroom Deputy:

OFF CALENDAR: Withdrawal of Declaration RE: Default Under Adequate Protection Order; Request for Entry of Order Granting Relief from Stay filed 8/21/2019 - td (8/21/2019)

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

Trustee(s):

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 12, 2019

Hearing Room 5A

10:00 AM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

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

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTOR

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Grant with 4001(a)(3) waiver and co-debtor relief; deny request for 362(d)(4) extraordinary relief due to lack of evidence in support thereof.

Special Note: The Motion indicates on p. 3 in paragraph 4(a)(2)(D) that other bankruptcy cases have been filed. However, no additional bankruptcy cases are identified in paragraph 18 of the Motion (left 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.

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... Joy Anne Victoria Lacebal Fumera

Chapter 13

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
S Renee Sawyer Blume
Diana Torres-Brito
Anna Landa

Trustee(s):

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 12, 2019

Hearing Room

5A

10:00 AM

8:18-13047 Esteban Carrasco and Maria L Carrasco

Chapter 13

#11.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

21ST MORTGAGE CORPORATION

VS.

DEBTORS

FR: 8-22-19

Docket 30

*** VACATED *** REASON: Order Approving Stipulation for Adequate
Protection signed 9/12/19

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation for Adequate Protection
signed 9/12/19- mp**

Tentative Ruling:

August 22, 2019

The parties are to advise the court regarding the status of this matter. If more time is need to explore a resolution, a request may be made at the time of the calendar roll call before the hearing for a continued hearing date. Available dates are September 5, 12 and 19 at 10:00 a.m.

September 12, 2019

The parties are 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 12, 2019

Hearing Room 5A

10:00 AM

CONT... Esteban Carrasco and Maria L Carrasco

Chapter 13

Debtor(s):

Esteban Carrasco

Represented By
Seema N Sood

Joint Debtor(s):

Maria L Carrasco

Represented By
Seema N Sood

Movant(s):

21st Mortgage Corporation

Represented By
Amy Dukes
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, September 12, 2019

Hearing Room 5A

10:00 AM

8:19-10996 Raju Gobindlal Shewa

Chapter 7

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

CAB WEST, LLC

VS.

DEBTOR

Docket 38

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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):

Raju Gobindlal Shewa

Represented By
Leonard M Shulman

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... Raju Gobindlal Shewa

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-10996 Raju Gobindlal Shewa

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FINANCIAL SERVICES VEHICLE TRUST
VS.
DEBTOR

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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):

Raju Gobindlal Shewa

Represented By
Leonard M Shulman

Movant(s):

Financial Services Vehicle Trust

Represented By
Cheryl A Skigin

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... Raju Gobindlal Shewa

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-11139 Chirag Shewa

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
ACAR LEASING LTD
VS.
DEBTOR

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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):

Chirag Shewa

Represented By
Leonard M Shulman

Movant(s):

ACAR Leasing LTD d/b/a GM

Represented By
Jennifer H Wang

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... Chirag Shewa

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-12217 David C Simon and Christine Gonzalez

Chapter 7

#15.00 Hearing RE: motion for relief from the automatic stay [REAL PROPERTY]

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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 C Simon

Represented By
Nathan Fransen

Joint Debtor(s):

Christine Gonzalez

Represented By
Nathan Fransen

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

Thursday, September 12, 2019

Hearing Room 5A

10:00 AM

CONT... David C Simon and Christine Gonzalez

Chapter 7

Movant(s):

Wells Fargo Bank N.A.

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, September 12, 2019

Hearing Room 5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#16.00 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; 12-6-18; 3-21-19; 5-30-19

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)

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

Thursday, September 12, 2019

Hearing Room

5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

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.

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, September 12, 2019

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

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

Thursday, September 12, 2019

Hearing Room

5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes
requirements.

Chapter 11

**Special Note: "Gold Star" designation above signifies an exceptionally well-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.

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). (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 21, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m.; An updated status report must be filed by May 16, 2019 and such report shall address the following: 1) the amount of arrears for each class that is not current as of May 1, 2019, and 2) the status of her employment. (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, September 12, 2019

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.

May 30, 2019

Continue status conference to September 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019. (XX)

Special note: The court is concerned about Debtor's continuing plan default 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.

September 12, 2019

Continue status conference to November 7, 2019 at 10:30 a.m.; updated status report must be filed by October 24, 2019 (XX)

Special note: The court is concerned about Debtor's continuing plan default as to Class 2(c). If Debtor continues to fail to make payments to this creditor, absent a loan modification, the court will issue an Order to Show Cause re Dismissal immediately following the November 7, 2019 status conference.

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, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

Party Information

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, September 12, 2019

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#17.00 Third Person Examination of Guadalupe (Lupe) Savastano RE: Enforcement of Judgment

Docket 175

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Examinee Guadalupe Savastano 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):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

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 12, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#18.00 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 579

*** 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 8/28/2019

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 8/28/2019 - td (8/28/2019)

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 12, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#19.00 Hearing RE: Defendants' Motion to Set Aside Plaintiff's Entry of Defaults Pursuant to Fed. R. Civ. P. 55(c), 50(b), and Fed. R. Bank. P. 7055

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Grant motion.

Special Note: The motion to dismiss the adversary filed by the Woos was granted on August 22, 2019 but an order has not yet been lodged.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... EQD Corporation

Chapter 7

Steve Woo

Pro Se

Kaufman Wu

Represented By
Michael A Shakouri

Kaufman Related Mangement

Represented By
Michael A Shakouri

Related Management, a New York

Represented By
Michael A Shakouri

Movant(s):

Kaufman Wu

Represented By
Michael A Shakouri

Kaufman Related Mangement

Represented By
Michael A Shakouri

Related Management, a New York

Represented By
Michael A Shakouri

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels
Kent Salveson

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

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

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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):

AA-TEK Machining, Inc.

Represented By
Tina H Trinh

Trustee(s):

Richard A Marshack (TR)

Represented By
Wesley H Avery
Kelly H. Zinser

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

#21.00 Hearing RE: First and Final Application for Allowance of Fees by Zinser Law Group, PC as General Counsel Nunc Pro Tunc for Chapter 7 Trustee From April 1, 2027 to June 30, 2019

[ZINSER LAW GROUP, PC, GENERAL COUNSEL FOR CHAPTER 7 TRUSTEE]

Docket 83

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Approve fees and expenses as requested, LESS \$500.00 in attorneys fees for failure to timely file an employment application.

Applicant waited more than two years to file an employment application and stated no persuasive reason for not filing a timely application.

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):

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, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... AA-TEK Machining, Inc.

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Wesley H Avery
Kelly H. Zinser

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:17-11047 AA-TEK Machining, Inc.

Chapter 7

#22.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From March 27, 2019 Through June 4, 2019

[HAHN FIFE & COMPANY, ACCOUNTANT FOR CHAPTER 7 TRUSTEE]

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

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):

AA-TEK Machining, Inc.

Represented By
Tina H Trinh

Trustee(s):

Richard A Marshack (TR)

Represented By
Wesley H Avery
Kelly H. Zinser

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:18-10006 Tri-Star Construction and Restoration Services, In

Chapter 11

#23.00 Post-Confirmation Status Conference RE: First Amended Chapter 11 Plan of Reorganization

(Set at Ch 11 Plan hrg. held 11-15-18)

FR: 5-16-19

Docket 100

***** VACATED *** REASON: OFF CALENDAR: Order Granting Debtor's Motion for a Final Decree and Closing the Case Entered 7/15/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Debtor's Motion for a Final Decree and Closing the Case Entered 7/15/2019 - td (7/15/2019)

Tentative Ruling:

May 16, 2019

Continue status conference to Sept. 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019. (XX)

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the US Trustee; it is Debtor's responsibility to confirm such compliance with the US Trustee prior to the hearing.

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, September 12, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#24.00 Hearing RE: Application for Approval of Settlement of Debtor's Action Against Grand Pacific Resorts

Docket 64

***** VACATED *** REASON: OFF CALENDAR: Notice of Taking Hearing on Application Off Calendar, filed 8/22/2019. Order Denying Approval of Disclosure Statement and Dismissing Chapter 11 Case Without Prejudice Entered 8/9/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Taking Hearing on Application Off Calendar, filed 8/22/2019. Order Denying Approval of Disclosure Statement and Dismissing Chapter 11 Case Without Prejudice Entered 8/9/2019 - td (8/22/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels
Jeffrey P Spencer

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:18-14554 Walt Dodge

Chapter 11

#25.00 Hearing RE: Application for Approval of Payment of Final Fees and Expenses

[THE SPENCER LAW FIRM, SPECIAL COUNSEL]

Docket 65

***** VACATED *** REASON: OFF CALENDAR: Notice of Taking Hearing on Application Off Calendar, filed 8/22/2019. Order Denying Approval of Disclosure Statement and Dismissing Chapter 11 Case Without Prejudice Entered 8/9/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Taking Hearing on Application Off Calendar, filed 8/22/2019. Order Denying Approval of Disclosure Statement and Dismissing Chapter 11 Case Without Prejudice Entered 8/9/2019 - td (8/22/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels
Jeffrey P Spencer

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#26.00 CON'TD STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 5-16-19; 6-13-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case. (XX)

Note: Appearances at this hearing are not required.

June 13, 2019

Claims Bar Date: 8/22/19 (notice to creditors by 6/20/19)

Deadline to file Plan/DS: 8/29/19 (no extensions will be granted)

Continued Status Conf: 9/12/19 at 10:30 a.m. (XX)

Updated Status Report due: 8/29/19 -- waived if Plan/DS timely filed

Note: If the parties accept the foregoing tentative ruling, appearances at this status conference are not required -- the court will issue its own order re the same.

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... SPN Investments Inc

Chapter 11

September 12, 2019

Continue status conference to November 7, 2019 at 10:30 a.m. to allow Debtor to notice a hearing date on approval of its Disclosure Statement. (XX)

Special Note: This court does not set hearings on approval of disclosure statements. Counsel for the debtor must self-calendar hearings.

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the U.S. Trustee. It is Debtor's responsibility to ascertain its compliance status prior to the hearing.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#27.00 Hearing RE: Debtor's Objection and Opposition to Claim Submitted by First Financial Credit Union (Claim #11)

Docket 107

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Overrule Objection.

Basis for 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. 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. *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, September 12, 2019

Hearing Room

5A

10:30 AM

CONT...

Alicia Marie Richards

Chapter 13

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to prima facie validity under Rule 3001(f).

Because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Community Debt

Debtor also argues that the debt owed to First Financial Credit Union ("FFCU") is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt . . ." Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

Allocation of Community Debt

Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing FFCU's claim on the grounds asserted by Debtor in the Objection on the basis of assigned liability to

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

Thursday, September 12, 2019

Hearing Room

5A

10:30 AM

CONT... Alicia Marie Richards
Mr. Richards.

Chapter 13

Claim Amount

Debtor has not presented evidence regarding the prepetition arrearage sufficient to rebut the presumed validity of the proof of claim filed by FFCU. As correctly pointed out by FFCU in its Opposition, postpetition mortgage payments made after May 1, 2019 (petition date) cannot be applied to prepetition payments in a chapter 13 case. Rather, postpetition payments must be applied to postpetition mortgage debt becoming due after the filing of the petition. Any prepetition arrearages are paid as part of the chapter 13 plan payment on terms set forth in the plan. Debtor has presented confirmation of a mortgage payment made in July 2019 -- after the petition was filed. Thus, if a mortgage payment became due on May 1, 2019 and Debtor made a payment on May 2, 2019, the May 2 payment cannot be applied to the prepetition May 1 obligation. While it is possible that Debtor is ahead one month on a postpetition basis, this does not affect the amount of debt that was owed prepetition. The court has reviewed the mortgage proof of claim attachment and notes that FFCU acknowledges receiving a payment on May 1, 2019 that was applied to the April 1, 2019 obligation. Debtor states she made another payment on May 2, 2019 (postpetition) which, if true, would not be applied by FFCU retroactively.

Party Information

Debtor(s):

Alicia Marie Richards

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, September 12, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

Adv#: 8:19-01135 Richards v. Richards

#28.00 Hearing RE: Defendant's Motion to Remand Removed Action (28 U.S.C. Section 1452

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Grant motion to remand matter to state court pursuant to 28 USC 1452(b); Deny motion for attorneys fees and/or sanctions under 28 USC 1447 and FRBP 9011.

Basis for Tentative Ruling:

1. Debtor removed the subject state court action, Case #30-2018-00986705, entitled *Alicia Marie Richards v. Ryal W. Richards* (the "Action") to this court on July 8, 2019. The Notice of Removal indicates that the removal is made pursuant to, *inter alia*, 28 USC 1441 and 28 USC 1452(a).
2. The Action asserts causes of action for Fraud, Sexual Conduct, Right of Privacy, Intentional Infliction of Emotional Distress, Defamation of Character, Threats and Spousal Abuse, Breach of Contract and Covenants, Detriment and Breach of Fiduciary Duty. The Action also includes a demand for a jury trial.
3. The Action is related to longstanding marital dissolution/family law litigation between Debtor, her ex-spouse and others. There are several appeals pending in Orange County Superior Court ("State Court") concerning matters related to the family law proceedings, including one involving Debtor's attempt to set aside a stipulated judgment.

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... Alicia Marie Richards

Chapter 13

4. As a preliminary matter, 28 USC 1441(a), the general federal removal statute has no application in this matter. Section 1441(a) on its face only applies to removals by *defendants*. The statute provides in pertinent part: "[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the *defendant or defendants*, to the district court of the United States" (emphasis added). Section 1441(a) does not apply to *plaintiffs* and, therefore, a plaintiff in state court action, as is the case here, may not remove a matter to this court under Section. 1441(a). See, *Shamrock Oil & Gas Corp. v. Sheets*, 313 U. S. 100, 106–109 (1941) ("the plaintiff was not entitled to remove the cause from the state court to federal court . . . since the plaintiff was not a "defendant" within statute [28 USC 1441(a)] authorizing removal only by defendant); and *Home Depot U. S. A., Inc. v. Jackson*, 139 S.Ct. 1743 (2019) (reaffirming its interpretation of 1441(a) in *Shamrock*).

4. In light of the foregoing, the Action was improperly removed under 1441(a). However, the analysis does not end here as Debtor also cited 28 USC 1452(a) which specifically governs removals to bankruptcy cases.

5. Section 1452(b) allows the court to remand a removed action on "any equitable ground." The court finds that equitable grounds for remand exist in this matter based upon the following:

- a. The Action involves exclusively state law issues and no federal question or bankruptcy law issues;
- b. There are multiple non-debtor parties involved in the Action;
- c. There is no jurisdictional basis other than 28 USC 1334;
- d. Though this matter may relate to a bankruptcy case, it does not arise under a bankruptcy case or under bankruptcy law;
- e. As this this matter was proceeding in state court and is related to other family law proceedings, some or all of which are currently on appeal before state appellate courts, it appears that Debtor is seeking an alternative forum to resolve what is purely a family law matter which should be adjudicated in state court.

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... Alicia Marie Richards

Chapter 13

6. The court declines to award attorneys fees under 28 USC 1447(c) as the court is not persuaded that this court lacks subject matter jurisdiction, which is implicated by 1447(c);

7. The court declines to award sanctions under FRBP 9011 as Movant has not complied with Rule 9011(c)(1)(A), the so-called "safe harbor" provision which requires service of the motion for sanctions 21 days prior to filing with the court to permit the responding party to withdraw the offending pleading.

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Defendant(s):

Ryal W. Richards	Represented By Kevin E Robinson
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Plaintiff(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

Adv#: 8:19-01135 Richards v. Richards

#29.00 CON'TD STATUS CONFERENCE RE: Notice of Removal (RE: Verified Complaint for: 1. Fraud in Fact; 2. Sexual Conduct; 3. Right of Privacy; 4. Intentional Infliction of Emotional Distress; 5. Defamation of Character; 6. Threats and Spousal Abuse; 7. Breach of Contract and Covenants; 8. Detriment; 9. Breach of Fiduciary Duty (Superior Court of the State of California, County of Orange, Case Number 30-2018-00986705-CU-FR-CJC)

FR: 8-15-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Continue this status conference to September 12, 2019 at 10:30 a.m., same date/time as hearing on pending motion to remand. (XX)

Note: Appearances at today's status conference are waived (no appearance required).

September 12, 2019

Take matter off calendar in light of granting of motion to remand to state court.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

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

Thursday, September 12, 2019

Hearing Room 5A

10:30 AM

CONT... Alicia Marie Richards

Chapter 13

Defendant(s):

Ryal W. Richards Pro Se

Plaintiff(s):

Alicia Marie Richards 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, September 12, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#30.00 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19; 2-12-19; 4/18/19; 7-11-19; 7-16-19

Docket 24

***** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 10:30 A.M., PER ORDER ENTERED 8/30/2019 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 11/21/2019 at 10:30 a.m., Per Order Entered 8/30/2019 (XX) - td (8/30/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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

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

Thursday, September 12, 2019

Hearing Room 5A

2:00 PM

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, September 12, 2019

Hearing Room 5A

2:00 PM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01085 Thomas H. Casey, Chapter 7 Trustee v. Moore et al

#31.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19; 3-12-19; 4/18/19; 7-11-19, 7-16-19

Docket 3

***** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 10:30 A.M., PER ORDER ENTERED 8/30/2019 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 11/21/2019 at 10:30 a.m., Per Order Entered 8/30/2019 (XX) - td (8/30/2019)

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required. (XX)

Note: If all parties accept the foregoing tentative ruling, 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

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

Thursday, September 12, 2019

Hearing Room 5A

2:00 PM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, September 19, 2019

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; 12-13-18; 2-12-19; 3-12-19; 6-20-19

Docket 73

***** VACATED *** REASON: CONTINUED TO 10/3/2019 AT 2:00 P.M.,
PER ORDER ENTERED 9/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Motion Continued to 10/3/2019 at 2:00 p.m., Per Order
Entered 9/12/2019 (XX) - td (9/12/2019)**

Tentative Ruling:

March 12, 2019

Continue status conference to April 11, 2019 at 9:30 a.m. as a holding date. Court to issue Order to Show Cause Why This Adversary Should Not be Dismissed Due to Lack of Jurisdiction in light of the assignment of this adversary to Debtors pursuant to global settlement between Trustee and Debtors approved by the Court at hearing on January 31, 2019. The OSC hearing will also be held on April 11, 2019 at 9:30 a.m.

Once the adversary proceeding is dismissed, Debtors will be free to initiate new litigation against the defendant in any nonbankruptcy court of competent jurisdiction.

Note: Appearances at this hearing are not required.

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, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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
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

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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

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, September 19, 2019

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; 12-13-18; 2-12-19; 3-12-19; 6-20-19

Docket 59

***** VACATED *** REASON: CONTINUED TO 10/3/2019 AT 2:00 P.M.,
PER ORDER ENTERED 9/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 10/3/2019 at 2:00 p.m., Per
Order Entered 9/12/2019 (XX) - td (9/12/2019)**

Tentative Ruling:

Party Information

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

My Imaging Center Inc.

Represented By

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Donald Woo Lee

Chapter 7

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
Norma Ann Dawson

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT...

Donald Woo Lee

Chapter 7

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, September 19, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01042 Kosmala v. Liebeck et al

#3.00 CONT'D 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; 11-15-18; 3-21-19; 5-9-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Stipulation of Voluntary Dismissal of Defendants Nationwide Life Insurance Company and Nationwide Life and Annuity Company filed 11/20/2018. Amended Order Approving Motion for Approval of Global Settlement Agreement and Dismissal of Adversary Actions with Prejudice Entered 8/27/2019**

Courtroom Deputy:

OFF CALENDAR: Stipulation of Voluntary Dismissal of Defendants Nationwide Life Insurance Company and Nationwide Life and Annuity Company filed 11/20/2018. Amended Order Approving Motion for Approval of Global Settlement Agreement and Dismissal of Adversary Actions with Prejudice Entered 8/27/2019 - td (8/27/2019)

Tentative Ruling:

May 17, 2018

Discovery Cut-off Date:

Sept. 20, 2018

Deadline to Attend Mediation:

n/a

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... **Denny Roy Steelman**

Chapter 7

Pretrial Conference Date: a.m.	Nov. 15, 2018 at 9:30 (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.

November 15, 2018

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.

Party Information

Debtor(s):

Denny Roy Steelman

Represented By
William E. Winfield

Defendant(s):

Kevin Liebeck

Represented By
Christopher L Blank

Kevin Liebeck

Represented By
Christopher L Blank

Mark Ziebold

Represented By
J Scott Williams

Shaunah Lynn Steelman

Represented By
Christopher L Blank

Jodi Denise Steelman

Represented By
Christopher L Blank

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... **Denny Roy Steelman**
Nationwide Life Insurance Company

Represented By
Daniel M Anderson
John C Cannizzaro

Chapter 7

Nationwide Life and Annuity

Represented By
Daniel M Anderson
John C Cannizzaro

Plaintiff(s):

Weneta M.A. Kosmala

Represented By
Faye C Rasch
Reem J Bello
Jeffrey I Golden

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

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

Thursday, September 19, 2019

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; 12-6-18; 3-21-19; 5-9-19; 6-18-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 9:30 A.M.,
PER ORDER ENTERED 9/9/2019 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Order Granting Plaintiff Woodlawn Colonial, L.P.'s Motion (1) to Dismiss Plaintiff's First & Second Claims for Relief; & (2) for Entry of Judgment on Plaintiff's Third Claim for Relief Entered 9/6/2019; Non-Dischargeable Judgment Entered 9/6/2019. Remaining Issue is Defendant's Counterclaim fld 6/12/17, dkt #7 - td (9/6/2019)

CONTINUED: Status Conference Continued to 11/21/2019 at 9:30 a.m., Per Order Entered 9/9/2019 (XX) - td (9/9/2019)

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

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

Thursday, September 19, 2019

Hearing Room

5A

9:30 AM

CONT...

Chad Paul Delannoy

Chapter 7

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.
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.
(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 (XX)

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, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Chad Paul Delannoy

Chapter 7

March 21, 2019

Continue status conference to May 9, 2019 at 2:00 p.m., same date/time as hearing on Plaintiff's motion for summary judgment; updated status report not required. (XX)

Note: Appearances at the March 21, 2019 status conference are not required.

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, September 19, 2019

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; 9-20-18; 12-6-18; 4-18-19

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

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

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

Thursday, September 19, 2019

Hearing Room

5A

9:30 AM

CONT... Todd Leroy Hinker

Chapter 7

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. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

April 18, 2019

In light of pending state court litigation, continue status conference to September 19, 2019 at 9:30 a.m.; updated status report must be filed by September 5, 2019. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

September 19, 2019

In light of the upcoming trial in the state court litigation, continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019.

Note: Appearances at today's hearing are 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, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Todd Leroy Hinker

Chapter 7

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 19, 2019

Hearing Room 5A

9:30 AM

8:17-13410 Mohammad R Sabha

Chapter 7

Adv#: 8:19-01125 Sabha v. California State Board Of Equalization

#6.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Tax Liability

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons
Issued 8/1/2019; New Status Conference Set for 10/17/2019 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 8/1/2019; New Status
Conference Set for 10/17/2019 at 9:30 a.m. (xx) - td (8/1/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mohammad R Sabha

Represented By
Bruce A Boice

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Mohammad R Sabha

Represented By
Bruce A Boice

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 19, 2019

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#7.00 CONT'D 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))

FR: 12-6-18; 1-24-19; 4-18-19; 6-20-19; 8-22-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

No tentative ruling. This tentative will be trailed to the 2:00 p.m. calendar along with the Motion to Dismiss

September 19, 2019

In light of the upcoming trial in the state court litigation, continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019.

Note: Appearances at today's hearing are 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, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Chapter 7

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

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 19, 2019

Hearing Room 5A

9:30 AM

8:18-12951 William C Tak

Chapter 7

Adv#: 8:18-01205 Pero v. Tak

#8.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Dischargeability of Debt

FR: 2-7-19; 3-12-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Approving Stipulation for Judgment Entered 8/22/2019**

Courtroom Deputy:

OFF CALENDAR: Order Approving Stipulation for Judgment Entered 8/22/2019 - td (8/23/2019)

Tentative Ruling:

March 12, 2019

Discovery Cut-off Date:	August 1, 2019
Deadline to Attend Mediation:	September 5, 2019
Pretrial Conference Date:	Sept. 19, 2019 at
9:30a.m.	(XX)

Deadline to Lodge Joint Pretrial Stipulation:	Sept. 5, 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):

William C Tak

Represented By
Arlene M Tokarz

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... William C Tak

Chapter 7

Defendant(s):

William C Tak

Pro Se

Plaintiff(s):

Joseph W Pero

Represented By
Ryan T Koczara

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 19, 2019

Hearing Room 5A

9:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#9.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Validity of Certain Notes and Deeds of Trust and to Perfect Secured Liens

FR: 7-18-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 18, 2019

Continue status conference to September 19, 2019 at 9:30 a.m. to allow the chapter 7 trustee the opportunity to intervene. (XX)

Special Note: It appears the complaint is seeking relief against property of the bankruptcy estate and, therefore, the chapter 7 trustee would be an indispensable party.

Note: If all parties accept the foregoing tentative ruling, appearances at today's hearing are not required and Plaintiff shall serve notice of the continued hearing date/time (including service to the chapter 7 trustee).

September 19, 2019

Continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019.

Special comment: The court notes that though the Trustee signed the Joint Status Report on 9/17/19, the Trustee dismissed her Complaint in Intervention on 9/16/19.

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski

Pro Se

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel

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 19, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01040 Lee v. Phong

#10.00 CONT'D STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. x21523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. §727(a)(4)(A)

(Another Summons Issued 4/15/2019)

FR: 7-11-19; 7-16-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Default Judgment
Entered 8/30/2019**

Courtroom Deputy:

OFF CALENDAR: Default Judgment Entered 8/30/2019 - td (8/30/2019)

Tentative Ruling:

July 16, 2019

Continue Status Conference to September 19, 2019 at 9:30 a.m.; updated status report must be filed by September 5, 2019. (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, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong

Chapter 7

this hearing is not required and Plaintiff shall serve notice of the continued status conference.

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict
Luke P Daniels

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Benjamin Lee

Represented By
Jason K Boss

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 19, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#11.00 CON'TD STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

(Another Summons Issued 4-8-19)

FR: 7-11-19; 7-16-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Another Summons
Issued 8/7/2019; New Status Conference Set for 11/7/2019 at 9:30 a.m. (xx)**

Courtroom Deputy:

**OFF CALENDAR: Another Summons Issued 8/7/2019; New Status
Conference Set for 11/7/2019 at 9:30 a.m. (xx) - td (8/7/2019)**

Tentative Ruling:

July 16, 2019

Status report has not been filed as required by Local Bankruptcy Rule 7016-1.

Party Information

Debtor(s):

Carissa Louise Clemens Pro Se

Defendant(s):

US Dept of Education Pro Se

Plaintiff(s):

Carissa Clemens 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 19, 2019

Hearing Room 5A

9:30 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

Adv#: 8:19-01123 Will v. Madonna Zimmerman

#12.00 STATUS COINFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(20, 523(a)(4), and 523 (a)(6)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Continue status conference to December 19, 2019 at 9:30 a.m.; updated joint status report must be filed by December 5, 2019.

Basis for Tentative Ruling:

Relief from stay was granted to permit the probate matter to proceed on all issues other than a determination regarding ownership of the subject property. See Plaintiffs Reply to Defendant's Opposition to the RFS Motion at p. 2, lines 27-28. In order to award "damages" the probate court must necessarily determine whether Defendant's alleged conduct warrants a judgment of damages in Plaintiff's favor. Accordingly, Defendant's interpretation of the scope of the stay relief granted is flawed.

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

Party Information

Debtor(s):

Alice L. Madonna Zimmerman

Represented By
Leslie K Kaufman

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Alice L. Madonna Zimmerman

Chapter 7

Defendant(s):

Alice L. Madonna Zimmerman Pro Se

Plaintiff(s):

Lisa Will Represented By
 Bert Briones

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 19, 2019

Hearing Room 5A

9:30 AM

8:19-10996 Raju Gobindlal Shewa

Chapter 7

Adv#: 8:19-01126 American Outdoor Gears, LLC v. Shewa

#13.00 STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt. 1. False Pretenses, False Representations, or Actual Fraud 11 U.S.C. Section 523(a)(2); 2. Willful and Malicious Injury 11 U.S.C. Section 523(a)(6); and 3. Non-Dischargeability of Debt Pursuant to 11 U.S.C. Section 727(a)(2)(a) (5)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Discovery Cut-off Date:	Oct. 31, 2019
Deadline to Attend Mediation:	Dec. 20, 2019
Pretrial Conference Date:	Jan. 30, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Jan. 16, 2020

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):

Raju Gobindlal Shewa

Represented By
Leonard M Shulman

Defendant(s):

Raju Gobinal Shewa

Pro Se

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Raju Gobindlal Shewa

Chapter 7

Plaintiff(s):

American Outdoor Gears, LLC

Represented By
Michael A Ortiz

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 19, 2019

Hearing Room

5A

9:30 AM

8:19-10996 Raju Gobindlal Shewa

Chapter 7

Adv#: 8:19-01129 Gama World Technologies, Inc. v. Shewa

#14.00 STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A),(B), 523(a)(4) and (6); 11 U.S.C. Section 727(a) et seq.; and For Injunctive Relief

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Discovery Cut-off Date:	Dec. 19, 2019
Deadline to Attend Mediation:	Jan. 23, 2020
Pretrial Conference Date:	Feb. 20, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Feb. 6, 2020

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):

Raju Gobindlal Shewa

Represented By
Leonard M Shulman

Defendant(s):

Raju Shewa

Pro Se

Plaintiff(s):

Gama World Technologies, Inc.

Represented By
Esther P Holm

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT... Raju Gobindlal Shewa

Chapter 7

Bryan Leifer
Paul Y. Lee

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 19, 2019

Hearing Room 5A

9:30 AM

8:19-11139 Chirag Shewa

Chapter 7

Adv#: 8:19-01134 American Outdoor Gears, LLC v. Shewa

#15.00 STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt 1. False Pretenses, False Representations, or Actual Fraud 11 U.S.C. § 523(a)(2); 2. Willful and Malicious Injury 11 U.S.C. §523(a)(6); 3. Non-Dischargeability of Debt Pursuant to 11 U.S.C. §727(a)(2) to (a)(5)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Discovery Cut-off Date:	Dec. 19, 2019
Deadline to Attend Mediation:	Jan. 23, 2020
Pretrial Conference Date:	Feb. 20, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Feb. 6, 2020

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):

Chirag Shewa

Represented By
Leonard M Shulman

Defendant(s):

Chirag Shewa

Pro Se

Plaintiff(s):

American Outdoor Gears, LLC

Represented By

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

Thursday, September 19, 2019

Hearing Room 5A

9:30 AM

CONT...

Chirag Shewa

Chapter 7

Michael A Ortiz
Edward G Operini

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 19, 2019

Hearing Room 5A

10:00 AM

8:15-10272 Ranulfo Figueroa

Chapter 13

#16.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
LAKEVIEW LOAN SERVICING, LLC
VS.
DEBTOR

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Grant motion with without 4001(a)(3) waiver and with co-debtor relief.

Special Note: The tentative ruling is to grant the Motion because Debtor did not provide documentary proof of payments he alleges to have made. If Movant is agreeable to a continuance to discuss a resolution, the parties may request a continuance of the hearing at the beginning of the calendar roll call. Available dates are Oct. 10, Oct. 17 and Nov. 7, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Ranulfo Figueroa

Represented By
Sunita N Sood
Seema N Sood

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark T. Domeyer
Daniel K Fujimoto

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

Thursday, September 19, 2019

Hearing Room 5A

10:00 AM

CONT... Ranulfo Figueroa

Caren J Castle

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 19, 2019

Hearing Room 5A

10:00 AM

8:17-14996 Huong Thi Le

Chapter 7

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

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

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):

Huong Thi Le

Represented By
Michael Jones

Movant(s):

TOYOTA LEASE TRUST

Represented By
Erica T Loftis Pacheco

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

Thursday, September 19, 2019

Hearing Room 5A

10:00 AM

CONT... **Huong Thi Le**

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 19, 2019

Hearing Room 5A

10:00 AM

8:18-11594 George Carl Natzic and Cheri Lynn Natzic

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC.
VS.
DEBTORS

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

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):

George Carl Natzic

Represented By
Moises S Bardavid

Joint Debtor(s):

Cheri Lynn Natzic

Represented By
Moises S Bardavid

Movant(s):

Santander Consumer USA Inc. dba

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, September 19, 2019

Hearing Room 5A

10:00 AM

**CONT... George Carl Natzic and Cheri Lynn Natzic
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, September 19, 2019

Hearing Room 5A

10:00 AM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#18.10 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTOR

FR: 9-12-19

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Grant with 4001(a)(3) waiver and co-debtor relief; deny request for 362(d)(4) extraordinary relief due to lack of evidence in support thereof.

Special Note: The Motion indicates on p. 3 in paragraph 4(a)(2)(D) that other bankruptcy cases have been filed. However, no additional bankruptcy cases are identified in paragraph 18 of the Motion (left 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.

September 19, 2019

**United States Bankruptcy Court
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CONT... Joy Anne Victoria Lacebal Fumera

Chapter 13

Movant to advise the court re the status of this matter.

If additional time is needed, Movant may request a continuance during the tentative ruling call prior to the hearing. Available dates: Oct. 3, 10 or 17, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
S Renee Sawyer Blume
Diana Torres-Brito
Anna Landa

Trustee(s):

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 19, 2019

Hearing Room 5A

10:30 AM

8:12-14251 Kosta M Majdalani and Therese J Majdalani

Chapter 7

#19.00 Hearing RE: Debtors' Motion for Compensatory and Punitive Damages and Attorney's Fees Against Creditor Sal Aridi for Intentionally Violating the Discharge Injunction, and Refusing to Cease

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Grant in part; deny in part. Grant Motion for damages as to the Complaint for Breach of Contract filed September 14, 2018 -- damages shall consist of all attorneys fees charged by Debtor's state court counsel, The Amin Law Group Ltd, from December 18, 2018 through and including May 7, 2019 as well as \$1500 in bankruptcy attorneys fees charged by attorney David Lally; Deny the Motion as to the First Amended Complaint for Intentional Torts.

Basis for Tentative Ruling:

1. This case was filed as a chapter 7 on April 3, 2012.
2. The deadline to file a nondischargeability complaint was July 16, 2012. The notice of the commencement of the case and the deadline for filing nondischargeability complaints was served on creditors by mail on April 7, 2012. See BNC Notice, Docket #8. The commencement notice specifically advises creditors: "Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So." See Docket #6.
3. By Debtor's own admission, Creditor Sal Aridi ("Creditor") was not listed as a creditor on Debtor's mailing matrix or schedules.
4. The chapter 7 trustee filed a No Asset Report on May 30, 2012.

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CONT... **Kosta M Majdalani and Therese J Majdalani**

Chapter 7

5. Debtor received a discharge on July 25, 2012. See Docket #25
6. Debtor asserts that Creditor received actual notice of the bankruptcy case by an email Debtor sent to Creditor on September 24, 2012. See Motion, Decl. of Debtor Kosta Majdalani at paragraph 24 and Exh. 2 attached thereto.
7. On September 24, 2018, Creditor filed in Orange County Superior Court ("State Court") a complaint for breach of contract ("Original Complaint"). See Motion, Exh. 3. The Original Complaint alleged that Creditor had loaned Debtors Kosta and Therese Majdalani \$46,000, and that Debtors failed to repay the loan in full according to the loan terms, i.e., by June 2014. Motion, Exh. 3 at p. 3. The Original Complaint does not mention fraud or any other tort causes of action.
8. At a hearing held on May 7, 2019 in State Court, the Court granted Creditor's motion for leave to amend the Original Complaint to allege intentional torts. In granting the motion for leave to amend, the Court denied Debtors' motion for judgment on the pleadings (as to the Original Complaint and the unfiled amended complaint) as moot.
9. Section 523(a)(3)(A) of the Bankruptcy Code provides that an individual is not entitled to a discharge for any unlisted or unscheduled debt of a creditor whose debt is not of a kind specified in 523(a)(2), (4) or (6), where the creditor was not permitted to timely file a proof of claim, and the creditor did not have notice or actual knowledge of the bankruptcy case in time to timely file a proof of claim. Stated otherwise, 523(a)(3)(A) is intended to protect a creditor's right to file a proof of claim and to participate in any distribution of assets of the estate. However, in no-asset cases, creditors are instructed not to file proofs of claim until and unless assets have been located. Thus, in a no-asset case, there is no deadline for filing proofs of claim and as a consequence the failure to list or schedule a debt does not deprive the creditor of the ability to timely file a claim. In such cases, the 9th Circuit has held that the unlisted/unscheduled debt is discharged irrespective of its omission from the debtor's schedules. *In re Beezley*, 994 F.2d 1433 (9th Cir. 1993). More specifically, *Beezley* holds that if the omitted debt is of a type covered by 523(a)(3)(A), it is automatically discharged pursuant to Section

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CONT... **Kosta M Majdalani and Therese J Majdalani**
727.

Chapter 7

10. A debt based on breach of contract is not the kind of debt specified in 523(a)(2) [fraud], 523(a)(4) [fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny], or 523(a)(6) [willful and malicious injury]. Accordingly, under 523(a)(3)(A) and *Beezley*, an unlisted or unsecured debt for breach of contract is discharged.

11. In this matter, Creditor filed the Original Complaint alleging a debt based on breach of contract, a statutorily discharged debt, on September 14, 2018. This was approximately 6 years after receiving actual notice of the bankruptcy filing. The act of filing the Original Complaint in order to collect a discharged debt violated Debtors' discharge injunction pursuant to Section 524(a)(2).

12. Under 11 U.S.C. § 524(a)(2), a discharge order "operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset" a discharged debt. 11 U.S.C. § 524(a)(2). The discharge injunction is broad and prohibits any act taken to collect a discharged debt as a personal liability of the debtor. The United States Supreme Court recently confirmed that a bankruptcy court may impose civil contempt for violation of a discharge order when there is no objectively reasonable basis for concluding that the creditor's conduct might be lawful under the discharge order. *Taggart v. Lorenzen (In re Brown)*, 139 S.Ct. 1795 (2019).

13. In this case, Creditor filed a prepetition breach of contract action against Debtors six years after he learned of the chapter 7 case. Applying the objective standard required by the Supreme Court in *Taggart*, there is "no fair ground of doubt" as to whether an attempt to collect on a prepetition contract claim would not be covered by Debtors' discharge order. The court finds significance in that fact that on or about October 26, 2018, just weeks after filing the contract action (asserting that Debtors failed to repay a \$46,000 loan), Creditor apparently attempted to stipulate with Debtors for the filing of an amended complaint that 1) dropped all breach of contract allegations, and 2) re-characterized the debt as one based on intentional torts. In other words, rather than dismiss the violating complaint, Creditor chose amend around it. The end result is that the Original Complaint remained the operative pleading

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CONT... **Kosta M Majdalani and Therese J Majdalani** Chapter 7

for eight months until the motion to amend was finally granted on May 7, 2019. During that time, Debtors were forced to participate in the defense of a discharged debt.

14. The First Amended Complaint ("FAC") alleges fraud and other intentional torts that, if true, could fall under 523(a)(2), (4) or (6). The FAC is thus governed by 523(a)(3)(B) which provides that an unlisted, unscheduled debt is not discharged if it is a kind specified in 523(a)(2), (4) or (6) and the creditor did not have knowledge of the bankruptcy in time to file a nondischargeability complaint.

15. The deadline for filing a nondischargeability complaint in this case was July 16, 2012. According to Debtor's own evidence, Creditor did not learn about the bankruptcy until September 2012, well after the deadline. Therefore, 523(a)(3)(B) is implicated.

16. Though federal courts have exclusive jurisdiction over 523(a)(2), (4) and (6) proceedings, state and federal courts have concurrent jurisdiction over 523(a)(3) proceedings. *In re McGahn*, 288 F.3d 1172, 1176 (9th Cir. 2002). *In re Franklin*, 179 B.R. 913, 924 (Bankr.E.D.Cal 1995). The court agrees with the analysis of the court in *Franklin*:

"Because Fidelity was unscheduled, unlisted, and unaware of the bankruptcy, its section 523(a)(2) cause of action is transmuted into a section 523(a)(3)(B) cause of action. That transmutation makes very little difference as to the applicable substantive law or as to proof at trial, but makes all the difference for purposes of jurisdiction and of the limitations period. In a section 523(a)(3)(B) action, the plaintiff must prove all the elements of nondischargeability under section 523(a)(2), (a)(4), or (a)(6) and, in addition, must prove that the debt was unscheduled, unlisted, and the plaintiff was unaware of the bankruptcy in time to comply with the section 523(c) sixty-day deadline. These additional elements do not add much complexity and are ordinarily not difficult to prove.

Jurisdiction over section 523(a)(3) actions, however, is concurrent state and federal jurisdiction pursuant to section 1334(b), rather than the exclusive federal jurisdiction prescribed by section 523(c). Not only may dischargeability

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CONT...

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Chapter 7

of the fraud claim be litigated in state court, the action, like all the concurrent jurisdiction nondischargeability actions, may be filed "at any time" after the bankruptcy case is first filed. Fed.R.Bankr.P. 4007(b); *28 Irons v. Santiago (In re Santiago)*, 175 B.R. 48, 50 (9th Cir. BAP 1994); *American Standard Ins. Co. v. Bakehorn*, 147 B.R. 480 (N.D.Ind.1992); *Glosser v. Parrish Real Estate (In re Grant)*, 160 B.R. 839, 844 (Bankr.S.D.Cal.1993).

In short, the penalty to the debtor for failing to schedule a fraud debt or otherwise to inform the creditor of the bankruptcy is forfeiture of the right to enjoy exclusive federal jurisdiction and loss of the sixty-day limitations period applicable in the exclusive jurisdiction actions.

Since Franklin concedes that Fidelity was not listed in his bankruptcy schedules and did not otherwise know of the existence of his bankruptcy case before that deadline passed, the prerequisite to exclusive federal jurisdiction over Fidelity's nondischargeability action based on fraud has not been satisfied. Thus, Fidelity's nondischargeability action for fraud lies under section 523(a)(3)(B) rather than section 523(a)(2). It qualifies for the exception to the exception and may be litigated in state court. "

17. Based upon the foregoing, this court concludes that the State Court has jurisdiction to adjudicate the FAC under 523(a)(3)(B). Accordingly, the Motion is denied as to the FAC.

Party Information

Debtor(s):

Kosta M Majdalani

Represented By
Parisa Fishback
David Brian Lally

Joint Debtor(s):

Therese J Majdalani

Represented By
Parisa Fishback
David Brian Lally

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

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CONT... Kosta M Majdalani and Therese J Majdalani

Chapter 7

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Thursday, September 19, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#20.00 Hearing RE: Trustee's Final Report and Application for Compensation

[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]

Docket 78

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

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):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
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Thursday, September 19, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#21.00 Hearing RE: First and Final Application for Fees and Reimbursement of Expenses [April 12, 2018 Through August 2, 2019]

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

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

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):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
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Thursday, September 19, 2019

Hearing Room 5A

10:30 AM

8:16-14262 Claudia Michel Estrada

Chapter 7

#22.00 Hearing RE: First and Final Fee Application of Hahn Fife & Company for Allowance of Fees and Expenses From January 9, 2019 Through June 11, 2019

[HAHN FIFE & COMPANY, LLP, ACCOUNTANT FOR TRUSTEE]

Docket 68

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

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):

Claudia Michel Estrada

Represented By
Luis G Torres
Todd L Turoci

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, September 19, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#23.00 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; 12-13-18; 4-18-19; 6-20-19; 7-18-19

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.

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CONT... C.B.S.A. Family Partnership

Chapter 11

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

May 31, 2018

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the

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CONT... C.B.S.A. Family Partnership

Chapter 11

court shall issue an order to show cause why this case should not be 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. (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

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10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

continuances and time that has been granted to Debtor and the IRS with no 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.

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).

April 18, 2019

Dismiss case.

This case has now been pending for nearly two years with no contemplated plan of reorganization. Debtor wishes to continue to prop up this empty case up for the sole purpose of executing an agreement with an apparently reluctant IRS. The IRS apparently seems to have no sense of urgency regarding this case. Counsel for the IRS represented to the court on November 13, 2018 that approval from D.C. of the settlement should be obtained within 60-90 days. However, five months later, there is no approval in sight. Debtor will need to resolve its issues with the IRS outside bankruptcy.

June 20, 2019

In light of status report filed on 6/13/19 confirming approval of Debtor's settlement with the IRS by the Dept. of Justice [docket #144], continue this status conference to July 18, 2019 at 10:30 a.m.; updated status report must be filed by or before July 11, 2019 if a stipulation between Debtor and the government has not been filed by such date. (XX)

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CONT... C.B.S.A. Family Partnership

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

July 18, 2019

In light of the finalization of the settlement with the IRS, continue status conference to September 19, 2019 at 10:30 a.m.; updated status conference report must be filed by September 5, 2019. (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 19, 2019

Continue status conference to November 7, 2019 at 10:30 a.m.; court to issue Order to Show Cause Why This Case Should Not Be Dismissed due to lack of necessity for reorganization on notice to all creditors. The OSC hearing shall be set for the same date/time.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

C.B.S.A. Family Partnership

Represented By
Jerome Bennett Friedman

**United States Bankruptcy Court
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Thursday, September 19, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#24.00 CON'TD Hearing RE: Debtor's Objection to Secured Creditor, Premier Home Solutions Inc.'s Proof of Claim 1

FR: 8-22-19

Docket 90

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

The court is inclined to sustain the objection as to accrued interest and to overrule the objection as to the principal debt, i.e., \$120,000.

The parties are to address the following issues:

Debtor:

1. This court has already abstained from hearing the merits of case involving this loan in light of a pending state court action that *Debtor* initiated prepetition involving multiple plaintiffs and defendants. Debtor is to advise the court re the status of the state court litigation.

2. The court finds Debtor's argument that she doesn't owe anything to Claimant because she "never received the money," strains credulity in light of the joint venture agreement she entered into regarding the acquisition of the Sea Island property and her subsequent acknowledgement of the purchase. See Claimant's Opposition, Declaration of Angel Santiago and exhibits attached thereto; Declaration of Michael Van Ness, Exhibit 1.

3. Debtor's Objection does not explain or provide any legal analysis regarding relevance of Claimant's lack of a real estate license. She simply

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10:30 AM

CONT...

Daphne Alt

Chapter 13

declares Claimant is not exempt from usury laws without any legal analysis. The court declines to do Debtor's research for her.

4. As of July 26, 2019, it appears Claimant is active and no longer suspended.

5. Even if the interest is usurious, the principal balance remains. Further, even if, because of the lack of notice, the note has not yet matured, the principal debt remains and has to be treated through Debtor's chapter 13 plan.

Claimant

1. Claimant's assertion of the nonapplicability of Cal. Civ. Code 2966 is unpersuasive in light of the fact that the note itself expressly states that "this note is subject to Section 2966 . . . which provides that the holder . . . shall give written notice to the trustor . . . at least 90 and not more than 150 days before any balloon payment is due." Thus, whether or not Section 2966 would have otherwise applied or not, Claimant clearly intended to provide the protections of Section 2966 by including it in the note that it presumably drafted. Absent notice given pursuant to the note, it has not yet matured.

2. The note is clearly usurious under California Constitution Article XV Section 1 as it exceeds 10% per annum. Claimant has the ultimate burden of proof and has not provided any basis for it being exempt from the usury law.

3. The court is not persuaded that Debtor's claim is time-barred. See Debtor's reply.

Special note: This court's ruling as to this claim objection cannot be used by or against any person or entity other than Debtor and Premier Home Solutions, Inc. in any other state or federal action. Further any ruling by this court regarding the subject proof of claim is without prejudice to Premier seeking prejudgment interest at the legal rate once notice is properly given under the note.

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CONT... Daphne Alt

Chapter 13

September 19, 2019

Parties to appear and advise the court re the status of this matter. If additional time to memorialize the settlement is needed, a final continuance may be requested during the tentative ruling roll call prior to the hearing. Available hearing dates: Oct. 10, 2019 and Oct. 17, 2019 at 10:30 a.m.

Party Information

Debtor(s):

Daphne Alt

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#25.00 CONT'D Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Cavalry SPV I, LLC (Claim #1)

FR: 8-22-19

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Sustain Objection on the basis of the statute of limitations. Disallow claim in its entirety.

Special Note: The objection is not sustained on any of the other grounds stated in the Objection.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#26.00 CON'TD Hearing RE: Debtor's Amended Objection and Opposition to Claim Submitted by Wells Fargo Bank (Claim #2)

FR: 8-22-19

Docket 44

***** VACATED *** REASON: OFF CALENDAR: Debtor's Request to Withdraw Objection to Claim #2 - Wells Fargo Bank and Take Hearing Off Calendar, filed 9/3/2019**

Courtroom Deputy:

OFF CALENDAR: Debtor's Request to Withdraw Objection to Claim #2 - Wells Fargo Bank and Take Hearing Off Calendar, filed 9/3/2019 - td (9/3/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards 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, September 19, 2019

Hearing Room

5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#27.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Eugene V. Zech (Claim #3)

FR: 8-22-19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Sustain the Objection in part, and deny in part. Sustain the Objection and allow the Claim as a general unsecured claim in the amount of \$70,263.40. Deny the Objection as to all other relief requested.

Basis for 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. 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. *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

**United States Bankruptcy Court
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CONT... **Alicia Marie Richards**

Chapter 13

claim by a preponderance of the evidence. *Lundell*, 233 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).

Debtor argues that the Claim should not be afforded prima facie validity because Claimant has failed to attach supporting documentation and the Abstract and Lien attached to the Claim are void. See, Obj., p. 5:15-6:11. This argument is unpersuasive because Claimant filed the Claim in accordance with Rule 3001. The Claim was filed with Official Form 410 and included a copy of the Abstract. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to prima facie validity under Rule 3001(f).

Debtor attempts to rebut the prima facie validity of the Claim by raising three arguments: (1) the Abstract is void because it was filed after the bankruptcy was filed, (2) the Judgment is void because the state court lacked jurisdiction to enter the Judgment since the related family court orders were on appeal, (3) the state court committed various errors at trial before the Judgment was entered, and (4) the Claim should be offset by Debtor's potential malpractice claims against Claimant. See, Obj., p. 2-7.

The Claim purports to be secured by the Abstract and the Lien. See, Obj., Ex. A (the Claim).

Turning first to the Abstract, the Abstract was recorded at 3:42pm on May 1, 2019 in violation of the automatic stay because the petition was filed at 7:00am on May 1, 2019. *Cf.*, Obj., Ex. A (the Claim) and the Petition. Accordingly, since the Abstract was recorded after the petition was filed, and Claimant did not have relief from the automatic stay to record the Abstract, the recording violated the automatic stay and is void. See, *In re Schwartz*, 954 F.2d 569, 571 (9th Cir. 1992)("Our decision today clarifies this area of the law by making clear that violations of the automatic stay are void, not voidable.").

The Lien arises from a family law attorney's real property lien ("FLARPL") as codified in Family Code § 2033. See, Obj., Ex. A (copy of the FLARPL attached to the Abstract). Per subsection (e) of Family Code §

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2033, "An attorney for whom a family law attorney's real property lien is obtained shall comply with Rule 3-300 of the Rules of Professional Conduct of the State Bar of California." Under Rules of Professional Conduct ("RPC") 3-300, an attorney shall not acquire a security interest adverse to a client unless the transaction fair and reasonable and fully disclosed to the client in writing, the client was advised in writing that the client may seek the advice of an independent lawyer and given a reasonable opportunity to seek that advice, and the client consents in writing to the terms. While RPC 3-300 has since been replaced with Rule 1.8.1, effective November 1, 2018, RPC 3-300 was in effect at the time the FLARPL was October 3, 2018.

Debtor argues that the Lien is void because Claimant did not comply she was not advised in writing that she could seek the advice of independent counsel. See, Obj., p. 2, ¶4. This argument is persuasive because the FLARPL attached to the Claim does not include any of the RPC 3-300 required language and there is no other documentation attached to the Claim with the missing language. See, Obj., Ex. A. Accordingly, Debtor has rebutted the prima facie validity of the Claim as to the Claim's secured status, and Claimant must not prove the validity of the Claim by a preponderance of the evidence.

In response, Claimant argues that Debtor's argument is unsubstantiated and unfounded and that Debtor's claims' should have been presented to the state court during the trial. Opp'n, p. 2:5-12. This argument is unpersuasive because in the very next sentence, Claimant admits that the "at the Trial the existence or non-existence of the Family Law Real Property Lien was not before the Court." *Id.* Moreover, Claimant has not provided any evidence of a writing, signed by Debtor, that complies with the requirements of RPC 3-300. See, Obj., Ex. A and Opp'n. As such, the Lien is not enforceable against Debtor's property. See *In re Segovia*, 2008 WL 8462967, at *10 (B.A.P. 9th Cir. Oct. 22, 2008), *aff'd*, 346 F. App'x 156 (9th Cir. 2009)(citing *Fletcher v. Davis* (2004) 33 Cal.4th 61, 64).

Claimant did produce the Judgment, however, which further substantiates the claim amount of \$70,263.40. See, Opp'n, Ex. A. Accordingly, Claimant has proven the validity of the Claim amount, but has not carried his burden to prove the validity of Lien, i.e., the secured status of

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the Claim. Accordingly, the Objection is sustained in part and the Claim allowed as general unsecured claim in the amount of \$70,263.40.

The Court lacks jurisdiction to rule on Debtor's arguments regarding the trial court's errors and alleged lack of jurisdiction as the Court lacks jurisdiction to act as an appellate court to review the Judgment and how the state court applied state law. Moreover, as to the Claim amount based on the Judgment, Debtor has failed to provide any evidence that the Judgment has been stayed pending any appeal of the Judgment or any related family law appeals. Thus, the Judgment, currently, is evidence of the Claim and the Claim is allowable as an unsecured claim.

Debtor requests that the Court offset the Claim with Debtor's malpractice causes of action against Claimant and avoid the Lien. See, Obj., p. 2, ¶3 and p. 9, ¶10. With regards to potential offset claim, Debtor herself admits that any such causes of action are currently contingent because the related family law orders are currently on appeal, and if reversed, Debtor will not suffer "irremediable harm" which is an element of a malpractice action. See, Reply, p. 3:27-4:28. As such, to the extent Debtor is seeking a declaratory judgment against Claimant, an adversary proceeding is required against Claimant per Rule 7001(9). Similarly, an adversary proceeding is required to avoid the Lien per Rules 3007(b)[any relief of the kind specified under Rule 7001 shall not be included in a claim objection] and 7001(2)[a proceeding to determine the validity...of a lien].

Finally, Debtor provides no authority for an award of attorneys' fees and costs against Claimant. As such, this request is denied.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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8:19-11677 Alicia Marie Richards

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#28.00 CONT'D Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Kevin E. Robinson (Claim #6)

FR: 8-22-19

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Overrule Objection.

Basis for Tentative Ruling

Debtor's first argument is that the Claim should be afforded prima facie validity because no supporting documentation was attached to the Claim. See, Obj., p. 5:14-6:11. This argument is unpersuasive because Claimant filed the Claim in accordance with Rule 3001. The Claim was filed with Official Form 410 and included a transcript of the hearing in which First Minute Order was entered. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to prima facie validity under Rule 3001(f).

Debtor attempts to rebut the prima facie validity of the Claim by raising three arguments: (1) the state court lacked jurisdiction to enter the First Minute Order because that order was based on an order that was entered July 10, 2018 and was on appeal at the time the First Minute Order was entered, (2) the state court erred in when it sanctioned Debtor under CCP §§ 128.5 and 128.7, (3) the state court lacked jurisdiction to enter the Second Minute Order because the First Minute Order was on appeal at the time the Second Minute Order was entered, and (4) the Second Minute Order is void

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because it was entered in violation of the automatic stay. See, Obj., p. 1-9. These arguments should be overruled because the Second Minute Order is not void because the automatic stay was not applicable to the state court's sanctions, and the Court lacks jurisdiction to decide Debtor's appeal of the First Minute Order.

As a preliminary matter, the First Minute Order was entered on November 9, 2018. Since the petition date was May 1, 2019, the automatic stay is not implicated by the First Minute Order.

The Second Minute Order was entered postpetition on June 10, 2019. The hearing on Mr. Richards' motion for an order granting relief from the automatic stay in regard to the divorce action was heard on June 13, 2019 and the order granting the motion was entered on June 26, 2019 the ("RFS Order")[dkt. #64]. Because the Second Minute Order was entered before the RFS Order was entered, the Second Minute Order is void unless the automatic stay was not applicable.

Under § 362(b)(4), the automatic stay is not applicable to the "the commencement or continuation of an action or proceeding by a [governmental unit](#).. to enforce such [governmental unit](#)'s or organization's police and regulatory power, [including](#) the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the [governmental unit](#) to enforce such [governmental unit](#)'s or organization's police or regulatory power[.]"

Here, the automatic stay was not applicable to the Second Minute Order because:

Civil contempt proceedings are exempted from the automatic stay under the government regulatory stay exception where such proceedings are intended to effectuate the court's public policy in deterring litigation misconduct. This is so even though the sanctions are *monetary* and payable to a *private party*. [*In re Dingley* (9th Cir. 2017) 852 F3d 1143, 1144 (creditor's pursuit of civil contempt sanctions against debtor to effectuate state court's policy in deterring litigants from violating court orders

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imposing sanctions for litigation misconduct not subject to stay);
In re Berg (9th Cir. BAP 1996) 198 BR 557, 561-563 (court's
sua sponte imposition of sanctions on debtor for prosecuting
frivolous appeal not subject to stay)]

Exceptions to Automatic Stay, Cal. Prac. Guide Bankruptcy Ch. 8(I)-C.

The First Minute Order was entered with regards to the state court's OSC re sanctions for Debtor's violation of the state court's prior order and Debtor's "impugning the integrity of this Court." See, Obj., Ex. A, p. 21:22-22:9 and p. 23:1-5 (page nos. here refer to the transcript page nos.). The state court made clear that it was issuing sanctions against Debtor for litigation misconduct, including frivolous filings and appeals. See, Obj., Ex. A, p. 18-23 (page nos. refer to transcript page nos.). The Second Minute Order therefore relates to the Court's civil contempt sanctions because the Second Minute Order merely "corrected" the First Minute Order. See, Obj., Ex. D. Accordingly, the automatic stay was not applicable to the Second Minute Order under § 362(b)(4) and the Second Minute Order is therefore not void.

This Court lacks jurisdiction to review or modify any order of the state court.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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

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8:19-11677 Alicia Marie Richards

Chapter 13

#29.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Merrick Bank (Claim #8)

FR: 8-22-19

Docket 57

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Overrule Objection due to continuing service issue which has not been corrected. The Objection was not served to Claimant pursuant to FRBP 3007(a)(2)(A)(ii) which requires additional service per FRBP 7004(h). Claimant was also served with notice of today's hearing date.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, September 19, 2019

Hearing Room 5A

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8:19-11677 Alicia Marie Richards

Chapter 13

#30.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Schools First Credit Union (Claim #4)

FR: 8-15-19

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling

A. Service Issues:

1. Federal Rules of Bankruptcy Procedure (FRBP) 3007 governs the manner of service of an objection to claim. Rule 3007(a)(2)(A)(ii) requires that if an objection is to the claim of an "insured depository institution" service of the objection and notice must be a) to the person designated on the claimant's proof of claim by first class mail, AND b) in the manner provided by Rule 7004(h).

2. FRBP 7004(h) requires that service to an insured depository institution must be made by certified mail addressed to an officer of the institution unless the institution has appeared by its attorney, in which case the attorney shall be served by first class mail.

3. Bankruptcy Code Section 101(35)(B) defines "insured depository institution" as including "an insured credit union."

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4. Because SchoolsFirst Federal Credit Union ("SchoolsFirst" or "Claimant") is an insured credit union, Rule 3007(a)(2)(A)(ii) applies.

5. There is no record of an attorney appearing on behalf of SchoolsFirst in this case and, therefore, service by certified mail to the attention of an officer was required. Such service was not made.

B. Merits of the Objection:

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. *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).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to prima facie validity under Rule 3001(f).

Because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of

**United States Bankruptcy Court
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CONT... Alicia Marie Richards

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the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Community Debt

Debtor argues that the debt owed to SchoolsFirst is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection on the basis of assigned liability to Mr. Richards.

Arrears of \$912.24 Referenced in the Proof of Claim

On this issue, Debtor appears to have satisfied her burden of showing that she is likely current with respect to the payments made to SchoolsFirst. However, the court cannot sustain her objection at this time on this issue because of the service problem. See Service discussion above.

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Based upon all of the foregoing, Debtor has not satisfied her burden of presenting 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 subject proof of claim.

September 19, 2019

Overrule Objection due to continuing service issue which has not been corrected. The Objection was not served to Claimant pursuant to FRBP 3007(a)(2)(A)(ii) which requires additional service per FRBP 7004(h).

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, September 19, 2019

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8:19-11677 Alicia Marie Richards

Chapter 13

#31.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Schools First Credit Union (Claim #5)

FR: 8-15-19

Docket 74

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling

A. Service Issues:

1. Federal Rules of Bankruptcy Procedure (FRBP) 3007 governs the manner of service of an objection to claim. Rule 3007(a)(2)(A)(ii) requires that if an objection is to the claim of an "insured depository institution" service of the objection and notice must be a) to the person designated on the claimant's proof of claim by first class mail, AND b) in the manner provided by Rule 7004(h).
2. FRBP 7004(h) requires that service to an insured depository institution must be made by certified mail addressed to an officer of the institution unless the institution has appeared by its attorney, in which case the attorney shall be served by first class mail.
3. Bankruptcy Code Section 101(35)(B) defines "insured depository institution" as including "an insured credit union."

**United States Bankruptcy Court
Central District of California
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4. Because SchoolsFirst Federal Credit Union ("SchoolsFirst" or "Claimant") is an insured credit union, Rule 3007(a)(2)(A)(ii) applies.

5. There is no record of an attorney appearing on behalf of SchoolsFirst in this case and, therefore, service by certified mail to the attention of an officer was required. Such service was not made.

B. Merits of the Objection:

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. *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).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to prima facie validity under Rule 3001(f).

Because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, September 19, 2019

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CONT... Alicia Marie Richards

Chapter 13

the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Adequacy of the Proof of Claim

Debtor argues in conclusory manner without any legal support or authority that Claimant has not provided "adequate proof" of its claims and that "statements on the account from 2013 to present" is required. The court is unaware of any such requirement.

Rule 3001(a) requires that the proof of claim must "confirm substantially to the appropriate Official Form." In this case, the proof of claim is filed on Official Form 410.

Rule 3001(c)(3) provides that when a claim is based on an open-end or revolving consumer credit agreement, certain information is required such as, the name of the entity to whom the debt is owed, the date of the last transaction, the date of the last payment on the account and the date on which the account was charged off.

The statement attached to the proof of claim indicates that it is a revolving credit card debt and, therefore, Rule 3001(c)(3)(A) applies. The statement appears to include all of the required information. Rule 3001(c)(3)(A) does not require that all monthly statements be attached.

Community Debt

Debtor also argues that the debt owed to SchoolsFirst is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" In this case, the credit obligation is in the name of both Debtor and her ex-spouse and is a community debt, as she admits. Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for

**United States Bankruptcy Court
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repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection.

Based upon all of the foregoing, Debtor has not satisfied her burden of presenting 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 subject proof of claim.

September 19, 2019

Overrule Objection for the same reasons set forth above in Section B of the Tentative Ruling for August 15, 2019

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Santa Ana
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Thursday, September 19, 2019

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Chapter 13

#32.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Claimant Jefferson Capital Systems, LLC aka Aspire Card (Claim #10)

FR: 8-15-19

Docket 81

***** VACATED *** REASON: OFF CALENDAR: Order Approving
Stipulation to Withdraw Claim Based on Stipulation Signed 8/27/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation to Withdraw Claim Based
on Stipulation Signed 8/27/2019 - td (8/28/2019)**

Tentative Ruling:

August 15, 2019

Take matter off-calendar as moot. Parties have stipulated to Claimant withdrawing Claim #10 and Debtor withdrawing this objection to claim. A proposed order approving the stipulation must be filed within 7 days of today's hearing.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, September 19, 2019

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8:19-11677 Alicia Marie Richards

Chapter 13

#33.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Number 9
Submitted by Claimant Verizon by American Info Source as Agent in the Amount
of \$220.85

FR: 8-15-19

Docket 92

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling:

1. Service issues: The Amended Objection to Claim was not timely filed for this hearing date. FRBP Rule 3007(a)(1) requires that objections to claim be filed at least 30 days prior to the scheduled hearing -- this includes amended objections to claim. Here, the Amended Objection to Claim was filed July 30, 2019, only sixteen days prior to today's hearing and includes new argument and evidence that were not included in the original objection to claim filed July 9, 2019.

2. Merits: Even if the Amended Objection to Claim was timely, Debtor's arguments regarding disallowance of the claim are not persuasive and not supported by legal support or authority.

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,

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CONT... **Alicia Marie Richards**

Chapter 13

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 620 (9th Cir. 1991).

Debtor's Arguments:

1. Inadequate Proof of Debt: Debtor argues that Claimant filed a contract between American Info Source ("American") and Verizon but did not provide a contract between Debtor and American or Verizon.

First, the contract between American and Verizon simply memorializes a servicing agreement between the two entities that authorizes American to file a bankruptcy proof of claim on behalf of Verizon. The contract states in part "This Short Form Services Agreement will allow American Infosource to file, amend or withdraw bankruptcy related proof of claim (POC) filings on behalf of of Verizon." The servicing agreement has no bearing on Debtor's or the bankruptcy estate's liability for the debt.

Second, the proof of claim, filed on Official Form 410, also includes a Statement of Accounts with Debtor's name, address, account number, and summary of charges with the amount due, last transaction date, charge-off date, etc.. This is sufficient to satisfy Rule 3001(a) and is entitled to prima facie validity under Rule 3001(f).

Third, Debtor asserts that there ia a discrepancy between the

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amount on the March 25, 2017 invoice, \$225.15, and the amount on the proof of claim, \$220.85. However, as the Statement of Accounts indicates an amount due of \$200.85, which matches the amount on the proof of claim, this argument is not persuasive as a basis for disallowing the claim.

2. Community Debt

Debtor contends that the debt owed to Verizon is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" In this case, the credit obligation is in the name of both Debtor and her ex-spouse and is a community debt, as she admits. Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

3. Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection. As for Debtor's argument that the claim needs to be "offset" against her ex-spouse, no legal authority is stated for offsetting a community claim from one spouse to another absent a family court order. The February 22, 2016 Order attached to the Objection does not assign liability of this particular debt solely to Mr. Richards.

4. Service of Proof of Claim: There is no rule or statute requiring a creditor to

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serve its proof of claim on a debtor. FRBP 3002 only requires that the proof of claim be filed with the court.

In sum, because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039. Debtor has not met that burden of proof.

September 19, 2019

Overrule Objection for the same reasons set forth above in Section B of the Tentative Ruling for August 15, 2019

Party Information

Debtor(s):

Alicia Marie Richards	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

#34.00 Hearing RE: Debtors' Omnibus Motion for an Order Disallowing Claims:

Claim No. 1 On Deck Capital, Inc.

Claim No. 26 LVNV Funding, LLC

Claim No. 30 LendingClub Corporation

Docket 50

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

#35.00 Hearing RE: Debtors' Omnibus Motion for an Order Disallowing Claims:

Claim No. 14 American Express National Bank

Claim No. 15 American Express National Bank

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#36.00 CON'TD Hearing RE: Debtor's Amended Objection to Proof of Claim Filed by
Steward Financial LLC [Claim No. 19]

FR: 8-8-19

Docket 740

*** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 2:00 P.M.,
Per Order Entered 9/17/2019 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/21/2019 at 2:00 p.m., Per Order
Entered 9/17/2019 (XX) - liz (9/17/2019)**

Tentative Ruling:

- 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
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Thursday, September 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#37.00 CONT'D Hearing RE: Defendant's Motion for Order Dismissing with Prejudice All Claims for Relief in First Amended Complaint to Determine Non-Dischargeability of Debt Under Bankruptcy Code Section 523 Pursuant to F.R.C.P. 12(b)(6)

FR: 8-8-19

Docket 78

***** VACATED *** REASON: CONTINUED TO 11/21/2019 AT 2:00 P.M.,
Per Order Entered 9/17/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 11/21/2019 at 2:00 p.m., Per Order
Entered 9/17/2019 (XX) - liz (9/17/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby 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

**United States Bankruptcy Court
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CONT...

John Jean Bral

Krikor J Meshefejian
Gary E Klausner

Chapter 11

**United States Bankruptcy Court
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Thursday, September 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#38.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine
Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19; 8-15-19

Docket 35

Courtroom Deputy:

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status
report to be filed by March 7, 2019 (XX)

March 21, 2019

Continuue status conference to August 15, 2019 at 9:30 a.m.; updated joint
status report to be filed by August 1, 2019. **Deadline for Defendant to file
responsive pleading to the FAC: June 20, 2019. (XX)**

***Note: If all parties accept the foregoing tentative ruling, appearances at
the March 21, 2019 hearing are not required.***

August 15, 2019

Continue status conference to September 19, 2019 at 2:00 p.m.; an updated
status report is not required. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve

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Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

notice of the continued date/time.

September 17, 2019

Continue status conference to November 21, 2019 at 2:00 p.m.; an updated status report is not required.

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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
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Tuesday, September 24, 2019

Hearing Room 5A

11:00 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#1.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Eugene V. Zech (Claim #3)

FR: 8-22-19; 9-19-19

Docket 51

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-13005 Luis G. Rivas Sanchez

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Luis G. Rivas Sanchez

Represented By
Steven B Lever

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12936 Maria Elidia Cerda

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elidia Cerda

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12933 Lisa Nguyen

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Nguyen

Represented By
Christine A Kingston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12914 Thana Eddik

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Thana Eddik

Represented By
Gregory M Shanfeld

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12913 Nicky Alexis Michaels

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 8/14/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 8/14/2019 - td (9/6/2019)**

Party Information

Debtor(s):

Nicky Alexis Michaels Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-12888 Elisabeth Mary Ziesmer

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

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
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12858 Abigail Vizcaino

Chapter 7

#7.00 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 8/5/2019; Case Converted to Chapter 7. Subsequently, Order Approving Stipulation Dismissing Case Under §707(b) Entered 8/20/2019**

Courtroom Deputy:

OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 8/5/2019; Case Converted to Chapter 7 - td (8/8/2019). Subsequently, Order Approving Stipulation Dismissing Case Under §707(b) Entered 8/20/2019 - td (8/20/2019)

Party Information

Debtor(s):

Abigail Vizcaino

Represented By
James D. Hornbuckle

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

8:19-12819 Joel Cabrera and Guadalupe Haydee Sauza

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joel Cabrera

Represented By
Christopher J Langley

Joint Debtor(s):

Guadalupe Haydee Sauza

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12792 Donna Lee Lawler

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Donna Lee Lawler

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-12772 Sandie A. Campanilla

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Sandie A. Campanilla

Represented By
Tina H Trinh

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12770 Diana Gomez

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Diana Gomez

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

8:19-12759 Grant Goffinet and Jennifer Goffinet

Chapter 13

#12.00 hearing RE: Confirmation of Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Grant Goffinet

Represented By
Gary Polston

Joint Debtor(s):

Jennifer Goffinet

Represented By
Gary Polston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

8:19-12741 Michael E. Silbermann

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Michael E. Silbermann

Represented By
Joseph C Rosenblit

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

8:19-12718 Tonnie Lynett White

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 3

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Tonnie Lynett White

Represented By
Sundee M Teeple

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-12717 Dushan Michael Gunasekera

Chapter 13

#15.00 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 7/30/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/30/2019 - td (9/6/2019)**

Party Information

Debtor(s):

Dushan Michael Gunasekera Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-12710 Connie R Lavayen

Chapter 13

#16.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Connie R Lavayen

Represented By
Alisa Admiral

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12675 Sergio Piana

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 7/29/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/29/2019 - td (7/30/2019)**

Party Information

Debtor(s):

Sergio Piana

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12633 Lisa Anna Gregorius

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Anna Gregorius

Represented By
Sheila M Pistone

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12608 Jose Gerardo Martinez and Irma Martinez

Chapter 13

#19.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gerardo Martinez

Represented By
David R Chase

Joint Debtor(s):

Irma Martinez

Represented By
David R Chase

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

1:30 PM

8:19-12596 John Francis Shook

Chapter 13

#20.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

John Francis Shook

Represented By
Scott Dicus

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12565 Josephine Juanita Garcia

Chapter 13

#21.00 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 7/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 7/15/2019 - td (7/15/2019)**

Party Information

Debtor(s):

Josephine Juanita Garcia

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

1:30 PM

8:19-12562 Gary Edward Smith

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 7/22/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/22/2019 - td (7/22/2019)**

Party Information

Debtor(s):

Gary Edward Smith

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

1:30 PM

8:19-12517 Tina Truong

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 8/5/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 8/5/2019 - td (9/6/2019)**

Party Information

Debtor(s):

Tina Truong

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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1:30 PM

8:19-12509 Scott T. Vu and Thu M. Nguyen

Chapter 13

#24.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Scott T. Vu

Represented By
Christopher J Langley

Joint Debtor(s):

Thu M. 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, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12490 Sandra Fuamatu

Chapter 13

#25.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Fuamatu

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-12489 Howard Zebulun Eaves and Erwena Dayao Eaves

Chapter 13

#26.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Howard Zebulun Eaves

Represented By
Raymond J Seo

Joint Debtor(s):

Erwena Dayao Eaves

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-12475 Maria Elidia Cerda

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 7/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 7/15/2019 - td (7/15/2019)**

Party Information

Debtor(s):

Maria Elidia Cerda

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-12466 Jamie Christa Carroll

Chapter 13

#28.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Christa Carroll

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-12451 Juan Carlos Portillo

Chapter 13

#29.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Portillo

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, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12436 Natalie L Wade

Chapter 13

#30.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Natalie L Wade

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-12141 Stephen Tague La Fountain and Rosemary Ann La

Chapter 13

#31.00 CON'TD Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR: 8-27-19

Docket 18

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Tague La Fountain

Represented By
Kevin Tang

Joint Debtor(s):

Rosemary Ann La Fountain

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**

Tuesday, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-12101 Juan Carlos Salinas

Chapter 13

#32.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 8-27-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Salinas

Represented By
Jaime A Cuevas Jr.

Trustee(s):

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-11985 Charles A Thomas and Theresa A. Thomas

Chapter 13

#33.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 8-27-19

Docket 14

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Charles A Thomas

Represented By
Joseph C Rosenblit

Joint Debtor(s):

Theresa A. Thomas

Represented By
Joseph C Rosenblit

Trustee(s):

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-11870 Darlene Futrel

Chapter 13

#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 2

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, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 13

#35.00 CON'TD Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 7-30-19

Docket 26

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes

Trustee(s):

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-11738 Shauna Barnhardt

Chapter 13

#36.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Shauna Barnhardt

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 24, 2019

Hearing Room 5A

1:30 PM

8:19-11677 Alicia Marie Richards

Chapter 13

#37.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 14

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards 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 24, 2019

Hearing Room 5A

1:30 PM

8:19-11548 Veronica Romano

Chapter 13

#38.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19

Docket 24

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Romano

Represented By
Thinh V 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, September 24, 2019

Hearing Room 5A

1:30 PM

8:19-10298 Robert W Hickman

Chapter 13

#39.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 6-25-19; 8-27-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Robert W Hickman

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 24, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#40.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19; 3-26-19; 5-21-19; 6-25-19;
8-27-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Daphne Alt

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 24, 2019

Hearing Room 5A

2:30 PM

8:19-10043 Kevin S. Yoneda

Chapter 13

#41.00 Hearing RE: Debtor's Motion Under LBR 3015-1(n) and (w) to Modify or Suspend Plan Payments

Docket 26

Courtroom Deputy:

- 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, September 24, 2019

Hearing Room 5A

2:30 PM

8:19-10043 Kevin S. Yoneda

Chapter 13

#42.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 7-30-19; 8-27-19

Docket 23

Courtroom Deputy:

- 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, September 24, 2019

Hearing Room 5A

2:30 PM

8:18-14035 William Raymond Harvey and Akram Naieharvey

Chapter 13

**#43.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments**

Docket 80

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Harvey

Represented By
Farbood Majd

Joint Debtor(s):

Akram Naieharvey

Represented By
Farbood Majd

Trustee(s):

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 24, 2019

Hearing Room 5A

2:30 PM

8:18-13494 Nicole H. Hazlett

Chapter 13

#44.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 8-27-19

Docket 41

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 8/29/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 8/29/2019 - td (8/30/2019)

Party Information

Debtor(s):

Nicole H. Hazlett

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 24, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#45.00 CON'TD Hearing RE: Debtors' Modify Under LBR 3015-1(n) and (3) to Modify Plan or Suspend Plan Payments

FR: 5-21-19; 6-25-19; 8-27-19

Docket 30

Courtroom Deputy:

- NONE LISTED -

Party Information

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, September 24, 2019

Hearing Room 5A

2:30 PM

8:18-12633 Joy Anne Victoria Lacebal Fumera

Chapter 13

#46.00 CON'TD Hearing RE: Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

FR: 3-26-19; 4-23-19; 5-21-19; 6-25-19; 8-27-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joy Anne Victoria Lacebal Fumera

Represented By
Julie J Villalobos

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, September 24, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#47.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19; 5-21-19; 6-25-19; 8-27-19

Docket 113

Courtroom Deputy:

- 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**

Tuesday, September 24, 2019

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#48.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 8-27-19

Docket 92

Courtroom Deputy:

- 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, September 24, 2019

Hearing Room 5A

2:30 PM

8:17-10986 Mian K. Taufique

Chapter 13

#49.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 71

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, September 24, 2019

Hearing Room 5A

2:30 PM

8:17-10313 Michael Mitchell Wise

Chapter 13

#50.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 45

***** VACATED *** REASON: OFF CALENDAR Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/22/2019**

Courtroom Deputy:

OFF CALENDAR Trustee's Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 8/22/2019 - td (8/22/2019)

Party Information

Debtor(s):

Michael Mitchell Wise

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, September 24, 2019

Hearing Room 5A

2:30 PM

8:16-13812 Hang Nga Thi Le

Chapter 13

#51.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 73

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 9/6/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion, filed 9/6/2019 - td (9/6/2019)

Party Information

Debtor(s):

Hang Nga Thi Le

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 24, 2019

Hearing Room 5A

2:30 PM

8:16-12951 Felicia Ann Hardimon

Chapter 13

#52.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 68

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Felicia Ann Hardimon

Represented By
Luis G Torres
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

Tuesday, September 24, 2019

Hearing Room 5A

2:30 PM

8:15-14997 Romeo Torrecampo Tariman

Chapter 13

#53.00 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 9/5/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Withdrawal of Trustee's Motion, filed 9/5/2019 - td (9/6/2019)

Party Information

Debtor(s):

Romeo Torrecampo Tariman

Represented By
Jaime G Monteclaro

Trustee(s):

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 24, 2019

Hearing Room 5A

2:30 PM

8:15-12630 Vanessa Frazier Elrousan

Chapter 13

#54.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 131

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, September 24, 2019

Hearing Room 5A

2:30 PM

8:14-15974 Miguel Garcia Perez

Chapter 13

#55.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

FR: 7-30-19; 8-27-19

Docket 131

Courtroom Deputy:

- 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

Thursday, September 26, 2019

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 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 385

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#2.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 389

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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 26, 2019

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

#3.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 95

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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

Thursday, September 26, 2019

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

#4.00 ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Judgment

FR: 5-7-19

Docket 340

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#5.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 344

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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 26, 2019

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

#6.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 327

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#7.00 ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 342

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#8.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 346

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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 26, 2019

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

#9.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers [Debtor: SunCal PSV, LLC]

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19

Docket 329

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#10.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 311

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#11.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 319

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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**

Thursday, September 26, 2019

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

#12.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 298

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#13.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 308

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#14.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 312

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#15.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 68

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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

Thursday, September 26, 2019

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

#16.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 320

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#17.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 328

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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**

Thursday, September 26, 2019

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

#18.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 77

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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

Thursday, September 26, 2019

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

#19.00 ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 308

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#20.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 312

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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
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 26, 2019

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

#21.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 69

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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

Thursday, September 26, 2019

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

#22.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 594

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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
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

Thursday, September 26, 2019

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

#23.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 601

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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**

Thursday, September 26, 2019

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

#24.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 105

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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

Thursday, September 26, 2019

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

#25.00 ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 498

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#26.00 ORAL RULING RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 502

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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 26, 2019

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

#27.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 99

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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 26, 2019

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

#28.00 ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 486

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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**

Thursday, September 26, 2019

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

#29.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 490

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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 26, 2019

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

#30.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 98

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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 26, 2019

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

#31.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 486

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#32.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 490

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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 26, 2019

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

#33.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 98

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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 26, 2019

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

#34.00 **ORAL RULING** Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19

Docket 490

*** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

**CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on
Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC
will Provide Notice (XX) - td (9/25/2019)**

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**

Thursday, September 26, 2019

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

Thursday, September 26, 2019

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

#35.00 ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19

Docket 494

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Oral Ruling Continued to 12/17/2019 at 10:30 a.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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**

Thursday, September 26, 2019

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 26, 2019

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

#36.00 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; 9-11-18; 5-2-18; 5-7-19

Docket 100

***** VACATED *** REASON: CONTINUED TO 12/17/2019 AT 10:30 A.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/17/2019 at 10:30 a.m.
on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt
LLC will Provide Notice (XX) - td (9/25/2019)**

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

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

Thursday, September 26, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Louis R Miller
Jeffrey W Broker
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**

Friday, September 27, 2019

Hearing Room 5A

9:00 AM

8:19-11317 Charles William Hutchison

Chapter 13

#1.00 EVIDENTIARY Hearing RE: Debtor's Motion to Avoid Junior Lien on Principal Residence [Creditor: Real Time Resolutions, Inc.]

FR: 7-16-19; 8-15-19

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Continue hearing to August 15, 2019 at 10:30 a.m. to allow respondent to obtain an authenticated valuation that includes interior/exterior property inspection. Respondent's supplemental pleading must be filed by August 1, 2019; any reply by Debtor must be filed by August 8, 2019. Debtor shall allow access to the property upon 1 business day's notice. (XX)

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

August 15, 2019

Set matter for evidentiary hearing regarding the value of the property as of the date of the filing. Both appraisers must be present for cross examination. Federal Rules of Bankruptcy Procedure (FRBP), Federal Rules of Civil Procedure (as incorporated by the FRBP), and the Federal Rules of Evidence apply.

Available evidentiary hearing dates: September 23, 2019 at 9:00 a.m. or September 27, 2019 at 9:00 a.m.

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

Friday, September 27, 2019

Hearing Room 5A

9:00 AM

CONT... Charles William Hutchison

Chapter 13

Debtor's request in his Reply brief is denied -- the court may not weigh the declaration testimony of one declarant over another.

Note: Appearances at this hearing are required.

September 27, 2019

Order of Evidentiary Hearing:

Opening Statements of Debtor -- 10 mins or less

Opening Statements of Creditor: 10 mins or less

Debtor's Request for Admission of Evidence

Cross Examination of Debtor's Appraiser/ Redirect

Creditor's Request for Admission of Evidence

Cross Examination of Creditor's Appraiser/Redirect

Closing Statement of Debtor/Creditor/Debtor

Party Information

Debtor(s):

Charles William Hutchison

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, September 27, 2019

Hearing Room 5A

9:00 AM

CONT... Charles William Hutchison

Chapter 13

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

Friday, September 27, 2019

Hearing Room 5A

2:00 PM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

#2.00 Hearing RE: Petitioning Creditor's Emergency Motion for Appointment of Interim Trustee Pursuant to 11 U.S.C. Section 303(g) and for Immediate Turnover of Property and an Accounting

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 27, 2019

Deny Motion. Set Order to Show Cause why this involuntary petition should not be dismissed and set hearing regarding the same for October 3, 2019 at 10:00 a.m. Petitioning creditors to file a response to the OSC by 3:00 p.m. on Tues., October 1, 2019.

Court's Comments re the Emergency Motion:

1. It appears that the claims of the petitioning creditors are based on the state court judgment that has now been reversed, i.e., invalidated, on a final basis.
2. It appears that petitioning creditors knew that the judgment had been reversed at the time of the filing of the petition. Notwithstanding that circumstance, Linda Hong is listed on the petition as having a "Civil Judgment for Conversion" in the amount of \$2,750,996.
3. The reversal of the judgment also eliminated Ms. Hong's purported equitable ownership interest in Debtor. That being the case, it would appear that the remaining principals are entitled to control of Debtor and its assets. Why should a chapter 7 trustee be appointed under such circumstances?
4. The involuntary petition was filed more than three weeks ago but has not yet

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

Friday, September 27, 2019

Hearing Room

5A

2:00 PM

CONT... Beom & Eun Investment LLC

Chapter 7

been properly served on Debtor. This does not bode well for an "emergency" circumstance.

5. It appears petitioning creditor Daniel E. Park Law Corporation might actually owe Debtor substantially more than the \$115,795.55 it is claiming.

6. At a minimum, it is clear that the claims of the petitioning creditors, if they continue to exist at all, are subject to a bona fide dispute in light of the reversal of the judgment. As such, neither qualifies to be a petitioning creditor as a matter of law under 11 U.S.C. 303(b).

7. The court questions the good faith of a creditor who would file an involuntary petition on the basis of a reversed civil judgment.

8. It appears the involuntary petition was filed to delay the pending unlawful detainer action. Query as to what legal standing either petitioning creditor has with respect to such proceeding?

Party Information

Debtor(s):

Beom & Eun Investment LLC

Pro Se

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

Thursday, October 3, 2019

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

#1.00 CON'TD PRE-TRIAL 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; 12-20-18; 6-20-19; 8-1-19

Docket 1

*** VACATED *** REASON: CONTINUED TO APRIL 9, 2020 AT 9:30 A.M.; UPDATED STATUS REPORT RE STATUS OF STATE COURT MATTER MUST BE FILED NO LATER THAN APRIL 2, 2020

Courtroom Deputy:

CONTINUED TO APRIL 9, 2020 AT 9:30 A.M.; UPDATED STATUS REPORT RE STATUS OF STATE COURT MATTER MUST BE FILED NO LATER THAN APRIL 2, 2020 -- eas (at hearing held on 9/5/19)

Tentative Ruling:

December 20, 2018

Discovery Cut-off Date:	May 3, 2019
Pretrial Conference Date:	June 20, 2019 at 9:30 a.m.
	(XX)
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

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

Thursday, October 3, 2019

Hearing Room 5A

9:30 AM

CONT... Jack G. Gaglio

Chapter 7

Timothy S Huyck

Defendant(s):

Laura A. Gaglio

Pro Se

Jack G. 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, October 3, 2019

Hearing Room 5A

9:30 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

Adv#: 8:19-01136 Philadelphia Indemnity Insurance Company v. Golden

#2.00 STATUS CONFERENCE RE: Adversary Complaint for Declaratory Relief

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/7/2019 AT 9:30 AM,
Per Order Entered 8/8/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 11/7/2019 at 9:30 a.m., Per
Order Entered 8/8/2019 (XX) - td (8/8/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tung Phuong Nguyen-Phuc

Represented By
Leslie K Kaufman

Defendant(s):

Jeffrey Golden

Pro Se

Plaintiff(s):

Philadelphia Indemnity Insurance

Represented By
Lane K Bogard
Lisa Darling-Alderton

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Richard A Marshack
Jerome Ringler
Neil Macy Howard
David Wood

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

Thursday, October 3, 2019

Hearing Room 5A

9:30 AM

8:18-14259 Raj Malhotra

Chapter 7

Adv#: 8:19-01039 Chokshi v. Malhotra et al

#3.00 PRE-TRIAL CONFERENCE RE: Complaint for: Non Dischargeability of Debt Pursuant to 11 U.S.C. 523(A)(2) and 523(A)(6)

FR: 5-30-19

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Voluntary Dismissal of Adversary Complaint filed 9/5/2019; Order Dismissing Adversary Complaint Entered 9/11/2019

Courtroom Deputy:

OFF CALENDAR: Voluntary Dismissal of Adversary Complaint filed 9/5/2019; Order Dismissing Adversary Complaint Entered 9/11/2019 - td (9/11/2019)

Tentative Ruling:

May 30, 2019

Discovery Cut-off Date:	7/30/19
Deadline to Attend Mediation:	8/30/19
Pretrial Conference Date:	10/3/19 at 9:30 a.m.
(XX)	
Deadline to Lodge Joint Pretrial Stipulation:	9/19/19

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 3, 2019

Hearing Room 5A

9:30 AM

CONT... Raj Malhotra

Chapter 7

Debtor(s):

Raj Malhotra

Represented By
Leslie K Kaufman

Defendant(s):

Raj Malhotra

Pro Se

Nayana Malhotra

Pro Se

Joint Debtor(s):

Nayana Malhotra

Represented By
Leslie K Kaufman

Plaintiff(s):

Manisha Chokshi

Represented By
Onyinye N Anyama
Vithlani Dilip

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 3, 2019

Hearing Room 5A

9:30 AM

8:19-10898 Alicia K Pipitone

Chapter 13

Adv#: 8:19-01108 Pipitone v. Choice Motor Credit, LLC

#4.00 CON'TD STATUS CONFERENCE RE: Complaint to Compel Turnover of Property to the Estate

FR: 8-22-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue Status Conference to October 3, 2019 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: Appearance at this hearing is not required; Plaintiff to serve Defendant with notice of the continued status conference date/time.

October 3, 2019

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

Thursday, October 3, 2019

Hearing Room 5A

9:30 AM

CONT... Alicia K Pipitone

Chapter 13

Continue status conference to November 21, 2019 at 9:30 a.m.; updated status report must be filed by November 7, 2019.

The status conference is being continued in light of Plaintiff's representations in the status report that some issues have been resolved and that Defendant has hired new counsel to set aside default.

Note: Appearance at this hearing is not required; Plaintiff to serve Defendant with notice of the continued status conference date/time.

Party Information

Debtor(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Defendant(s):

Choice Motor Credit, LLC

Pro Se

Plaintiff(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Trustee(s):

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 3, 2019

Hearing Room 5A

10:00 AM

8:18-11445 Dominga Cuenca Morales

Chapter 13

#5.00 CONT'D Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

DITECH FINANCIAL LLC

VS.

DEBTOR

FR: 8-22-19

Docket 42

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 US..C. §362 (Settled by
Stipulation) / APO Entered 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 US..C. §362 (Settled by Stipulation) / APO Entered
10/2/2019 - td (10/2/2019)**

Tentative Ruling:

October 3, 2019

The parties are to advise the court re the status of this matter. If more time is needed, the hearing may be continued a final time to November 7, 2019 or November 14 at 10:00 a.m. by requesting a continuance during the calendar roll call prior to the hearing.

Party Information

Debtor(s):

Dominga Cuenca Morales

Represented By
Scott Dicus

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Dominga Cuenca Morales

Chapter 13

Movant(s):

Ditech Financial LLC

Represented By
Julian T Cotton
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 3, 2019

Hearing Room 5A

10:00 AM

8:18-11765 Sergio Rubio Sanchez and Silvia Sanchez

Chapter 13

#6.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

VS.

DEBTORS

FR: 8-22-19

Docket 56

***** VACATED *** REASON: OFF CALENDER; Order Granting Motion
For Relief From The Automatic Stay Entered 9/16/19**

Courtroom Deputy:

**OFF CALENDAR: Orde Granting Motion For Relief From The Automatic
Stay Under Entered 9/16/19 - liz (9/16/19)**

Tentative Ruling:

August 22, 2019

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):

Sergio Rubio Sanchez

Represented By
Raymond Perez

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Sergio Rubio Sanchez and Silvia Sanchez

Chapter 13

Joint Debtor(s):

Silvia Sanchez

Represented By
Raymond Perez

Movant(s):

The Bank of New York Mellon Trust

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 3, 2019

Hearing Room 5A

10:00 AM

8:19-11883 Michael E Robles and Eleanor R Robles

Chapter 7

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

AMERICAN FIRST CREDIT UNION

VS.

DEBTORS

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Michael E Robles

Represented By
Stirling J Hopson

Joint Debtor(s):

Eleanor R Robles

Represented By
Stirling J Hopson

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Michael E Robles and Eleanor R Robles

Chapter 7

Movant(s):

American First Credit Union, its

Represented By
Nichole Glowin

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 3, 2019

Hearing Room 5A

10:00 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

#8.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

LEGAL SERVICE BUREAU INC.

VS.

DEBTOR

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

The court is inclined to grant this Motion and to abstain under 28 U.S.C. 1452(b).

Section 1452(b) allows the court to remand a removed action on "any equitable ground." The court finds that equitable grounds for remand exist in this matter based upon the following:

- a. The subject action involves exclusively state law issues and no federal question or bankruptcy law issues;
- b. There are multiple non-debtor parties involved in the action;
- c. There is no jurisdictional basis other than 28 USC 1334;
- d. The matter does not arise under a bankruptcy case or under bankruptcy law.

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Orange County Bail Bonds, Inc.

Chapter 11

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

Movant(s):

Legal Service Bureau Inc. dba

Represented By
Timothy C Aires

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-12490 Sandra Fuamatu

Chapter 13

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

THE BANK OF NEW YORK MELLON

VS.

DEBTOR

Docket 18

***** VACATED *** REASON: OFF CALENDAR; Order Granting Motion
For Relief From The Automatic Stay Entered 9/16/19**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion For Relief From The Automatic
Stay Entered 9/16/19 - liz (9/16/19)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Fuamatu

Represented By
Julie J Villalobos

Movant(s):

The Bank of New York Mellon f/k/a

Represented By
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 3, 2019

Hearing Room 5A

10:00 AM

8:19-12811 Claude Marian Dragomir

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
KINECTA FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Continue hearing to November 7, 2019 at 10:00 a.m. to allow Movant to file declaration in support of Motion.

Pages 6-10 of the Motion are missing.

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

Party Information

Debtor(s):

Claude Marian Dragomir

Represented By
Alaa A Ibrahim

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Claude Marian Dragomir

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, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-12837 Gibran Galindo

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(RE: 2011 Nissan Frontier)

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Gibran Galindo

Represented By
Omar Zambrano

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Gibran Galindo

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, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-12837 Gibran Galindo

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(RE: 2015 Ford Explorer)

PARTNERS FEDERAL CREDIT UNION

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Gibran Galindo

Represented By
Omar Zambrano

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

CONT... Gibran Galindo

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, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-13087 Christina Mixti Graves and Jeremy Ray Graves

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FORD MOTOR CREDIT COMPANY LLC
VS.
DEBTORS

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Christina Mixti Graves

Represented By
Kevin J Kunde

Joint Debtor(s):

Jeremy Ray Graves

Represented By
Kevin J Kunde

Movant(s):

Ford Motor Credit Company LLC

Represented By

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

**CONT... Christina Mixti Graves and Jeremy Ray Graves
Jennifer H Wang**

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 3, 2019

Hearing Room 5A

10:00 AM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

L.A. PACIFIC PLAZA, LLC

VS.

DEBTOR

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Grant with 4001(a)(3) waiver.

Overrule objection as unpersuasive.

Party Information

Debtor(s):

Beom & Eun Investment LLC

Pro Se

Movant(s):

L.A. Pacific Plaza LLC

Represented By
Byron Z Moldo
Gary A Starre

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

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-13468 Eric Anthony Perez

Chapter 13

#15.00 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:

October 3, 2019

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):

Eric Anthony Perez

Represented By
Christopher J Langley

Movant(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**

Thursday, October 3, 2019

Hearing Room 5A

10:00 AM

8:19-13509 Erica Duarte Bruce

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 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Erica Duarte Bruce

Represented By
Andrew Moher

Movant(s):

Erica Duarte Bruce

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**

Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:10-14723 Susan Doan

Chapter 7

#17.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and Appoint a Trustee; Pursuant to 11 U.S.C. §350(b)

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Grant motion to re-open and re-appoint chapter 7 trustee, effective upon the entry of an order granting the motion.

Overrule Debtor's objections. The is Debtor's failure to report her equitable interest in the subject 8-unit property. She had a responsibility to review her own schedules and bankruptcy commencement documents for accuracy before signing the same. Her attempt to deflect blame on the inaccuracy of the schedules is irrelevant to the issue of whether this case should be re-opened.

Party Information

Debtor(s):

Susan Doan

Represented By
Gregory J Doan

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 3, 2019

Hearing Room 5A

10:30 AM

8:12-14272 Kimberly Dian Perez and Paul Anthony Perez

Chapter 7

#18.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee, Pursuant to 11 U.S.C. Section 350(b)

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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 Dian Perez

Represented By
Samuel V Kelsall

Joint Debtor(s):

Paul Anthony Perez

Represented By
Samuel V Kelsall

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 3, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#19.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Reimbursement of Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 404

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

EQD Corporation

Represented By
Kent Salvesson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

#20.00 Hearing RE: Second and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Counsel for the Chapter 7 Trustee

[WEILAND GOLDEN GOODRICH LLP, ATTORNEY FOR TRUSTEE]

Docket 403

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

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

[GROBSTEIN TEEPLE, LLP, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]

Docket 408

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:16-12895 29 Prime, Inc.

Chapter 7

#22.00 CON'TD Hearing RE: Motion by Gordon Rees Scully Mansukhani, LLP to Withdraw as Counsel for Defendant 29 Prime, Inc., or in the Alternative, to Lift the Stay to Allow Gordon Rees Scully Mansukhani LLP to Withdraw as Counsel

FR: 9-5-19

Docket 53

Courtroom Deputy:

Tentative Ruling:

September 5, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow Movant to correct service issues: Failure to comply with Local Bankruptcy Rule 9013-1(c) (notice of deadline to file opposition); Failure to serve Debtor per FRBP 7004(b)(3) as required by FRBP 9014 for contested matters (motion was not served to the attention of an officer, director or agent for service of process as to Debtor); Chapter 7 trustee was not properly served. (XX)

Tentative ruling for 10/3/19 hearing (if unopposed): Deny motion as to the request to withdraw as state court counsel and grant motion as to the alternative request for relief from the automatic stay to move withdrawal in the state court case.

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required and Movant shall give notice of the continued hearing date/time.

October 3, 2019 (UPDATED SINCE ORIGINAL POSTING)

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

Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

CONT... 29 Prime, Inc.

Chapter 7

Deny motion as to the request to withdraw as state court counsel and grant motion as to the alternative request for relief from the automatic stay to move for withdrawal in the state court 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):

29 Prime, Inc.

Represented By
Richard L Barnett
Christine D Barker

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, October 3, 2019

Hearing Room 5A

10:30 AM

8:17-14536 Thavy Tanksley

Chapter 7

#23.00 Hearing RE: United States Trustee's Renewed Motion to Refer Attorney Alon Darvish California State Bar Number 231257 to the Disciplinary Panel for Bankruptcy Court's for 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 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

The Court is inclined to grant the Motion and refer this matter to the Court's Disciplinary Panel, notwithstanding Mr. Darvish's late-filed response.

Basis for Tentative Ruling (due to the tardiness Mr. Darvish's response, the Court has not had an opportunity to conduct a thorough review:

1. Despite receiving notice of the time to file an opposition to the Motion, Mr. Darvish did not file such opposition until October 1, 2019, just two days prior to the hearing. Even when his ability to continue practicing before this court was on the line, Mr. Darvish could not follow the simple rule of timely filing an opposition.
2. The late filing of the opposition deprived the U.S. Trustee of the opportunity to timely file a reply to the opposition and imposed a substantial inconvenience on the court, who completed review of this matter on September 30, 2019.
3. Though Mr. Darvish admits that he entered into a stipulation with the U.S. Trustee (approved by order of the court), he also admits that he has not complied with all the terms he agreed to nearly a year ago.

**United States Bankruptcy Court
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Thursday, October 3, 2019

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5A

10:30 AM

CONT... Thavy Tanksley

Chapter 7

4. Mr. Darvish indicates in his response that he has completed more than 25 hours of CLE. Virtually none of the programs attached as Exhibit A to the response relate to ethics that would be relevant to a bankruptcy practitioner (6 hours required by the Stipulation) and none relate to law office management (6 hours required by the Stipulation). The CLE topics attached to the response include "Ambush Marketing and the Olympic Games," "Drafting a Franchise Document . . .", "Follow the Money: Legal Pitfalls of Investing in Cannabas," "Raising Capital in the Internet Age . . . Crowdfunding," "How to Structure Employment Agreements . . . to Avoid Section 409A Tax Traps," "Ethical Issues Facing In-House Counsel," "Cryptocurrency," "Hot Topics in Copyright Law." All 25 hours were completed on line between 1/25/19 - 1/31/19

5. No adequate explanation is provided as to why Mr. Darvish did not complete 6 hours of Ethics and 6 hours of law office management as required by the Stipulation.

6. Mr. Darvish does not state in his response why he failed to file a declaration by November 30, 2018 in accordance with the Stipulation indicating that he had read the tentative ruling issued by Judge Neil Bason on March 30, 2017 in the matter of *In re Israel Garcia*. He does not state that he read it at all.

7. Mr. Darvish states that he did not comply with the requirement of the Stipulation that he read the handout materials from the OCBF seminar "How to Successfully Prosecute a Chapter 13 Bankruptcy . . ." presented on November 16, 2017 because he "could not locate them," but does not state what efforts he made to obtain the same.

8. Mr. Darvish provides no explanation as to why he did not seek and obtain an attorney mentor as required by the Stipulation.

In a nutshell, Mr. Darvish has ignored most of the requirements of the court-approved Stipulation and wants the U.S. Trustee and the Court to accept his word that his practice is better now.

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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
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#24.00 CON'TD Hearing RE: Debtor's Claim Objection to the Proof of Claim of Cavalry
SPV 1-Proof of Claim #3

FR: 8-22-19

Docket 226

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party]. (XX)

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

October 3, 2019

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.

Party Information

**United States Bankruptcy Court
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Santa Ana
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10:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#25.00 CONT'D Hearing RE: Debtor's Amended Claim Objection to the Proof of Claim of LVNV Funding, LLC its Successors and Assigns as Assignee of Citibank (South Dakota), N.A. - Proof of Claim #6

FR: 8-22-19

Docket 232

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party]. (XX)

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

October 3, 2019

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.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

#26.00 CON'TD Hearing RE: Debtor's Claim Objection to the Proof of Claim of Pinnacle Credit Services, LLC, its Successors and Assigns as Assignee of Cellco Partnership d/b/a Verizon Proof of Claim #7

FR: 8-22-19

Docket 230

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Continue hearing to October 3, 2019 at 10:30 a.m. to allow debtor submit a supplemental pleading in compliance with LBR 3007-1(c)(1) and (2) [objection not supported by declaration of objecting party]. (XX)

Tentative Ruling for 10/3/19 hearing (if unopposed): Sustain objection.

Note: If Debtor accepts the foregoing tentative ruling, appearance at this hearing is not required.

October 3, 2019

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.

Party Information

**United States Bankruptcy Court
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Santa Ana
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CONT... Italo Victor Ismodes, Sr

Chapter 7

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#27.00 Hearing RE: Reorganized Debtor's Motion to Reopen Bankruptcy Case

Docket 158

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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 Elizabeth Schaffer

Represented By
Andrew S Bisom

United States Bankruptcy Court
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:18-10367 Mary Elizabeth Schaffer

Chapter 11

#28.00 Hearing RE: Reorganized Debtor's Motion for Entry of Discharge and Final Decree Closing this Case

Docket 152

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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 Elizabeth Schaffer

Represented By
Andrew S Bisom

**United States Bankruptcy Court
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#29.00 Hearing RE: Confirmation of Final Chapter 11 Plan of Reorganization

(Set at DS Hrg. Held 7-18-19)

Docket 143

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Issues to be Addressed at the Hearing:

1. Service: The proof of service [docket #144] shows service of the plan and disclosure statement but not the ballot. If creditors were served with the ballot, amended proof of service must be filed.

2. Treatment of Secured Creditors

a.) 1129(a)(7): Creditors must receive at least as much in chapter 11 as they would receive in a chapter 7. Here, in a chapter 7, secured creditors would receive their collateral. Under the plan, secured creditors are being paid out over time. In order to receive as much as they would receive in chapter 7 (the immediate surrender of collateral), they need to receive the present value of such collateral (i.e., interest). The plan does not provide for interest to any of the secured classes and, therefore, does not satisfy the requirements of 1129(a)(7).

b.) 1129(b)(2)(A)(i)(I) and (II): As none of the secured classes submitted ballots, the cram down provisions of 1129(b) apply. As to secured claimants, 1129(b)(2) provides that "fair and equitable means (I) claimant retain their liens and (II) claimants will receive cash payments totaling "the allowed amount of [their] claim, of a value, as of the effective date of the

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10:30 AM

CONT... DFH Network Inc.

Chapter 11

plan" In other words, secured creditors must receive cash payments equal to the present value of their collateral. Present value is provided through the payment of interest.

The plan does not specifically provide for the retention of liens. Further, the plan provides that secured creditors will receive no interest over the term of the plan. Accordingly, the plan does not satisfy the "fair and equitable" requirements of 1129(b)(2)(A)(i)(I) and (II).

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

**United States Bankruptcy Court
Central District of California
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#30.00 CON'TD STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 10-25-18; 3-7-19; 3-19-19; 6-20-19; 7-18-19

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: Feb. 7, 2019 at 10:30
a.m.

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.

March 19, 2019

No tentative ruling -- outcome will depend upon disposition of #22 on today's calendar (approval of disclosure statement).

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10:30 AM

CONT... DFH Network Inc.

Chapter 11

June 20, 2019

Continue status conference to July 18, 2019 at 10:30 a.m., same date/time as hearing on approval of Debtor's disclosure statement. (XX)

Note: Appearances at today's hearing are not required.

July 18, 2019

Continue status conference to October 3, 2019 at 10:30 a.m.; updated status report not required. (XX)

October 3, 2019

No tentative ruling -- disposition will depend upon outcome of plan confirmation hearing.

Party Information

Debtor(s):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

**United States Bankruptcy Court
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:18-14603 Sean Pate

Chapter 7

#31.00 Hearing RE: Chapter 7 Trustee's Motion for Order Extending Deadline for Filing an Adversary Complaint Pursuant to 11 U.S.C. Section 727 for the Office of the United States Trustee and Chapter 7 Trustee

Docket 77

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Grant motion.

Query: Is the motion mooted by the fact that the extension requested was through October 1, 2019 and no 727 action was filed by October 1?

Party Information

Debtor(s):

Sean Pate

Represented By
Anerio V Altman

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

**United States Bankruptcy Court
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Santa Ana
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:19-12272 Debra V Green

Chapter 13

#32.00 Hearing RE: Chapter 13 Trustee's Objection to Claim of Exemption

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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.

Party Information

Debtor(s):

Debra V Green

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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Hearing Room 5A

10:30 AM

8:19-13138 Gateway Business Complex LLC

Chapter 11

#33.00 Hearing RE: Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. Section 1112(b)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

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):

Gateway Business Complex LLC

Represented By
Michael H Raichelson

**United States Bankruptcy Court
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Thursday, October 3, 2019

Hearing Room 5A

10:30 AM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

#33.10 Hearing RE: Order to Show Cause Why Involuntary Chapter 7 Petition Should Not Be Dismissed for Petitioning Creditor'(s) Lack of Good Faith and Lack of Standing (OSC Issued 9/27/2019)

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Dismiss involuntary petition.

Basis for Tentative Ruling

1. On September 4, 2019 petitioning creditors, Daniel E. Park Law Corporation ("Park Law") and Linda Hong ("Hong") filed the within involuntary petition. Prior to the filing of the petition, Park Law represented Hong in various legal matters.
2. In paragraph 13 of the petition, it is stated that Park Law is owed \$155,795.55 by Debtor for "Unpaid Attorneys' Fees and Costs," and that Hong is owed 2,750,966.00 based on a "Civil Judgment for Conversion." ("Judgment")
3. The petition does not disclose that the Judgment was reversed by the California Court of Appeal on June 5, 2019, approximately two months prior to the filing of the petition. The court considers the representation that Hong's claim was based on state court judgment to be deliberately misleading as both Park Law and Hong were aware that the judgment had been reversed as of September 5, 2019, the petition date.
4. Prior to the reversal of the Judgment, Hong had sought and obtained a

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10:30 AM

CONT... **Beom & Eun Investment LLC**

Chapter 7

court-appointed receiver, Kenneth Krasne ("Receiver") to seize control of Debtor's spa business. The Receiver was appointed on or about March 30, 2017. The appointment of the Receiver was based entirely upon the relief and rights afforded Hong in the Judgment.

5. From the time of his appointment through June 5, 2019, the Receiver distributed to Hong in excess of \$600,000 pursuant to the Judgment. However, once the Judgment was reversed on June 4, 2019, the Receiver stopped making distributions and sought instructions and/or termination of the receivership in state court. That matter remains pending in state court.

6. Park Law contends that the Receiver's refusal to distribute funds to it in August 2019 constitutes a failure of Debtor to pay its debts as they become due, notwithstanding the fact that the legal basis for the receivership, the Judgment, no longer existed. It is worth noting that Park Law, through its counsel Christopher Cianci, represented to this court at a hearing held on September 27, 2019 (re petitioning creditors' emergency motion for the appointment of an interim trustee), that Park Law had not submitted regular invoices to the the Receiver over the course of the representation and that the first demand for payment of fees was made in August 2019, *after* the reversal of the Judgment.

7. At the time the petition was filed, Debtor's landlord, an unlawful detainer action was pending in state court between Debtor and its landlord, L.A. Pacific Plaza, LLC ("Landlord"). In fact, a hearing on the Landlord's summary judgment motion was scheduled to be heard on September 6, 2019, two *days* prior to the filing of the petition. At the time of the filing of the petition, lease arrearages owed to the Landlord totaled approximately \$650,000. See Declaration of Fred Szkolnik attached to the Motion for Relief from Stay Motion ("RFS Motion") filed by the Landlord.

8. According to Park Law, it was hired by the Receiver to represent the Debtor on various legal matters from June 2017 through June 2019 and that its fees for such representation totaled \$115,795.55. Also according to Park Law, it made demand on the Receiver in August 2019 for payment of such fees but was advised by the Receiver that he would not distribute any funds without a court order. Notably, by this time the Judgment had been reversed

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CONT... **Beom & Eun Investment LLC**

Chapter 7

and the status of the Receiver was uncertain.

9. On September 27, 2019 at the hearing on the Emergency Motion, counsel for the Landlord represented that it opposed the bankruptcy proceeding and wished to proceed with its unlawful detainer action in state court. Based upon the pleadings filed in connection with the Emergency Motion as well as Park Law's opposition to the RFS Motion, it is apparent that this involuntary petition was filed for three reasons: 1) to halt or delay the unlawful detainer action and 2) to prevent the Receiver from turning over Debtor's assets and business operations to its legal owners (due to the reversal of the Judgment, Hong holds no legal or equitable interest in Debtor); and 3) to prevent the legal owners of Debtor from surrendering the leased premises to the Landlord. None of these reasons constitute grounds for sustaining an involuntary petition. While a motion to dismiss an involuntary petition is usually filed by the putative debtor, the court need not wait for such a motion to be filed but can act on its own. *In re Mi La Sul*, 380 B.R. 546, 555 (Bankr.C.D. Cal 2007).

10. Park Law appears to have promulgated this involuntary petition for the purpose of gaining an advantage over another creditor -- Landlord -- and over the principals of Debtor. Where a petitioning creditor is attempting to obtain disproportionate advantage over another creditor or creditors by means of filing involuntary bankruptcy petition, dismissal of the involuntary petition is warranted as having been filed in bad faith. *Id.*

11. There is no bankruptcy purpose to be served by this involuntary petition. The disposition of the receivership can best be adjudicated in state court

12. Based upon the totality of all the circumstances noted above, this involuntary petition must be dismissed as having been filed in bad faith.

Party Information

Debtor(s):

Beom & Eun Investment LLC

Represented By
William J Wall

**United States Bankruptcy Court
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2:00 PM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:14-01220 Lee et al v. Ciling et al

#34.00 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; 12-13-18; 2-12-19; 3-12-19; 6-20-19; 9-19-19

Docket 73

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Continue status conference to April 11, 2019 at 9:30 a.m. as a holding date. Court to issue Order to Show Cause Why This Adversary Should Not be Dismissed Due to Lack of Jurisdiction in light of the assignment of this adversary to Debtors pursuant to global settlement between Trustee and Debtors approved by the Court at hearing on January 31, 2019. The OSC hearing will also be held on April 11, 2019 at 9:30 a.m.

Once the adversary proceeding is dismissed, Debtors will be free to initiate new litigation against the defendant in any nonbankruptcy court of competent jurisdiction.

Note: Appearances at this hearing are not required.

October 3, 2019

The court is withholding its substantive ruling on the Motion until the time of the hearing to allow the parties to first address at the following preliminary issue:

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2:00 PM

CONT...

Donald Woo Lee

Chapter 7

In light of the assignment of the claims from the chapter 7 trustee to Plaintiffs and the fact the the administration of the bankruptcy estate is only impacted in the event of a recovery by Plaintiffs, why should this court not abstain on the following grounds under 28 USC 1334(c)(1):

- a. Only state law claims are asserted;
- b. No bankruptcy laws are implicated and none of the claims arise in the bankruptcy case and other than 28 U.S.C. 1334, there is no other federal jurisdiction;
- c. There are multiple non-debtor parties
- d. As indicated above, the impact on the administration of the estate is remote (i.e., recovery must be turned over to the estate)
- e. Though this matter has been pending for approximately five years, it is still in the beginning stages , e.g., no discovery has been conducted.

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
Marc C Forsythe

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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
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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
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2:00 PM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:14-01220 Lee et al v. Ciling et al

#35.00 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; 12-13-18; 2-12-19; 3-12-19; 6-20-19; 9-19-19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Party Information

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

My Imaging Center Inc.

Represented By
Marc C Forsythe

**United States Bankruptcy Court
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CONT... Donald Woo Lee Chapter 7

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
Norma Ann Dawson
Robert S Lawrence

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

Thursday, October 3, 2019

Hearing Room 5A

2:00 PM

CONT...

Donald Woo Lee

Caroline Djang
Brett Ramsaur
Cathy Ta

Chapter 7

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

Tuesday, October 8, 2019

Hearing Room 5A

10:30 AM

8:19-13770 Dove Real Estate & Association Management LLC

Chapter 11

#1.00 Hearing RE: Emergency Motion of Debtor and Debtor in Possession for Order: (1) Authorizing use of Cash Collateral on an Interim Basis; (2) Granting Replacement Liens; (3) Scheduling a Final Hearing on Permanent Use of Cash Collateral; and (4) After Hearing, Authorizing Permanent use of Cash Collateral

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 8, 2019

A. Service Issue:

Local Bankruptcy Rule 9075-1(a)(6) requires that an emergency motion must be filed by "email, fax or personal service" not later than the time the motion is filed with the court. The service declarations do not indicate that secured creditors were served by any method other than first class mail.

B. Court's Comments re the Substance of the Motion/Opposition:

1. Re the Budget (Exh. 1): what does the monthly \$2000 expense for "postage and delivery" cover?

2. Re the Budget: Explanation of the monthly \$5000 expense for legal and professional fees is required.

3. Re the Budget: Explanation for the monthly \$1200 expense for repairs and maintenance is required. Repairs and maintenance of what?

4. Re the Budget: Will any of the cash collateral be used to pay salaries that became due prepetition?

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

Tuesday, October 8, 2019

Hearing Room 5A

10:30 AM

CONT... Dove Real Estate & Association Management LLC

Chapter 11

5. Other than cash collateral, what are Debtor's assets?

6. Re the Opposition of MacArthur Village Homeowners Assn (HOA):
While the HOA is entitled to maintain its third priority secured position on account of the ORAP (the court is well aware of the *Hilde* case), it is not clear what more, if anything, the HOA is seeking as adequate protection. The court does not believe that any payment is warranted at this time.

Party Information

Debtor(s):

Dove Real Estate & Association

Represented By
Daniel J Weintraub
Crystle Jane Lindsey

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

Thursday, October 10, 2019

Hearing Room 5A

9:30 AM

8:18-10053 William S. Stewart

Chapter 7

Adv#: 8:19-01038 Naylor v. Advanced Innovative Recovery Technologies, Inc.

#1.00 CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) For Money; and (3) Common Count (Quantum Meruit - Services Rendered)

FR: 5-30-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 30, 2019

In light of pending settlement, continue status conference to October 10, 2019 at 9:30 a.m.; updated status report must be filed by October 3, 2019 if the settlement has not been approved by the Court by such date. (XX)

Note: Appearances at this status conference are not required; Plaintiff to serve notice of the continued hearing date/time.

October 10, 2019

In light of pending settlement, continue status conference one final time to December 19, 2019 at 9:30 a.m.; updated status report must be filed by December 5, 2019 if the adversary proceeding is still pending as of such date.

Note: Appearances at this hearing are not required.

Party Information

Debtor(s):

William S. Stewart

Pro Se

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

Thursday, October 10, 2019

Hearing Room 5A

9:30 AM

CONT... William S. Stewart

Chapter 7

Defendant(s):

Advanced Innovative Recovery Pro Se

Joint Debtor(s):

Barbara E. Stewart Pro Se

Plaintiff(s):

Karen Sue Naylor Represented By
Christopher Minier

Trustee(s):

Karen S Naylor (TR) Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, October 10, 2019

Hearing Room 5B

10:00 AM

8:18-12419 Omar Martinez Sanchez

Chapter 13

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE
FOR, NEW CENTURY EQUITY LOAN TRUST, 2005-1

VS.

DEBTORS

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Omar Martinez Sanchez

Represented By
Bryn C Deb

Movant(s):

Deutsche Bank National Trust

Represented By
Diana Torres-Brito
Anna Landa

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

Thursday, October 10, 2019

Hearing Room 5B

10:00 AM

CONT... Omar Martinez Sanchez

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 10, 2019

Hearing Room 5A

10:00 AM

8:19-10201 Robert Lynn McEwen

Chapter 13

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

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-
THROUGH CERTIFICATES, SERIES 2006-QO5

VS.

DEBTORS

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

Grant motion with 4001(a)(3) waiver unless the parties have negotiated a resolution -- if more time is needed, a request for a continuance may be made during the calendar roll call at the beginning of the hearing. Available continued hearing dates: Nov. 7 or Nov, 14, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Robert Lynn McEwen

Represented By
Jacqueline D Serrao

Movant(s):

DEUTSCHE BANK TRUST

Represented By
Dane W Exnowski
Katie M Parker

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

CONT... Robert Lynn McEwen

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 10, 2019

Hearing Room 5A

10:00 AM

8:19-11414 Peter Woo Sik Kim and Sharon Soyun Kim

Chapter 7

#4.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC.
VS.
DEBTORS

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Peter Woo Sik Kim

Represented By
Andrew S Bisom

Joint Debtor(s):

Sharon Soyun Kim

Represented By
Andrew S Bisom

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

CONT... Peter Woo Sik Kim and Sharon Soyun Kim

Chapter 7

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Jennifer H Wang

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Lynda T Bui
Rika Kido

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

8:19-13201 Nicolas Gerard Arroyo and Sandra Arla Arroyo

Chapter 7

#5.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
TD AUTO FINANCE LLC
VS.
DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Nicolas Gerard Arroyo

Represented By
Michael N Nicastro

Joint Debtor(s):

Sandra Arla Arroyo

Represented By
Michael N Nicastro

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

CONT... Nicolas Gerard Arroyo and Sandra Arla Arroyo

Chapter 7

Movant(s):

TD Auto Finance LLC

Represented By
Jennifer H Wang

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 10, 2019

Hearing Room 5A

10:00 AM

8:19-13417 Jose Gualberto Diaz

Chapter 7

#6.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
AMERICAN HONDA FINANCE CORPORATION
VS.
DEBTORS

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Jose Gualberto Diaz

Represented By
James Geoffrey Beirne

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

CONT... Jose Gualberto Diaz

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, October 10, 2019

Hearing Room 5A

10:00 AM

8:19-13516 Kimberlee F. Velt

Chapter 7

#7.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

JOE CRUZ, IRENE CRUZ

VS.

DEBTOR

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

Continue hearing to November 7, 2019 at 10:00 a.m. to allow Movant to correct service issues: Debtor was not served at the mailing address indicated on the petition and the proof of service attached to the Motion is incomplete (no signature or date of service).

Tentative ruling for 11/7/19 hearing (if unopposed): Grant with 4001(a)(3) waiver and annulment; deny relief request #5 (co-debtor stay doesn't apply in chapter 7 case), #s 7 and 9 (insufficient grounds for extraordinary prospective relief stated)

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required; Movant to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Kimberlee F. Velt

Represented By
Joseph A Weber

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

Thursday, October 10, 2019

Hearing Room 5A

10:00 AM

CONT... Kimberlee F. Velt

Chapter 7

Movant(s):

Joe Cruz

Represented By
John J Lewis

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 10, 2019

Hearing Room 5A

10:30 AM

8:17-13516 Christopher A Schaller

Chapter 7

#8.00 Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing Closing of Case
Leaving Asset Unadministered

Docket 103

*** VACATED *** REASON: OFF CALENDAR: Chapter 7 Trustee's
Notice of Withdrawal of Motion, filed 10/4/2019

Courtroom Deputy:

OFF CALENDAR: Chapter 7 Trustee's Notice of Withdrawal of Motion,
filed 10/4/2019 - td (10/7/2019)

Tentative Ruling:

Party Information

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, October 10, 2019

Hearing Room 5A

10:30 AM

8:18-11691 David Sanchez

Chapter 7

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

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

David Sanchez

Represented By
Julie J Villalobos

Trustee(s):

Richard A Marshack (TR)

Represented By
Larry D Simons

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

Thursday, October 10, 2019

Hearing Room 5A

10:30 AM

8:18-11691 David Sanchez

Chapter 7

#10.00 Hearing RE: First and Final Fee Application

**[LAW OFFICES OF LARRY D. SIMONS, ATTORNEY FOR CHAPTER 7
TRUSTEE RICHARD A. MARSHACK]**

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

David Sanchez

Represented By
Julie J Villalobos

Trustee(s):

Richard A Marshack (TR)

Represented By
Larry D Simons

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

Thursday, October 10, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#11.00 Hearing RE: Debtors and Debtors-in-Possessions' Motion for Approval of Stipulation for Dismissal of Chapter 11 Case with 180 Day Bar

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Amir Keivan Hedayat

Represented By
J Scott Williams

Joint Debtor(s):

Minou M. Hedayat

Represented By
J Scott Williams

Movant(s):

Amir Keivan Hedayat

Represented By
J Scott Williams

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, October 10, 2019

Hearing Room 5A

10:30 AM

8:18-12284 Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

#12.00 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; 12-20-18; 1-31-19; 3-21-19; 4-18-19; 6-6-19; 8-22-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Stipulation for Dismissal of Chapter 11 Case with 180 Day Bar filed 9/12/2019 - td (9/13/2019)

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.

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

Thursday, October 10, 2019

Hearing Room

5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

Updated Status Report Due: Dec. 6, 2018 (waived if plan/DS timely filed)

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.

January 31, 2019

No tentative ruling; disposition will depend upon outcome of related matter on today's calendar.

March 21, 2019

Continue chapter 11 status conference to April 18, 2019 at 10:30 a.m., same date/time as hearing on approval of 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, October 10, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat Chapter 11
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.

April 18, 2019

No tentative ruling; outcome will depend upon the disposition of #24 on today's calendar.

June 6, 2019

No tentative ruling; outcome will depend upon the disposition of #16 on today's calendar.

August 22, 2019

No tentative ruling; disposition will depend upon outcome of plan confirmation hearing

October 10, 2019

Take status conference off calendar in light of approval of stipulation re dismissal of case.

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, October 10, 2019

Hearing Room 5A

10:30 AM

CONT... Amir Keivan Hedayat and Minou M. Hedayat

Chapter 11

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, October 10, 2019

Hearing Room 5A

10:30 AM

8:18-13273 Cyrus P. Manalo and Marissa Sinlao Manalo

Chapter 7

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

[THOMAS H. CASEY, CHAPTER 7 TRUSTEE]

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Cyrus P. Manalo

Represented By
Sundee M Teeple

Joint Debtor(s):

Marissa Sinlao Manalo

Represented By
Sundee M Teeple

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 10, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#14.00 Hearing RE: Chapter 13 Trustee's Notice of Intent to Pay Claims

Docket 112

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/2/2019 - td (10/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

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, October 10, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

Adv#: 8:19-01187 Legal Service Bureau Inc v. Miller et al

#15.00 Hearing RE: Motion for Entry of Order Enjoining Removed Litigation as to Non-Debtor Co-Defendants Pursuant to 11 U.S.C. § 105(a)

Docket 5

***** VACATED *** REASON: CONTINUED TO 10/17/2019 AT 10:30 A.M., Per Hearing Held 10/3/2019 (XX)**

Courtroom Deputy:

**CONTINUED: HEARING CONTINUED TO OCTOBER 17, 2019 AT 10:30 A.M,
SAME DATE/TIME AS HEARING ON MOTION FOR RELIEF FROM STAY
AND MOTION FOR REMAND -- eas 10/3/19 (XX) - td (10/3/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe
Ryan S Riddles

Defendant(s):

Leslie Anne Miller

Pro Se

Robert L Miller

Pro Se

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

Movant(s):

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

Plaintiff(s):

Legal Service Bureau Inc

Pro Se

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

Thursday, October 10, 2019

Hearing Room 5A

10:30 AM

CONT... Orange County Bail Bonds, Inc.

Chapter 11

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

Thursday, October 10, 2019

Hearing Room 5A

10:30 AM

8:19-13547 Luis Alberto Rodriguez, Jr.

Chapter 11

#16.00 Hearing RE: Debtors' Motion for Order Determining Value of Collateral (RE: 2107 Yamaha YZFR31HB Motorcycle)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Luis Alberto Rodriguez Jr.

Represented By
Michael Jones

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

Thursday, October 10, 2019

Hearing Room 5A

10:30 AM

8:19-13547 Luis Alberto Rodriguez, Jr.

Chapter 11

#17.00 Hearing RE: Motion for Order Determining Value of Collateral (RE: 1989 Skyline Goldenwest Woodfield Mobile Home, Located at 10800 Dale Ave Spc 122, Stanton, CA 90680-4513)

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

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):

Luis Alberto Rodriguez Jr.

Represented By
Michael Jones

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

Thursday, October 10, 2019

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

#18.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management, LLC was an Insider of the Debtor

Docket 417

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 10, 2019

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

#19.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management, LLC was an Insider of the Debtor

Docket 372

*** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)

Courtroom Deputy:

CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 10, 2019

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

#20.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management, LLC Was an Insider of the Debtor

Docket 374

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own
Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide
Notice (XX) - td (9/25/2019)**

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**

Thursday, October 10, 2019

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
Brianna L Frazier
Shane M Biornstad

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, October 10, 2019

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

#21.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management LLC was an Insider of the Debtor

Docket 530

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 10, 2019

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

#22.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication That SunCal Management LLC was an Insider of the Debtor

Docket 518

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 10, 2019

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

#23.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management LLC was an Insider of the Debtor

Docket 518

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M. ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide Notice (XX) - td (9/25/2019)

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 10, 2019

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

#24.00 Hearing RE: The Trustee's Motion for Partial Summary Adjudication that SunCal Management LLC was an Insider of the Debtor

Docket 522

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 2:00 P.M.
ON COURT'S OWN MOTION. White & Case LLP, Attorneys for SunCal
Mgmt LLC will Provide Notice (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/9/2020 at 2:00 p.m. on Court's Own
Motion. White & Case LLP, Attorneys for SunCal Mgmt LLC will Provide
Notice (XX) - td (9/25/2019)**

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

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

Thursday, October 10, 2019

Hearing Room 5A

2:00 PM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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
Shane M Biornstad

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-10171 Steve Kim and Hye Sun Kim

Chapter 7

#1.00 Hearing RE: Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation (RE: 2018 Lexus RX350 - \$26,246.20) **[TA CASE]**

Docket 82

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Steve Kim

Represented By
M. Jonathan Hayes

Joint Debtor(s):

Hye Sun Kim

Represented By
M. Jonathan Hayes

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12463 Rena Mahammad Alyousef

Chapter 7

#2.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. (RE: 2014 Mercedes-Benz - GLK Class - \$22,653.49)
(TA CASE)

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Rena Mahammad Alyousef	Pro Se
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Trustee(s):

Weneta M Kosmala (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Wednesday, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12480 Guy S. Griffithe

Chapter 7

#3.00 Hearing RE: Motion for Approval of Reaffirmation Agreement with Altura Credit Union (RE: 2015 Porsche Panamera - \$34,675.91) **(TA CASE)**

Docket 63

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Guy S. Griffithe

Represented By
Bert Briones

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12480 Guy S. Griffithe

Chapter 7

#4.00 Hearing RE: Motion for Approval of Reaffirmation Agreement with Altura Credit Union (RE: 2015 Nissan Altima - \$9,464.90) **(TA CASE)**

Docket 64

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Guy S. Griffithe

Represented By
Bert Briones

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12572 Franky R Rodriguez

Chapter 7

#5.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank, N.A. (RE: 2017 Honda Pilot - \$7805.16)
(TA CASE)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Franky R Rodriguez	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Wednesday, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12663 Bambyr Barlahan

Chapter 7

#6.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Southland Credit Union (RE: 2016 Honda Pilot - \$26,026.93) **[TA CASE]**

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Bambry Barlahan	Pro Se
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Trustee(s):

Thomas H Casey (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Wednesday, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12700 Victor M Ospina Martinez

Chapter 7

**#7.00 Hearing RE: Reaffirmation Agreement Between Debtor and SchoolsFirst
Federal Credit Union (RE: 2014 Toyota RAV4 - 3,952.26)
(CB CASE)**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Victor M Ospina Martinez

Represented By
Marlin Branstetter

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12700 Victor M Ospina Martinez

Chapter 7

#8.00 Hearing RE: Reaffirmation Agreement Between Debtor and SchoolsFirst
Federal Credit Union (RE: 2018 Honda Accord - \$19,095.07)
(CB CASE)

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Victor M Ospina Martinez

Represented By
Marlin Branstetter

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12705 Cynthia Lisvee Alvear Pineda

Chapter 7

**#9.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Ally Bank
(RE: 2016 Nissan Altima - \$16,381.68) (TA CASE)**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia Lisvee Alvear Pineda

Represented By
Marlin Branstetter

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12760 Nelly Silcox

Chapter 7

#10.00 Hearing RE: Reaffirmation Agreement Between Debtor and BMW Bank of North America (RE: 2014 BMW 528i Sedan - \$21,758.81)
(CB CASE)

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nelly Silcox

Represented By
Barry E Borowitz

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12898 Dwain Miskulin

Chapter 7

#11.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC (RE: 2016 Ford F250 - \$21,663.97)
(TA CASE)

Docket 16

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Dwain Miskulin

Represented By
Bill J Parks

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12952 Claudia J Perez

Chapter 7

#12.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Hyundai Capital America DBA Hyundai Motor Finance (RE: 2013 Hyundai Elantra - \$10,810.71) **[TA CASE]**

Docket 9

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Claudia J Perez

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**

Wednesday, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12957 Kathy Reyne Koppie

Chapter 7

#13.00 Hearing RE: Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Dba GM Financial (RE: 2018 Chevrolet Malibu - \$22,041.33)

Docket 11

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Kathy Reyne Koppie

Represented By
Brian J Soo-Hoo

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, October 16, 2019

Hearing Room 5A

9:30 AM

8:19-12991 Hermisenda Delgado

Chapter 7

#14.00 Hearing RE: Pro se Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc. (RE: 2015 Nissan Altima - \$12,550.86) **(TA CASE)**

Docket 8

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Hermisenda Delgado

Represented By
Judy P Hsu

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, October 16, 2019

Hearing Room 5A

10:30 AM

8:19-13201 Nicolas Gerard Arroyo and Sandra Arla Arroyo

Chapter 7

#15.00 Hearing RE: Motion of Nicastro & Associates, P.C. to Be Relieved as Counsel for Debtors **(OST Entered 10/8/2019)**

Docket 21

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nicolas Gerard Arroyo

Represented By
Michael N Nicastro

Joint Debtor(s):

Sandra Arla Arroyo

Represented By
Michael N Nicastro

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 17, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#1.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE: Enforcement of Judgment

FR: 7-16-19; 8-15-19

Docket 128

***** VACATED *** REASON: THIS MATTER IS SCHEDULED FOR
10:30 A.M.; SEE CALENDAR ITEM #37.1**

Courtroom Deputy:

**SPECIAL NOTE: This Matter is Scheduled for 10:30 a.m.; See Calendar
Item #37.1 - td (10/8/2019)**

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

Party Information

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

Thursday, October 17, 2019

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
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, October 17, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne
Adv#: 8:16-01247 Damon v. Haythorne

Chapter 7

#2.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19

Docket 130

***** VACATED *** REASON: THIS MATTER IS SCHEDULED FOR
10:30 A.M.; SEE CALENDAR ITEM #37.2**

Courtroom Deputy:

**SPECIAL NOTE: This Matter is Scheduled for 10:30 a.m.; See Calendar
Item #37.2 - td (10/8/2019)**

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the
examination will take place outside the courtroom.

Party Information

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

Thursday, October 17, 2019

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
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, October 17, 2019

Hearing Room 5A

9:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

Adv#: 8:18-01187 Kosmala v. Liebeck et al

#3.00 CONT'D STATUS CONFERENCE RE: (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; to avoid and recover fraudulent transfer pursuant to 11 U.S.C. §§548(a)(1)(B) and 550; To preserve avoided transfers pursuant to 11 U.S.C. §552; and (8) For injunction pursuant to 11 U.S.C. §105

(Another Summons Issued 1/31/19)
FR: 1-31-19; 4-18-19; 5-16-19; 8-15-19

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of Complaint with Prejudice filed 9/11/2019; No Answer Filed. Also, Per Amended Order Approving Motion for Approval of Global Settlement Agreement and Dismissal of Adversary Actions with Prejudice Entered on Main Case 8:16-14227-ES on 8/27/2019, Document #187.**

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of Complaint with Prejudice filed 9/11/2019; No Answer Filed. Also, Per Amended Order Approving Motion for Approval of Global Settlement Agreement and Dismissal of Adversary Actions with Prejudice Entered on Main Case 8:16-14227-ES on 8/27/2019, Document #187- td (9/12/2019)

Tentative Ruling:

January 31, 2019

Impose sanctions in the amount of \$100 against attorney for Plaintiff for failing to timely file a status report. In addition, no proof of service has been filed showing

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

Thursday, October 17, 2019

Hearing Room

5A

9:30 AM

CONT...

Denny Roy Steelman

Chapter 7

proper service to defendants. Continue hearing to March 21, 2019 at 9:30 a.m. Court to issue OSC re Dismissal for Failure to Prosecute which will be heard on the same date/time as the continued hearing.

Note: Appearance at this hearing is required.

April 18, 2019

Continue hearing to May 16, 2019 at 9:30 a.m.; updated status report must be filed by May 2, 2019. (XX)

Note: Appearance at this hearing is required. Plaintiff to serve notice of the continued hearing date/time

May 16, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated status report required by August 1, 2019 if the settlement has not been approved by such date. (XX)

August 15, 2019

In light of settlement, continue status conference to October 17, 2019 at 9:30 a.m.; updated status report must be filed by October 3, 2019 if an order approving the settlement has not been entered by such date. (XX)

Special note: As of August 8, 2019, there were no pending lodged orders re the settlement.

Note: Appearances 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, October 17, 2019

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

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, October 17, 2019

Hearing Room 5A

9:30 AM

8:17-13410 Mohammad R Sabha

Chapter 7

Adv#: 8:19-01125 Sabha v. California State Board Of Equalization

#4.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Tax Liability

(Another Summons Issued 8/1/2019)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Joint status report was not timely filed. Impose sanctions in the amount of \$100 against Plaintiff's counsel for failure to do so.

Discovery Cut-off Date:	Dec. 20, 2019
Deadline to Attend Mediation:	Jan. 17, 2020
Pretrial Conference Date:	Feb. 20, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Feb. 6, 2020

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):

Mohammad R Sabha

Represented By
Bruce A Boice

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Mohammad R Sabha

Chapter 7

Defendant(s):

California State Board Of

Pro Se

Plaintiff(s):

Mohammad R Sabha

Represented By
Bruce A Boice

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 17, 2019

Hearing Room 5A

9:30 AM

8:17-14551 Italo Victor Ismodes, Sr

Chapter 7

Adv#: 8:19-01032 Ismodes, Sr v. Pariscari

#5.00 CON'TD STATUS CONFERENCE RE: Complaint: 1) Fraud; 2) Fraudulent Concealment; 3) Fraudulent Misrepresentation; 4) Negligence; 5) Breach of Fiduciary Duty; 6) Constructive Fraud; 7) CA Code 2923.55; 8) Conversion; 9) B&P 17200; And Objection to Claim Pursuant to 11 USC Section 502

FR: 5-16-19; 7-16-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Notice of Voluntary Dismissal of an Adversary Proceeding that does not involve claims under 11 U.S.C. §727 filed 10/7/2019. Amended Notice of Voluntary Dismissal of an Adversary Proceeding that does not involve claims under 11 U.S.C. §727 filed 10/7/2019. Answer filed 3/28/2019 - td (10/7/2019)

Tentative Ruling:

May 16, 2019

As a preliminary matter, plaintiff's counsel must appear and advise the court re the legal basis for Debtor's standing to prosecute this action for fraud, negligence, breach of fiduciary duty, etc. as such claims are property the estate over which the chapter 7 trustee has exclusive control over. The court is not aware of any abandonment of such claims by the chapter 7 trustee. Importantly, this is not simply an objection to claim.

If Plaintiff's counsel can satisfactorily explain standing, then the following schedule will apply:

Deadline to complete discovery:	Oct. 1, 2019
Deadline to attend mediation:	Nov. 1, 2019
Deadline to file joint pretrial stipulation:	Dec. 5, 2019

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Pretrial conference:
at 9:30 a.m.

Dec. 19, 2019

Note: Appearances at this status conference are required.

July 16, 2019

Comments re the late-filed unilateral status report filed by Plaintiff on July 10, 2019:

1. The updated joint status report was due by order of this court on July 2, 2019. No explanation/declaration has been submitted regarding the reason for the filing of the unilateral report eight days late. The court is inclined to impose sanctions in the amount of \$100 against Plaintiff's counsel for the tardily filed report.

2. The unilateral status report does not address the standing issue raised by the court at the May 16, 2019 status conference. In the absence of abandonment of the nine claims for relief (i.e., exclusive of the objection to claim) by the trustee or a formal motion for authority to prosecute claims belonging to the estate, the court is unaware of any legal authority supporting Debtor's standing to prosecute such claims. The trustee's unsworn statement in the unilateral report that she "does not oppose" the adversary does not confer standing. The court finds the trustee's statement perplexing.

3. As to the one matter Debtor could prosecute, the objection to claim, the complaint does not any facts concerning the substance of the claim itself -- not even the amount of the claim.

Note: Appearances at this hearing are required.

October 17, 2019

Take matter off calendar -- settled.

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, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Italo Victor Ismodes, Sr

Chapter 7

Debtor(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Defendant(s):

Brian Pariscari

Pro Se

Plaintiff(s):

Italo Victor Ismodes Sr

Represented By
Anerio V Altman

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders
Brian R Nelson

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

Adv#: 8:19-01035 SJO Investments, LLC v. Gilbert-Bonnaire

#6.00 PRE-TRIAL CONFERENCE RE: Complaint to Determine Non-Dischargeability of Debt Under 11 U.S.C. §543(A)(2)(a), and, if Applicable, Allowance Pursuant to 11 U.S.C. §1502

FR: 5-30-19

Docket 1

*** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding that Does Not Involve Claims Under 11 U.S.C. §727 filed 9/9/2019

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding that Does Not Involve Claims Under 11 U.S.C. §727 filed 9/9/2019 - td (9/10/2019)

Tentative Ruling:

May 30, 2019

Discovery Cut-off Date:	8/2/19
Deadline to Attend Mediation:	9/13/19
Pretrial Conference Date: (XX)	10/17/19 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	10/3/19

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 17, 2019

Hearing Room 5A

9:30 AM

CONT... Paula Gilbert-Bonnaire

Chapter 7

Debtor(s):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

Defendant(s):

Paula Gilbert-Bonnaire

Pro Se

Plaintiff(s):

SJO Investments, LLC

Represented By
Jon Alan Enochs

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 17, 2019

Hearing Room 5A

9:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01044 Van der Laan v. Phong

#7.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. Section 727

FR: 6-20-19; 8-22-19; 9-12-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Order on Plaintiff's Motion for Default Judgment Under LBR 7055-1 entered 9/17/19; Default Judgment entered 9/18/19 RE: Section 523(a)(2)(A). Still pending re: Section 727(a)(4) - liz (9/20/2019)

Tentative Ruling:

June 20, 2019

Continue Status Conference to August 22, 2019 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: Appearance at this hearing is not required; 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 17, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong

Chapter 7

August 22, 2019

In light of pending motion for default judgment, continue status conference to September 12, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required.

September 12, 2019

Declaration re non-opposition to pending motion for default judgment not filed. Continue status conference one final time to October 17, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.

October 17, 2019

Plaintiff's counsel must appear and advise the court re the status of the 727 objection to discharge claim. Has notice of intent to dismiss such claim been served on the ch 7 trustee, US Trustee and all creditors per FRBP 7041?

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Samantha Sim Phong

Chapter 7

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

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 17, 2019

Hearing Room 5A

9:30 AM

8:18-14372 Narendra Mohan

Chapter 7

Adv#: 8:19-01037 Last Chance Funding, Inc. v. Mohan et al

#8.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine the Dischargeability of a Debt and Objection to Discharge of the Debtors

FR: 5-30-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/19/2019 AT 9:30 A.M.,
Per Order Entered 10/4/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 11/19/2019 at 9:30 a.m., Per
Order Entered 10/4/2019 (XX) - td (10/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narendra Mohan

Represented By
Harlene Miller

Defendant(s):

Narendra Mohan

Pro Se

Anshu Mohan

Pro Se

Joint Debtor(s):

Anshu Mohan

Represented By
Harlene Miller

Plaintiff(s):

Last Chance Funding, Inc.

Represented By
Robert L Rentto

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Narendra Mohan

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, October 17, 2019

Hearing Room 5A

9:30 AM

8:19-11414 Peter Woo Sik Kim

Chapter 7

Adv#: 8:19-01155 Kang Family 2007 Revocable Trust v. Kim et al

#9.00 STATUS CONFERENCE RE: Complaint Objecting to Discharge of Debt Under 11 U.S.C. §523(a)(3)(a) and 11 U.S.C. §523(a)(2)(B)

Docket 1

*** VACATED *** REASON: CONTINUED TO 1/16/2020 AT 9:30 A.M.,
Per Order Entered 10/10/2020 (XX)

Courtroom Deputy:

CONTINUED: Continued to 1/16/2020 at 9:30 a.m., Per Order Entered 10/10/2019 (XX) - td (10/10/2019)

Tentative Ruling:

October 17, 2019

Discovery Cut-off Date: Mar. 6, 2020
Deadline to Attend Mediation: Jan. 31, 2020
Pretrial Conference Date: Apr. 30, 2020 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation: Apr. 16, 2020

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):

Peter Woo Sik Kim

Represented By
Andrew S Bisom

Defendant(s):

Peter Kim

Pro Se

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT... Peter Woo Sik Kim
Sharon Kim

Pro Se

Chapter 7

Joint Debtor(s):

Sharon Soyun Kim

Represented By
Andrew S Bisom

Plaintiff(s):

Kang Family 2007 Revocable Trust

Represented By
Edmond Richard McGuire

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Lynda T Bui
Rika Kido

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

8:19-11546 Joseph Ra

Chapter 7

Adv#: 8:19-01157 Caraveo et al v. Ra

#10.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Discovery Cut-off Date:	Mar. 16, 2020
Deadline to Attend Mediation:	Feb. 7, 2020
Pretrial Conference Date:	Apr.16, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Apr. 2, 2020

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required; Plaintiff to lodge a scheduling order within 7 days of the hearing.

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Defendant(s):

Joseph Ra

Pro Se

Plaintiff(s):

Marcelo Caraveo

Represented By
Christopher Barry

Holy Shirts and Pants, LLC

Represented By

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

Thursday, October 17, 2019

Hearing Room 5A

9:30 AM

CONT...

Joseph Ra

Chapter 7

Early Bird Restaurant, LLC

Christopher Barry

Represented By
Christopher Barry

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, October 17, 2019

Hearing Room 5A

10:00 AM

8:15-10272 Ranulfo Figueroa

Chapter 13

#11.00 CONT'D Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
LAKEVIEW LOAN SERVICING, LLC
VS.
DEBTOR
FR: 9-19-19

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Grant motion with without 4001(a)(3) waiver and with co-debtor relief.

Special Note: The tentative ruling is to grant the Motion because Debtor did not provide documentary proof of payments he alleges to have made. If Movant is agreeable to a continuance to discuss a resolution, the parties may request a continuance of the hearing at the beginning of the calendar roll call. Available dates are Oct. 10, Oct. 17 and Nov. 7, 2019 at 10:00 a.m.

October 17, 2019

Parties to advise of status of matter.

Party Information

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

CONT... Ranulfo Figueroa

Chapter 13

Debtor(s):

Ranulfo Figueroa

Represented By
Sunita N Sood
Seema N Sood

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark T. Domeyer
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, October 17, 2019

Hearing Room 5A

10:00 AM

8:16-12448 Linda Anne Boyer

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.
VS.
DEBTOR

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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.

Party Information

Debtor(s):

Linda Anne Boyer

Represented By
Ramiro Flores Munoz

Movant(s):

The Bank of New York Mellon Trust

Represented By
April Harriott
Keith Labell
Theron S Covey

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

CONT... Linda Anne Boyer

Chapter 13

Eric P Enciso
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, October 17, 2019

Hearing Room 5A

10:00 AM

8:16-14243 Daryl John Parks

Chapter 13

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

U.S. BANK N.A.

VS.

DEBTOR

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Daryl John Parks

Represented By
Thomas E Brownfield

Movant(s):

U.S. Bank National Association, as

Represented By
Kirsten Martinez

Trustee(s):

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 17, 2019

Hearing Room 5A

10:00 AM

CONT... Daryl John Parks

Chapter 13

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

8:17-10565 Ryan Correos Ordinario and Samantha Ordinario

Chapter 7

#14.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
SANTANDER CONSUMER USA INC
VS.
DEBTORS

Docket 109

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Ryan Correos Ordinario

Represented By
Halli B Heston

Joint Debtor(s):

Samantha Ordinario

Represented By
Halli B Heston

Movant(s):

Santander Consumer USA Inc.

Represented By

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

**CONT... Ryan Correos Ordinario and Samantha Ordinario
Jennifer H Wang**

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, October 17, 2019

Hearing Room 5A

10:00 AM

8:18-13556 Nam Howell

Chapter 13

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

JP MORGAN CHASE BANK, N.A.

VS.

DEBTOR

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Nam Howell

Represented By
Rabin J Pournazarian

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
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 17, 2019

Hearing Room 5A

10:00 AM

CONT... Nam Howell

Chapter 13

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

8:18-14558 Cathy Marie Estrella

Chapter 13

#16.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
BROKER SOLUTIONS, INC.
VS.
DEBTOR

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion without 4001(a)(3) relief unless Debtor is postpetition current prior to the hearing or the parties have agreed to the terms of an adequate protection order. If more time is needed to finalize an adequate protection agreement, the parties may request a continuance during the the roll call of the calendar just prior to the hearing. Available continued hearing dates: Nov. 7, 2019, Nov. 19, 2019 or Nov. 21, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Cathy Marie Estrella

Represented By
Amanda G Billyard

Movant(s):

Broker Solutions, Inc. dba New

Represented By
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 17, 2019

Hearing Room 5A

10:00 AM

CONT... Cathy Marie Estrella

Chapter 13

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

8:19-10796 Mario Jonathan Saldivar and Alicia Marie Braddock

Chapter 13

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

JP MORGAN CHASE BANK, NATIONAL ASSOCIATION

VS.

DEBTORS

Docket 40

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Real Property)
[Settled by Stipulation]/APO Entered 10/16/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Real Property) [Settled by Stipulation]/APO
Entered 10/16/2019 - td (10/16/2019)**

Tentative Ruling:

October 17, 2019

Off Calendar

Party Information

Debtor(s):

Mario Jonathan Saldivar

Represented By
Joshua L Sternberg

Joint Debtor(s):

Alicia Marie Braddock

Represented By
Joshua L Sternberg

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

CONT... Mario Jonathan Saldivar and Alicia Marie Braddock

Chapter 13

Movant(s):

JPMORGAN CHASE BANK,

Represented By
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 17, 2019

Hearing Room 5A

10:00 AM

8:19-12702 Miguel Patino Ramirez

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
BANK OF AMERICA, N.A.
VS.
DEBTORS

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Miguel Patino Ramirez

Represented By
Marlin Branstetter

Movant(s):

Bank of America, N.A.

Represented By
Robert P Zahradka

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 17, 2019

Hearing Room 5A

10:00 AM

CONT... Miguel Patino Ramirez

Chapter 7

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

8:19-13065 Jonathan Jonas

Chapter 7

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

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Jonathan Jonas

Represented By
Alaa A Ibrahim

Movant(s):

Toyota Lease Trust

Represented By
Kirsten Martinez

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 17, 2019

Hearing Room 5A

10:00 AM

CONT... Jonathan Jonas

Chapter 7

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

Thursday, October 17, 2019

Hearing Room 5A

10:00 AM

8:19-13761 Paul Edwin Baloloy

Chapter 13

#19.10 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:

October 17, 2019

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):

Paul Edwin Baloloy

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 17, 2019

Hearing Room 5A

10:30 AM

8:13-20075 Mark R. Stokes

Chapter 13

#20.00 Hearing RE: Debtor's Motion to Reopen Chapter 13 Case, for the Limited Purpose of Hearing the Debtor's Motion to Avoid Lien Under 11 U.S.C. §522(f)

Docket 62

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion to re-open case through and including December 20, 2019. The Clerk may re-close the case on or after December 21, 2019 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.

Party Information

Debtor(s):

Mark R. Stokes

Represented By
J Scott 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**

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:14-15778 EQD Corporation

Chapter 7

Adv#: 8:18-01207 EQD Corporation v. Woo et al

#21.00 Hearing RE: Defendants Related Management, a New York Company and Kaufman Wu's Motion to Dismiss Plaintiff EQD Corporation's First Amended Complaint

Docket 75

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion without leave to amend the first amended complaint filed in this 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.

Party Information

Debtor(s):

EQD Corporation

Represented By
Kent Salveson
Marc Y Lazo

Defendant(s):

Jolynne Woo

Pro Se

Kelsey Woo

Pro Se

Steve Woo

Pro Se

Kaufman Wu

Represented By
Michael A Shakouri

**United States Bankruptcy Court
Central District of California
Santa Ana
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10:30 AM

CONT... EQD Corporation

Chapter 7

Kaufman Related Management

Represented By
Michael A Shakouri

Related Management, a New York

Represented By
Michael A Shakouri

Plaintiff(s):

EQD Corporation

Represented By
Walter David Channels
Kent Salvesson

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Christopher J Green
Reem J Bello
Beth Gaschen

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

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:15-12630 Vanessa Frazier Elrousan

Chapter 13

#22.00 Hearing RE: Debtor's Motion for Hardship Discharge or in the Alternative to Find that the Debtor has Substantially Complied with their Chapter 13 Plan and are Entitled to a Discharge

Docket 144

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion for hardship discharge with the exceptions noted in the Trustee's comments as to student loan debt and arrearages to secured creditor Finisterra in the amount of \$5628.19.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

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, October 17, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

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

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 196

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

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

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

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

[WIELAND GOLDEN GOODRICH LLP, COUNSEL FOR THE TRUSTEE]

Docket 189

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:16-14227 Denny Roy Steelman

Chapter 7

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

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

Docket 191

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Denny Roy Steelman

Represented By
William E. Winfield

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Reem J Bello
Faye C Rasch
Jeffrey I Golden

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

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#26.00 CON'TD Hearing RE: Debtor's Objection to Secured Creditor, Premier Home Solutions Inc.'s Proof of Claim 1

FR: 8-22-19; 9-19-19

Docket 90

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

The court is inclined to sustain the objection as to accrued interest and to overrule the objection as to the principal debt, i.e., \$120,000.

The parties are to address the following issues:

Debtor:

1. This court has already abstained from hearing the merits of case involving this loan in light of a pending state court action that *Debtor* initiated prepetition involving multiple plaintiffs and defendants. Debtor is to advise the court re the status of the state court litigation.
2. The court finds Debtor's argument that she doesn't owe anything to Claimant because she "never received the money," strains credulity in light of the joint venture agreement she entered into regarding the acquisition of the Sea Island property and her subsequent acknowledgement of the purchase. See Claimant's Opposition, Declaration of Angel Santiago and exhibits attached thereto; Declaration of Michael Van Ness, Exhibit 1.
3. Debtor's Objection does not explain or provide any legal analysis regarding

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room

5A

10:30 AM

CONT...

Daphne Alt

Chapter 13

relevance of Claimant's lack of a real estate license. She simply declares Claimant is not exempt from usury laws without any legal analysis. The court declines to do Debtor's research for her.

4. As of July 26, 2019, it appears Claimant is active and no longer suspended.

5. Even if the interest is usurious, the principal balance remains. Further, even if, because of the lack of notice, the note has not yet matured, the principal debt remains and has to be treated through Debtor's chapter 13 plan.

Claimant

1. Claimant's assertion of the nonapplicability of Cal. Civ. Code 2966 is unpersuasive in light of the fact that the note itself expressly states that "this note is subject to Section 2966 . . . which provides that the holder . . . shall give written notice to the trustor . . . at least 90 and not more than 150 days before any balloon payment is due." Thus, whether or not Section 2966 would have otherwise applied or not, Claimant clearly intended to provide the protections of Section 2966 by including it in the note that it presumably drafted. Absent notice given pursuant to the note, it has not yet matured.

2. The note is clearly usurious under California Constitution Article XV Section 1 as it exceeds 10% per annum. Claimant has the ultimate burden of proof and has not provided any basis for it being exempt from the usury law.

3. The court is not persuaded that Debtor's claim is time-barred. See Debtor's reply.

Special note: This court's ruling as to this claim objection cannot be used by or against any person or entity other than Debtor and Premier Home Solutions, Inc. in any other state or federal action. Further any ruling by this court regarding the subject proof of claim is without prejudice to Premier seeking prejudgment interest at the legal rate once notice is properly given under the note.

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, October 17, 2019

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10:30 AM

**CONT... Daphne Alt
September 19, 2019**

Chapter 13

Parties to appear and advise the court re the status of this matter. If additional time to memorialize the settlement is needed, a final continuance may be requested during the tentative ruling roll call prior to the hearing. Available hearing dates: Oct. 10, 2019 and Oct. 17, 2019 at 10:30 a.m.

October 17, 2019

Parties to appear and advise the court re the status of this matter.

Party Information

Debtor(s):

Daphne Alt

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, October 17, 2019

Hearing Room 5A

10:30 AM

8:18-13499 Laura Marie Kroh

Chapter 7

#27.00 Hearing RE: Chapter 7 Trustee's Objection to Debtor's Amended Exemption Claim

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Sustain objection (without prejudice to Debtor filing an amended Schedule C that properly cites the applicable exemption statute)

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

Debtor(s):

Laura Marie Kroh

Pro Se

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, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#28.00 Hearing RE: Original Disclosure Statement Describing Original Chapter 11 Plan filed by Debtor and Debtor in Possession

Docket 88

***** VACATED *** REASON: CONTINUED TO 12/12/2019 AT 10:30
A.M., PER ORDER ENTERED 10/16/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Continued to 12/12/2019 at 10:30 a.m., Per Order Entered
10/16/2019 (XX) - td (10/16/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-10913 Cassandra Dean Duerscheidt

Chapter 7

Adv#: 8:19-01122 M.G.B. Construction, Inc. v. Duerscheidt

#29.00 Hearing RE: Defendant's Motion to Set Aside Entry of Default (FRCP 55(c) and FRBP 7055)

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion on condition that Defendant pays to Plaintiff's counsel attorneys fees in the amount of \$1,137.50 by or before November 1, 2019 (must be received by 5:00 p.m. of such date). If the fees are timely paid, Defendant shall file a declaration confirming timely payment of the fees along with an order granting the motion. Once the order granting the motion is entered, Defendant must file an answer within 10 days thereafter. If Defendant fails to timely pay such fees, Plaintiff may file a declaration confirming such nontimely payment along with a proposed order denying the motion.

Basis for Tentative Ruling :

Defendant has met the minimum requirements for setting aside the default.

Standard

FRCP 55(c) , incorporated by FRBP 7055), allows a court to set aside an entry of default for "good cause shown." By contrast, a default *judgment* may only be set aside under FRCP 60(b). It is well-settled that the standard for setting aside a default is far less stringent than setting aside a default judgment. See, *In re Bernal*, 223 B.R. 542, 547 (9th Cir. BAP 1998) ("While relief from entry of default will be granted more readily and with a lesser showing than in a case of a default

**United States Bankruptcy Court
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

CONT... **Cassandra Dean Duerscheidt**

Chapter 7

judgment, the defaulting party at a minimum must show "good cause" for vacating the entry of default under Rule 55(c)".

In *Hawaii Carpenters' Trust Funds v. Stone*, 794 F.2d 508, 513 (9th Cir. 1986), the 9th Circuit expounded on the different standards employed in setting aside a default vs. a default judgment:

"The different treatment of default entry and judgment by Rule 55(c) frees a court considering a motion to set aside a default entry from the restraint of Rule 60(b) and entrusts determination to the discretion of the court. As a practical matter, however, when considering a motion to set aside a default entry, the parallels between granting relief from a default entry and a default judgment encourage utilizing the list of grounds for relief provided in Rule 60(b), including considering whether a defendant has a meritorious defense. These Rule 60(b) grounds are *liberally interpreted when used on a motion for relief from an entry of default*.

The underlying concern, however, is to determine whether there is *some possibility* that the outcome of the suit after a full trial will be contrary to the result achieved by the default. Wright & Miller, *supra*, § 2697 (Supp.1986). A party in default thus is required to make some showing of a meritorious defense as a prerequisite to vacating an entry of default. *Medunic v. Lederer*, 533 F.2d 891, 893 (3d Cir.1976)." (emphasis added)

Meritorious Defense:

Regarding meritorious defense, while the proposed responses to the allegations are unsworn, the court does not interpret the responses in as "black and white" a fashion as Plaintiff does. For example, there is no facial inconsistency in Defendant's assertion that she never held title to the 2016 Lexus (the obvious inference being there was, therefore, no need to list the vehicle on her schedules). Similarly, the value of Restaurant Builders & Design Services and the circumstances under which Defendant gave up her interest in the same may be in dispute but this court cannot resolve or adjudicate the dispute at this juncture. See *U.S. v. Aguilar*, 782 F.3d 1101, 1107 ("All that is necessary to satisfy the 'meritorious defense' requirement is to allege sufficient facts that, if

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

CONT... **Cassandra Dean Duerscheidt**

Chapter 7

true, would constitute a defense: the question whether the factual allegation is true is not to be determined by the court when it decides the motion to set aside the default. Rather, that question would be the subject of the later litigation."). Indeed, in this Circuit, the burden on a party seeking to vacate a default judgment "is not extraordinarily heavy." *Id.* The burden for vacating a default is even less so. *Hawaii Carpenters' Trust Funds*, supra.

Culpable Conduct

Applying the less stringent standard noted hereinabove, the court finds that Defendant has met the minimum standard for demonstrating lack of culpability. First, there is no evidence that she *intentionally* or strategically failed to respond to the complaint upon discovering it on PACER. Second, her stated reason for not immediately downloading the complaint is plausible given the varied subscription plans. Third, she did move to set the default aside within 60 days, which the court considers reasonable given her lack of legal representation at the time. According to the Rule 2016 Statement filed by her then attorney of record, Brian Soo-Hoo, the representation specifically excluded nondischargeability actions.

Prejudice to Plaintiff

Plaintiff has provided insufficient evidence of prejudice to it if the default is set aside. The allegations regarding nefarious conduct by Defendant and her alleged partner in crime, Brian McTeggart, are currently unfounded and unsubstantiated. The references to conduct in the McTeggart bankruptcy adversary proceeding are of no moment for purposes of this motion -- no court transcript or findings of the court to support the allegations have been presented.

Attorneys Fees

The court believes that conditioning the setting aside of the default on the payment of Plaintiff's attorneys fees is reasonable under the circumstances and authorized by FRCP 55(c). See *Hawaii Carpenters' Trust Funds* at 514 (upholding the district court's order conditioning the setting aside of the default on the payment of attorneys fees). The court will allow 3.5 hours at \$325/hr for

**United States Bankruptcy Court
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

CONT... **Cassandra Dean Duerscheidt** **Chapter 7**
preparing the request for default, preparing a response to the motion to vacate
the response and for preparing for today's hearing.

***Note: If the 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):

Cassandra Dean Duerscheidt

Represented By
Brian J Soo-Hoo

Defendant(s):

Cassandra Dean Duerscheidt

Represented By
Douglas A Plazak

Plaintiff(s):

M.G.B. Construction, Inc.

Represented By
Scott A Kron

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#30.00 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 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Continue hearing to November 7, 2019 at 10:30 a.m., same date/time as hearing on approval of Debtor's amended disclosure statement and Debtor's motion to sell real property.

Tentative ruling for 11/7/19 hearing: Dismiss case or convert case to chapter 7 if amended disclosure statement is not approved and/or the motion to sell is denied.

Special Note: The court is very concerned about the viability of a reorganization plan. As the sale of the Norwalk property is likely to net less than \$9,000, Debtor must present proof that the other rental properties generate positive cash flow and provide a source of plan funding. Further, as the proposed sale is to an insider, Debtor must provide objective evidence of the fair market value of the Norwalk property.

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.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing

Chapter 11

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#31.00 CON'TD Hearing RE: Debtor's Objection and Opposition to Claim Submitted by Schools First Credit Union (Claim #5)

FR: 8-15-19; 9-19-19

Docket 74

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/2/2019 - td (10/2/2019)**

Tentative Ruling:

August 15, 2019

Overrule objection.

Basis for Tentative Ruling

A. Service Issues:

1. Federal Rules of Bankruptcy Procedure (FRBP) 3007 governs the manner of service of an objection to claim. Rule 3007(a)(2)(A)(ii) requires that if an objection is to the claim of an "insured depository institution" service of the objection and notice must be a) to the person designated on the claimant's proof of claim by first class mail, AND b) in the manner provided by Rule 7004(h).

2. FRBP 7004(h) requires that service to an insured depository institution must be made by certified mail addressed to an officer of the institution unless the institution has appeared by its attorney, in which case the attorney shall be served by first class mail.

3. Bankruptcy Code Section 101(35)(B) defines "insured depository institution"

**United States Bankruptcy Court
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Thursday, October 17, 2019

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5A

10:30 AM

CONT... Alicia Marie Richards

Chapter 13

as including "an insured credit union."

4. Because SchoolsFirst Federal Credit Union ("SchoolsFirst" or "Claimant") is an insured credit union, Rule 3007(a)(2)(A)(ii) applies.

5. There is no record of an attorney appearing on behalf of SchoolsFirst in this case and, therefore, service by certified mail to the attention of an officer was required. Such service was not made.

B. Merits of the Objection:

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. *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).

In this case, Claimant filed the Claim in accordance with Rule 3001. The Claim was filed on Official Form 410 and included supporting documentation, such as evidence of the outstanding debt. See, Obj., Ex. A (the Claim). Thus, Claimant has complied with Rule 3001 and the Claim is entitled to *prima facie* validity under Rule 3001(f).

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CONT...

Alicia Marie Richards

Chapter 13

Because the Claim is entitled to prima facie validity, Debtor is required to present affirmative evidence to overcome the prima facie validity by the Claim. Debtor must produce sufficient evidence to negate one or more of the sworn facts in the Claim, thereby reverting the burden to Claimant to prove the validity of the claim by a preponderance of the evidence. *Lundell*, 233 F.3d at 1039.

Adequacy of the Proof of Claim

Debtor argues in conclusory manner without any legal support or authority that Claimant has not provided "adequate proof" of its claims and that "statements on the account from 2013 to present" is required. The court is unaware of any such requirement.

Rule 3001(a) requires that the proof of claim must "confirm substantially to the appropriate Official Form." In this case, the proof of claim is filed on Official Form 410.

Rule 3001(c)(3) provides that when a claim is based on an open-end or revolving consumer credit agreement, certain information is required such as, the name of the entity to whom the debt is owed, the date of the last transaction, the date of the last payment on the account and the date on which the account was charged off.

The statement attached to the proof of claim indicates that it is a revolving credit card debt and, therefore, Rule 3001(c)(3)(A) applies. The statement appears to include all of the required information. Rule 3001(c)(3)(A) does not require that all monthly statements be attached.

Community Debt

Debtor also argues that the debt owed to SchoolsFirst is a community debt but provides no legal support or authority as to why the debt's status as "community" represents a legal basis for disallowance of the claim. Under California Family Code Sec. 910(a), "the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of . . . whether one or both spouses are parties to the debt" In this case, the credit

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CONT... Alicia Marie Richards Chapter 13

obligation is in the name of both Debtor and her ex-spouse and is a community debt, as she admits. Under the Bankruptcy Code, a community claim is a prepetition claim for which community property is liable for repayment of the claim. See, 11 U.S.C. Section 101(7) and 541(a)(2).

Allocation of Community Debt

Finally, Debtor argues that her ex-spouse, Ryal Richards, is 100% liable for the subject debt pursuant to certain state court orders. However, the only state court order attached to the Objection is one issued February 22, 2016 ("February 22 Order") which simply states in paragraph 3 that Mr. Richards is to "continue to pay the household bills including food and the minor's extracurricular activities." The February 22 Order does not, however, expressly or impliedly assign liability of all community debt or even liability for this particular debt exclusively to Mr. Richards. Stated otherwise, the plain language of the February 22 Order does not establish grounds for disallowing SchoolsFirst's claim on the grounds asserted by Debtor in the Objection.

Based upon all of the foregoing, Debtor has not satisfied her burden of presenting 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 subject proof of claim.

September 19, 2019

Overrule Objection for the same reasons set forth above in Section B of the Tentative Ruling for August 15, 2019

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Trustee(s):

Amrane (SA) Cohen (TR) Pro Se

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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CONT... Alicia Marie Richards

Chapter 13

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

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Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

#32.00 CONT'D STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and (2)
Requiring Report on Status of Chapter 11 Case

FR: 8-22-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Deadline to file Plan and Disclosure Statement: 10/21/19

Continued Status Conference Date: 11/21/19 at 10:30 a.m.

Updated Status Report due date: 11/7/19 unless a plan
& DS

filed, in which case

requirement of a report will

have been

the

be waived.

Special Note: The court does not ordinarily set a deadline for the filing of objections to claim.

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.

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CONT... Orange County Bail Bonds, Inc.

Chapter 11

October 17, 2019

Continue status conference to November 7, 2019 at 10:30 a.m., same date/time as hearing on Debtor's motion to extend exclusivity. Updated status report not required.

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.

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

**United States Bankruptcy Court
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

Adv#: 8:19-01187 Legal Service Bureau Inc v. Miller et al

#33.00 Hearing RE: Plaintiff's Motion for Order Remanding Adversary Proceeding Back to State Court and Requiring Payment of \$3,325.00 by Debtor Orange County Bail Bonds Inc., Leslie Miller, Robert Miller, and Marc C. Forsythe, Jointly and Severally, as and for Just Costs and Actual Expenses, Including Attorney Fees, Incurred as a Result of Removal

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant motion to remand the entire matter under 28 USC 1452(b).

Basis for Tentative Ruling

Timeliness:

The court notes, as a preliminary matter, that the removal was timely under FRBP 9027(a)(2). There is no question that the action was stayed by the filing of the bankruptcy petition and that no order granting relief from the stay has been entered (which would trigger the 30-day period for filing a removal).

Merits

Remand:

Under 28 U.S.C. § 1452(b), the court to which a "claim or cause of action is removed may remand such claim or cause of action *on any equitable ground.*" (emphasis added)

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CONT... Orange County Bail Bonds, Inc.

Chapter 11

Courts typically consider a range of factors in deciding whether to grant a motion to remand. As set forth in *In re Cytodyn of New Mexico, Inc.*, 374 B.R. 733, 738 (Bankr.C.D.Cal.2007), citing *Citigroup, Inc. v. Pacific Inv. Mgmt. Co. (In re Enron Corp.)*, 296 B.R. 505, 508 (C.D.Cal.2003) such factors may include:

1. The effect or lack thereof on the efficient administration of the estate if a court recommends remand.

-- Remand of this action back to state court will not negatively impact the efficient administration of the estate, nor will it hinder Debtor's ability to propose a plan of reorganization. The primary defendants in the subject action are Debtor's principals on the basis of alter ego claims. Defendants would be compelled to litigate the action in this Court, if not in state court -- particularly in light of the fact that the Court believes that Debtor has stated insufficient grounds for the imposition of an injunction enjoining the litigation of the removed action in this court. See tentative ruling for Calendar #33.1.

2. The extent to which state law issues predominate over bankruptcy issues

-- The removed action is comprised entirely of state law claims

3. The jurisdictional basis, if any, other than 28 U.S.C. § 1334

-- There is no jurisdictional basis for the claims other than 28 U.S.C. 1334

4. The degree of relatedness or remoteness of the proceeding to the main bankruptcy case

-- The removed is, at its core, an action against the *principals* of Debtor and not Debtor directly. The apparent objective of the suit is enable Plaintiff to enforce its judgment against Debtor against Debtor's principals. For this reason, the court considers the degree of relatedness to be low.

7. The substance rather than form of an asserted "core" proceeding

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CONT... **Orange County Bail Bonds, Inc.**

Chapter 11

-- The removed action is not a core proceeding

8. The presence in the proceeding of nondebtor parties

-- Other than Debtor, as a nominal defendant, all of the parties are nondebtors.

9. Other Factors

-- The court is unpersuaded by Debtor's argument that Plaintiff's filing of a proof of claim in Debtor's case constitutes "consent" to the jurisdiction of this court to hear the alter ego action. The adjudication of the alter ego action will not resolve issues relating to the proof of claim filed against Debtor. Presumably, if Plaintiff prevails in the alter ego action, it will have alternative sources from which to satisfy its judgment against Debtor. In such circumstance, Debtor could not, through the claims allowance process, compel Plaintiff to enforce its judgment against Debtor's principals *first* or at all. Conversely, whether Debtor is able successfully dispute the amount or basis for liability re the proof of claim is not dependent or affected by the adjudication of the equitable alter ego claims. The cases cited by Debtor in its opposition as to this point are inapposite. Stated otherwise, the claims allowance process will not resolve the alter ego claims.

-- The court rejects Debtor's argument that if the motion is granted, remand should be limited to the nondebtor parties and should, effectively, sever Debtor from the litigation. First, Debtor is not the primary target of the action. Second, the principals have already commenced responding to discovery requests, so any discovery burden on Debtor should be minimal. See Motion, Declaration of Timothy Aires at paragraph 6.

Abstention

The court has determined that abstention under 28 USC 1334(c) is not an available option where a case has been removed from state court as abstention is only effective when there is a pending proceeding in state court. See *Security Farms v. International Brotherhood of Teamsters*, 124 F.3d 999, 1009 (9th Cir. 1997) ("Abstention can exist only where there is a parallel proceeding in state

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CONT... Orange County Bail Bonds, Inc.

Chapter 11

court. That is, inherent in the concept of abstention is the presence of a pendent state action in favor of which the federal court must, or may, abstain.")

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe
Ryan S Riddles

Defendant(s):

Leslie Anne Miller

Pro Se

Robert L Miller

Pro Se

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

Plaintiff(s):

Legal Service Bureau Inc

Represented By
Timothy C Aires

**United States Bankruptcy Court
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Santa Ana
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

Adv#: 8:19-01187 Legal Service Bureau Inc v. Miller et al

#33.10 CONT'D Hearing RE: Motion for Entry of Order Enjoining Removed Litigation as to Non-Debtor Co-Defendants Pursuant to 11 U.S.C. § 105(a)

FR: 10-10-19

Docket 5

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Deny motion

Basis for Tentative Ruling

1. The motion is moot if the court stays with its tentative ruling for Calendar #33 (motion to remand).

2. Even if the motion to remand is denied, the court would still be inclined to deny this motion on the following grounds:

a. The motion effectively seeks to extend the automatic stay to nondebtor principals of Debtor. Debtor has provided no evidence that the enjoining of the removed action will assist in a successful reorganization by "distracting" defendants Leslie and Robert Miller (collectively, the Millers). In fact, Debtor has not presented the declarations of either Leslie or Robert Miller attesting to the likelihood or the effect of such distraction. See Declaration of Robert Miller.

b. Debtor argues that the Millers are "making a meaningful contribution towards reorganization through their operation of the Debtor's business."

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10:30 AM

CONT... **Orange County Bail Bonds, Inc.**

Chapter 11

Motion at p. 8. However, the most recent MOR filed by Debtor for the period ending August 31, 2019 does not reflect any such meaningful contribution --- in fact for such period Debtor is showing negative net income of \$8,525.27 and an average net monthly income for the entire postpetition period of only \$5,422.34, *even without the distraction of the state court action by virtue of the automatic stay which currently remains in place.*

c. Debtor asserts that the sale of the Saddozai Residence "should pay all or almost all of the debt owed to Plaintiff." Motion at p. 13. However, with no evidence whatsoever, Debtor asserts a value of \$950,000 for the Saddozai residence, a value that is \$100,000 higher than the value Mr. Saddozai, the owner of the property, listed in his bankruptcy Schedule A (\$850,000).

b. The court incorporates by reference Plaintiff's opposition at pp. 6-7 regarding the likely net proceeds from the sale of the Saddozai property using the scheduled value of \$850,000 and deducting amounts for the 1st deed of trust (\$358,350.19), costs of sale of 6% (\$51,000) and estimated Trustee/administrative fees (\$100,000), resulting in net proceeds of \$340,649.81. Notably, Plaintiff's calculation does not include the \$100,000 homestead exemption Mr. Saddozai claimed on his Schedule C, which reduces the likely net proceeds to \$240,649.81. In addition, Mr. Saddozai lists additional unsecured debt of over \$100,000 that is unrelated to Debtor's proof of claim in the amount of more than \$600,000. Based on the evidence before the court, the likelihood that the sale of the Saddozai property will result in the payment of all or most of the debt owed by Debtor to Plaintiff -- whether that claim is determined to be \$395,000 or \$543,000, is slim to nil.

c. Debtor asserts that the Millers will contribute postpetition financing to Debtor to assist in Debtor's business operations and reorganization but provide no specifics (or even a range) regarding the amount of such contribution or the financial ability of the Millers to do so.

Based upon the foregoing circumstances and evidence, Debtor has not satisfied its burden of proof as to likelihood of a successful reorganization, irreparable harm, balance of hardships in its favor, or public interest.

Party Information

**United States Bankruptcy Court
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Santa Ana
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

CONT... Orange County Bail Bonds, Inc.

Chapter 11

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe
Ryan S Riddles

Defendant(s):

Leslie Anne Miller

Pro Se

Robert L Miller

Pro Se

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

Movant(s):

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

Plaintiff(s):

Legal Service Bureau Inc

Pro Se

**United States Bankruptcy Court
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Thursday, October 17, 2019

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10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

#33.20 CONT'D Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

LEGAL SERVICE BUREAU INC.

VS.

DEBTOR

FR: 10-3-19

Docket 42

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

The court is inclined to grant this Motion and to abstain under 28 U.S.C. 1452(b).

Section 1452(b) allows the court to remand a removed action on "any equitable ground." The court finds that equitable grounds for remand exist in this matter based upon the following:

- a. The subject action involves exclusively state law issues and no federal question or bankruptcy law issues;
- b. There are multiple non-debtor parties involved in the action;
- c. There is no jurisdictional basis other than 28 USC 1334;
- d. The matter does not arise under a bankruptcy case or under

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10:30 AM

CONT... Orange County Bail Bonds, Inc.
bankruptcy law.

Chapter 11

October 17, 2019

Grant motion without 4001(a)(3) waiver.

Basis for Tentative Ruling

Same reasons stated in the court's tentative ruling re Movant's motion for remand of the removed action, which the court incorporates by reference herein.

Overrule Debtor's objections.

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

Movant(s):

Legal Service Bureau Inc. dba

Represented By
Timothy C Aires

**United States Bankruptcy Court
Central District of California
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-13138 Gateway Business Complex LLC

Chapter 11

#34.00 STATUS CONFERENCE Hearing on Status of Chapter 11 Case and (2) Requiring Report on Status of Chapter 11 Case

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) Entered 10/9/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion by United States Trustee to Dismiss Case Pursuant to 11 U.S.C. §1112(b) Entered 10/9/2019 - td (10/9/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gateway Business Complex LLC

Represented By
Michael H Raichelson

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

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-13242 10827 Studebaker LLC, a California limited liabili

Chapter 11

#35.00 Hearing RE: Motion to Approve Stipulation Between Debtor and Buchanan
Mortgage Holdings, LLC Granting Consent to Use of Cash Collateral

Docket 18

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

10827 Studebaker LLC, a California

Represented By
Steven Werth

**United States Bankruptcy Court
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Courtroom 5A Calendar**

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-13242 10827 Studebaker LLC, a California limited liabili

Chapter 11

#36.00 STATUS CONFERENCE 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:

October 17, 2019

Claims bar date: 11/15/19	Jan. 17, 2020 (notice to be served by
Deadline to file plan/DS	Feb. 20, 2020
Continued Status Conf.:	Apr. 9, 2020 at 10:30 a.m.
Updated Status Report Due: been	Mar. 19, 2019 (unless the plan/DS has
the report	filed by such date, in which case
	requirement will be waived)

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.

Party Information

Debtor(s):

10827 Studebaker LLC, a California

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:19-13500 Ricardo Alcantara Bernal

Chapter 7

#37.00 Hearing RE: Motion by United States Trustee for Denial of Discharge Pursuant to 11 U.S.C. Section 727(a)(8)

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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):

Ricardo Alcantara Bernal Pro Se

Movant(s):

United States Trustee (SA) Represented By
Nancy S Goldenberg

Trustee(s):

Jeffrey I Golden (TR) Pro Se

**United States Bankruptcy Court
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Thursday, October 17, 2019

Hearing Room 5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#37.10 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE: Enforcement of Judgment

FR: 7-16-19; 8-15-19

Docket 128

Courtroom Deputy:

SPECIAL NOTE: Order Approving Stipulation Between Plaintiff and Defendant to Conduct Judgment Debtor Examination Entered 9/20/2019. JDE to be Held on 10/9/2019 at 10:00 am. Per Mr. Goe, this hearing is to remain on calendar unless Stephen Haythorne appears at exam on 10/9/2019. Mr. Goe will file a declaration stating if he appears show that this matter can be taken off calendar - td (9/23/2019)

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

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10:30 AM

CONT... Stephen J Haythorne

Chapter 7

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt.
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re contempt may be heard on the same date.

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
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10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#37.20 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19

Docket 130

Courtroom Deputy:

SPECIAL NOTE: Order Approving Stipulation Between Plaintiff and Defendant to Conduct Judgment Debtor Examination Entered 9/20/2019. JDE to be Held on 10/9/2019 at 10:00 am. Per Mr. Goe, this hearing is to remain on calendar unless Kelli Haythorne appears for exam prior to this examination. Mr. Goe will file a declaration stating if she appears show that this matter can be taken off calendar - td (9/23/2019)

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

**United States Bankruptcy Court
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10:30 AM

CONT... **Stephen J Haythorne**

Chapter 7

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt.
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC re
contempt may be heard on the same date.

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
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Thursday, October 17, 2019

Hearing Room 5A

2:00 PM

8:18-14655 Farhad Nasiri

Chapter 7

Adv#: 8:19-01168 Mitchell v. Nasiri et al

#38.00 Hearing RE: Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and (6) and Request for Sanctions

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Grant the Motion. Deny request for attorneys fees

Pleading Standards

FRCP Rule 8(a)

(a) A pleading that states a claim for relief must contain:

(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;

(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and

(3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

FRCP Rule 9(b)

(b) Fraud or Mistake; Conditions of Mind. In alleging fraud or mistake, a

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2:00 PM

CONT... **Farhad Nasiri**

Chapter 7

party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally.

FRCP 12(b)(6) -- Failure to state a claim upon which can be granted

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. In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. *Id.* at 1950. While legal conclusions can provide 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.*

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."

Standards re Sufficiency of a Pleading as a Complaint

The purpose of notice pleading is to "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." *Classic Auto Refinishing v. Marino (In re Marino)*, 37 F.3d 1354, 1357 (9th Cir.1994) (citing *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). Consequently, "all pleadings shall be

**United States Bankruptcy Court
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Thursday, October 17, 2019

Hearing Room

5A

2:00 PM

CONT...

Farhad Nasiri

Chapter 7

construed so as to do substantial justice.” *Id.* (citing, *Conley v. Gibson*, 355 U.S. at 48 (quoting Fed.R.Civ.P. 8(f))). Under the view of flexible construction, the rules governing the form of pleading should be liberally construed, and motions to dismiss complaints based on pleading errors are to be disfavored. *In re Jagitsch*, 201 B.R. 961, 963 (Bankr.E.D.Ark.1996). Courts adopting this view ignore the deficient format of the pleadings and instead focus on the substance of the document in determining whether the pleading substantially complies with the required elements of Fed.R.Civ.P. 8—the most important element being the adequacy of notice. See *In re Marino*, 37 F.3d at 1357–58 (holding that notice of the nature of the relief claimed is the primary criterion in determining whether a deficient pleading constitutes a complaint under Rule 7008).

Classic Auto Refinishing v. Marion (In re Marino), 37 F.3d 1354, 1357 (9th Cir. 1995)

In *Marino*, the pleading to which the plaintiff wanted the untimely complaint to relate back was an “Opposition to Sale” filed in the bankruptcy case before the bar date. *Marino*, 37 F.3d at 1357. The court found that the opposition to sale failed to substantially comply with the pleading requirements of a complaint, so the later filed complaint was untimely. Specifically, the court stated “[Plaintiff] points to no language in the Opposition or documents filed with it that demands a judgment of nondischargeability as required by Rule 8(a).” *Id.* Further, the court observed that the pleading did not include a caption or file number as required by FRCP 7(a) and 10(a), and did not specify whether the matter was core or non-core as required by Rule 7008(a). *Id.* at 1357.

In re Dominguez v. Miller (In re Dominguez), 51 F.3d 1502, 1508 (9th Cir. 1995). In *Dominguez*, the pleading at issue was a “Memorandum re Relationship between Order Confirming Trustee's Plan and Debtor Discharge.” The BAP found the Discharge Memorandum sufficient because it challenged Dominguez' right to a discharge and provided appropriate allegations and at least some substantive evidence to support the challenge. In affirming the BAP's decision, the 9th Circuit found that the subject memorandum was sufficient to constitute a complaint, making the following findings:

"The Discharge Memorandum urged the bankruptcy court to address the

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extent to which the confirmation order should discharge Dominguez' debts. The memorandum cited the statutory criteria upon which the Millers relied in making their claim of nondischargeability, and it referenced specific sections of the examiner's report as support for their allegations that the criteria had been satisfied. It stated the Millers' claim for relief, in that it claimed that the confirmation order could not discharge Dominguez' debts under the law. Thus, we agree with the BAP that the facts here are distinguishable from the facts in *Marino*, where we found that the document failed to put the debtor on notice of the claim for relief." *Id.* at 1509.

Miyasaki v. Lui (In re Lui), 2014 WL 904587 (B.A.P. 9th Cir., March 7, 2014). In this case the creditor filed an objection to confirmation of debtor's plan before the deadline for filing nondischargeability complaints and later filed a formal complaint after the deadline. The objection to confirmation stated in relevant part:

"Miyasaki's claim arises from a \$50,000 promissory note that the debtor executed on June 1, 2005 as partial payment for the property located ... Serena Way, Santa Clara, California. The note was originally made to the late Richard Graber, the seller of ... Serena Way, and later assigned to Miyasaki. The due date of the note was June 1, 2010 in the amount of \$65,000. The debtor made no payments on the note nor did she offer to make payments. She represented herself in the state collection proceedings and made it clear that she had never intended to pay the promissory note and had signed it to induce Mr. Graber to convey [sic] ... Serena Way to her. Miyasaki believes that, accordingly, the debt was incurred through fraud and is thereby non-dischargeable under 11 U.S.C. section 523(a)(2). Miyasaki intends to file an adversary proceeding on this issue."

The BAP held that the foregoing statements were insufficient to satisfy the notice requirements of Rules 8(a) and 9 and, therefore the late-filed complaint could not relate back to the objection. The analysis of the BAP is set forth below in relevant part:

"The forgoing cases [*Marino, Dominguez, Markus v. Gschwend (In re Markus)*, 313 F.3d 1146, 1150–51 (9th Cir.2002)] teach that application of the substantial compliance doctrine is concerned with notice and not just "some notice," but notice that substantially complies with the requirements of the

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Federal Rules of Bankruptcy Procedure. *In re Markus*, 313 F.3d at 1150 (framing the “dispositive question” as whether the timely filed pleading put the debtor on notice that the creditor was objecting to her discharge); *In re Marino*, 37 F.3d at 1357 (the policy of construing pleadings liberally does not justify the conclusion that any document filed in a court giving some notice of a claim satisfies the requirements of the Federal Rules).

The type of notice required for nondischargeability complaints based on fraud is set forth in Civil Rules 8 and 9, made applicable to bankruptcy proceedings under Rules 7008 and 7009. Generally, under Civil Rule 8(a), a complaint must contain (1) a short and plain statement of the grounds for the court's jurisdiction; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought. “[T]he main purpose of the complaint is to provide notice of what plaintiff's claim is and the grounds upon which the claim rests [the] plaintiff must at least set forth enough details so as to provide a defendant and the court with a fair idea of the basis of the complaint and the legal grounds claimed for recovery.” *Acequia, Inc. v. Clinton (In re Acequia, Inc.)*, 34 F.3d 800, 814 (9th Cir.1994). Rule 7008(a) imposes the additional requirement that the complaint contain a statement that the proceeding before a bankruptcy judge is core or non-core.

When fraud is alleged, Civil Rule 9(b) requires more. Under that rule, “a party must state with particularity the circumstances constituting fraud.” *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1124 (9th Cir.2009). [Civil] Rule 9(b) demands that the circumstances constituting the alleged fraud be specific enough to give defendants notice of the particular misconduct ... so that they can defend against the charge and not just deny that they have done anything wrong. Averments of fraud must be accompanied by ‘the who, what, when, where, and how’ of the misconduct charged. A party alleging fraud must ‘set forth more than the neutral facts necessary to identify the transaction.’ *Id.* at 1124–25. “Fraud can be averred either directly, by specifically averring fraud, or indirectly, by alleging facts that, if true, would necessarily constitute fraud even if the word ‘fraud’ is not used.” *Id.* at 1124. “[M]ere conclusory allegations of fraud are insufficient.” *Moore v. Kayport Package Express*, 885 F.2d 531, 540 (9th Cir.1989).”

In analyzing the the excerpt noted above regarding nondischargeability,

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the BAP had this to say:

Only at the end of her Objection in ¶ 6 does Appellant mention debtor's alleged fraud, that the debt was nondischargeable under § 523(a)(2), and that she intended to file an adversary proceeding on this issue. However, ¶ 6 does not make up for Appellant's failure to file a timely nondischargeability complaint. Although Appellant mentions § 523(a)(2) as a basis for her nondischargeability claim, we conclude that ¶ 6 does not contain enough details to provide debtor with a fair idea of the basis for Appellant's claim and the legal grounds claimed for recovery for several reasons.

First, Appellant fails to differentiate between § 523(a)(2)(A) and (B) and the justifiable reliance or reasonable reliance standards of those sections. Although counsel argued at the hearing on this matter that Appellant's fraud claim could only be under § 523(a)(2)(A), even in that case she does not mention facts showing Graber's reliance on debtor's misrepresentations at all. Second, the neutral and conclusory facts as alleged do not meet the standard for pleading a fraud claim with the particularity required under Civil Rule 9(b). See *Dominguez*, 51 F.3d at 1508 (explaining that within the context of bankruptcy, courts construe deficient pleadings liberally, if the pleading substantially complies with requirements of a complaint under Civil Rule 9(b) by providing "fair notice of what the plaintiff's claim is and the grounds upon which it rests."); see also *Kearns*, 567 F.3d at 1124; *Moore*, 885 F.2d at 540.

Next, it does not appear that Appellant makes a demand for relief in the Objection pertaining to the nondischargeability of the debt. See *In re Marino*, 37 F.3d at 1357 (noting that there was no language in the Opposition or documents filed with it that demands judgment of nondischargeability as required by Civil Rule 8(a)). Instead, Appellant states in ¶ 6 that she intended to file an adversary proceeding based on her legal conclusion that debtor committed fraud. Finally, there is no statement that the proceeding was core or non-core as required under Rule 7008(a). *Id.* at 1357. Although counsel argued at the hearing that implicitly the matter could only be core because Appellant alleged the debt was nondischargeable under § 523(a), the *Marino* court found it significant that this requirement for a complaint was lacking. We cannot simply stretch the substantial compliance doctrine to fit the notice requirements for a complaint

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through implication, especially when faced with the strict deadline under Rule 4007(c) for filing complaints objecting to the dischargeability of specific debts.

Due to these deficiencies, we conclude that ¶ 6 of Appellant's Objection is closer to the documents in *Markus and Marino* than *Dominguez*."

The Sufficiency of the Pleading filed on August 8, 2019

The court finds the BAP's analysis and application of the 9th Circuit's decisions in *Marino, Dominguez and Marcus* to be compelling to the circumstances presented by this matter. Having considered all of these cases and the rulings therein, this court concludes that the August 8, 2019 pleading is wholly insufficient as a "complaint" for the following reasons:

1. Though the first line of the pleading generally references "523" and "727", no specific allegations relating to 523(a)(2), 523(a)(6), or any subsection of 727 are set forth thereafter.
2. There are no factual allegations made as to any of the allegations of fraud relevant to 523(a)(2).
3. There are no factual allegations made as to willful and malicious injury relevant to a claim under 523(a)(6).
4. There are no factual allegations made as to any statutory claims for relief relevant to a denial of discharge under 727.
5. There is no demand for a judgment of nondischargeability or denial of discharge.
6. The allegation that Defendant Renee Nasiri acted as attorney for Plaintiff's father and the AKL parties does not come close to asserting a claim for nondischargeability under either 523(a)(2)(A) or 523(a)(6).
7. The general statement that Debtors "aided and abetted" the AKL parties is wholly insufficient to putting Defendant on notice of the basis for

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nondischargeability or denial of discharge. Indeed, the sentence is incomplete and does not even state as to what Defendants aided and abetted the AKL parties in doing and how such conduct states a claim under 523 or 727.

8. Though the pleading references the state court complaint, it is not attached. However, even if it were attached, it would make no difference to the analysis as neither Defendant is named or mentioned in the state court complaint which seeks relief against the AKL parties only.

The bottom line is, even applying the most liberal pleading standards, the pleading in question facially and patently insufficient to be deemed a complaint. This is not a "*Dominguez*" situation. Importantly, the language which the BAP rejected *Miyasaki* is far closer to sufficiency on the Rule 8/Rule 9 spectrum than the pleading at issue here. Consequently, the amended complaint filed on August 9, 2019 is untimely and does not "relate back" to the pleading filed on August 8 as there is no complaint to which it can relate back.

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Defendant(s):

Farhad Nasiri

Represented By
Don Emil Brand

Renee C Nasiri

Represented By
Don Emil Brand

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Plaintiff(s):

Jacqueline Mitchell

Represented By

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Thomas R. Phinney
Thomas Phinney

Trustee(s):

Richard A Marshack (TR)

Pro Se

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8:19-13410 Timothy B Lovell and Jeana M Lovell

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy B Lovell

Represented By
Alisa Admiral

Joint Debtor(s):

Jeana M Lovell

Represented By
Alisa Admiral

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, October 22, 2019

Hearing Room 5A

1:30 PM

8:19-13404 Peter Stankovich

Chapter 13

#2.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Stankovich

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

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8:19-13288 Ken Saclo

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ken Saclo

Represented By
Andy C Warshaw

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-13280 Eric Stevens Bowman

Chapter 13

#4.00 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 9/10/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 9/10/2019 - td (9/10/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Stevens Bowman

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-13253 Heather Gomes

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heather Gomes

Represented By
Tina H Trinh

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-13239 John Fouse

Chapter 13

#6.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Fouse

Represented By
Sundee M Teeple

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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Hearing Room 5A

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8:19-13155 Philip H Inman

Chapter 13

#7.00 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 9/16/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 9/16/2019 - td (10/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip H Inman

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-13144 Randy James Allison

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

**SPECIAL NOTE: Order Denying Debtor's Amended Ex Parte Application
for Continuance of Hearing on Confirmation of Debtor's Chapter 13 Plan
Entered 10/16/2019 - td (10/16/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randy James Allison

Represented By
Giovanni Orantes

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-13140 Yalcin Aslan

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yalcin Aslan

Represented By
Clifford Bordeaux

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-13125 Jose RamirezTinajero

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 8/30/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 8/30/2019 - td (8/30/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose RamirezTinajero

Represented By
Peter L Nisson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

1:30 PM

8:19-13055 Rebecca Lujan Robles

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Lujan Robles

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

United States Bankruptcy Court
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1:30 PM

8:19-13053 Paul Edwin Baloloy

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 8/26/2019

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 8/26/2019 - td (10/2/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Edwin Baloloy

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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1:30 PM

8:19-13010 Lauren Lizbeth Witek

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 1st Amended Plan

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lauren Lizbeth Witek

Represented By
Dana M Douglas

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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1:30 PM

8:19-13005 Luis G. Rivas Sanchez

Chapter 13

#14.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis G. Rivas Sanchez

Represented By
Steven B Lever

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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1:30 PM

8:19-12933 Lisa Nguyen

Chapter 13

#15.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Nguyen

Represented By
Christine A Kingston

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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1:30 PM

8:19-12914 Thana Eddik

Chapter 13

#16.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thana Eddik

Represented By
Gregory M Shanfeld

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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1:30 PM

8:19-12841 Augusta Ayona

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Augusta Ayona

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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1:30 PM

8:19-12819 Joel Cabrera and Guadalupe Haydee Sauza

Chapter 13

#18.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

*** VACATED *** REASON: OFF CALENDAR: Debtors' Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 10/16/2019; Case Converted to Chapter 7

Courtroom Deputy:

OFF CALENDAR: Debtors' Notice of Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed 10/16/2019; Case Converted to Chapter 7 - td (10/17/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joel Cabrera

Represented By
Christopher J Langley

Joint Debtor(s):

Guadalupe Haydee Sauza

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12772 Sandie A. Campanilla

Chapter 13

#19.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandie A. Campanilla

Represented By
Tina H Trinh

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12770 Diana Gomez

Chapter 13

#20.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana Gomez

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12466 Jamie Christa Carroll

Chapter 13

#21.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamie Christa Carroll

Represented By
Seema N Sood

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12436 Natalie L Wade

Chapter 13

#22.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natalie L Wade

Represented By
Julie J Villalobos

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12349 Michael Alan Kohn

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 8-27-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alan Kohn

Represented By
Christopher J Langley

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12272 Debra V Green

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 8-27-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra V Green

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

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8:19-12263 Karla Golbert

Chapter 13

#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 8-27-19

Docket 8

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 10/7/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 10/7/2019 - td (10/7/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karla Golbert

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, October 22, 2019

Hearing Room 5A

1:30 PM

8:19-12260 Timothy Madison Seagondollar

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 8-27-19

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Madison Seagondollar

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, October 22, 2019

Hearing Room 5A

1:30 PM

8:19-11317 Charles William Hutchison

Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 6-25-19; 8-27-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles William Hutchison

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 22, 2019

Hearing Room 5A

1:30 PM

8:19-10298 Robert W Hickman

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 4-23-19; 6-25-19; 8-27-19; 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert W Hickman

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, October 22, 2019

Hearing Room 5A

1:30 PM

8:18-10097 Daphne Alt

Chapter 13

#29.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 3-27-18; 7-17-18; 9-25-18; 11-27-18; 1-22-19; 3-26-19; 5-21-19; 6-25-19;
8-27-19; 9-24-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daphne Alt

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#30.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:19-10201 Robert Lynn McEwen

Chapter 13

#31.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lynn McEwen

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:18-14723 Bertha Zapata

Chapter 13

#32.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 49

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/21/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/21/2019 - td (10/22/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:18-14649 Jeffrey J. Axton

Chapter 13

#33.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 25

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey J. Axton

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:18-14558 Cathy Marie Estrella

Chapter 13

#34.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 67

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trusteed's Motion for Order Dismissing Chapter 13 filed 10/9/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Trusteed's Motion for Order
Dismissing Chapter 13 filed 10/9/2019 - td (10/10/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Marie Estrella

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 22, 2019

Hearing Room 5A

2:30 PM

8:18-13013 Majid Nick Nikki

Chapter 13

#35.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:17-14785 Valerie E. LaHaye

Chapter 13

#36.00 CONT'D Hearing RE: Trustee's Motion to Dismiss Case

FR: 7-30-19

Docket 53

*** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of
Voluntary Dismissal of Motion filed 10/17/2019

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed
10/17/2019 - td (10/17/2019)

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, October 22, 2019

Hearing Room 5A

2:30 PM

8:17-13650 Giuseppe Galietta and Heldia F. De Galietta

Chapter 13

#37.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 4-23-19; 5-21-19; 6-25-19; 8-27-19; 9-24-19

Docket 113

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/15/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 10/15/2019 - td (10/15/2019)

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**

Tuesday, October 22, 2019

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#38.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 8-27-19; 9-24-19

Docket 92

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 22, 2019

Hearing Room 5A

2:30 PM

8:15-13987 Catherina D. Salazar

Chapter 13

#39.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 124

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catherina D. Salazar

Represented By
Michael Jay Berger

Trustee(s):

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 22, 2019

Hearing Room 5A

2:30 PM

8:15-12630 Vanessa Frazier Elrousan

Chapter 13

#40.00 CONTD' Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

FR: 9-24-19

Docket 131

***** VACATED *** REASON: OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 10/17/2019**

Courtroom Deputy:

OFF CALENDAR: Trustee's Notice of Voluntary Dismissal of Motion filed 10/17/2019 - td (10/17/2019)

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**

Thursday, November 7, 2019

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 CON'TD 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; 12-20-18; 5-2-19; 5-7-19; 8-22-19

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.	(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.

May 7, 2019

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.
3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?
4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.
5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

Note: Appearances at this hearing are required.

August 22, 2019

Comments re the Joint Pretrial Stipulation filed 8/16/19:

1. Who has signed off on the JPS. No signatures for either of the remaining defendants, Russell Wallace or Haleh Fardi. Did either of them participate in the preparation of this JPS?
2. The JPS is supposed to include a section on all admitted facts that require no proof. So, why does that section include the statement that Ms. Fardi "disputes" the admitted facts? That would make them NOT admitted. Which facts does she actually dispute?

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

3. Why does the admitted facts section include Nos. 13, 18 - 48 which all appear to be DISPUTED FACTS????

4. Why does (f) state that plaintiff "intends to file a motion *in limine*" when such a motion was already filed as of August 16, 2019, the date the JPS was submitted?

Special Note: If at all possible, the court would like for the trustee, Richard Marshack to participate in this hearing.

Note: Appearances at this hearing are required.

November 7, 2019

Continue the Pretrial Conference to December 12, 2019 at 9:30 a.m. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed Due to the Inability of Plaintiff to Properly Prosecute This Adversary Proceeding. The OSC hearing shall take place on Dec. 12, 2019 at 9:30 a.m.

Plaintiff's counsel has failed to timely comply with a strict order of this court re the service of an amended joint pretrial stipulation -- once again causing further delay and confusion for the defendants. The apologies offered are shallow and of no moment. The pretrial conference has previously been continued twice due to counsel's inability to present a proper, coherent and timely pretrial stipulation. Enough is enough.

Party Information

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, November 7, 2019

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.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, November 7, 2019

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

#2.00 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19; 7-18-19

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). Order Granting Motion for Entry of Judgment Against Defendant David P. Hutchens Lodged in LOU on 6/11/19, Order # 8292660. Patrick Swindell will be last defendant remaining - td (6/11/2019)

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.

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

January 31, 2019

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

April 18, 2019

In light of pending mediation, continue status conference to June 20, 2019 at 9:30 a.m.; updated status report must be filed by June 6, 2019. (XX)

Note: Appearance at this status conference is not required; Plaintiff to serve notice of the continued hearing date/time.

June 20, 2019

Continue status conference to July 18, 2019 at 9:30 a.m. in light of Plaintiff's pending motion for entry of default judgment as to Patrick Swindell, which motion is under review by the court. (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, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

July 18, 2019

Court's Comments re the Pending Motion for Default Judgment re Defendant David Hutchens:

1. Service:

On November 6, 2018, this court granted Plaintiff's application for permission to serve Hutchens with the summons and complaint by publication. The application indicated that Plaintiff had previously attempted to serve Hutchens at a post office box obtained through a skip trace search i.e., "P.O. Box 2313, Murphys, CA 92547" but that the service had been "refused." It is not clear whether the refusal was by Hutchens, the owner of the post office box, or the Post Office itself.

Pursuant to the November 6, 2018 Order (Publication Order), Plaintiff served the summons and complaint by publication in the Calaveras Enterprise.

Inexplicably, the Motion for Default Judgment was not served by publication but was instead served to the P.O. Box which had previously been refused *and* to a different zip code, 95287 and not 95247.

Based upon the foregoing it appears that service is not effective.

Merits

9011: FRBP 9011(c)(1)(A) includes a safe harbor provision, service of the request for sanctions 21 days before it is filed with the court. Re the failure to prosecute the adversary, Hutchens could not legally do so after September 1, 2017 because he was disbarred. Can't be sanctioned for that. As to the proof of claim, no compliance with the safe harbor provision. Further, after September 1, 2017, Hutchens could not represent the other defendants and, therefore, likely had no authority to withdraw the proof of claim even if the safe harbor provision had been complied with.

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

Thursday, November 7, 2019

Hearing Room

5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

Legal Fees: The Motion appears to include all attorneys fees incurred by Plaintiff. Attorneys fees should be limited to matters specifically involving Hutchens during the time he was legally able to represent the other defendants, such as fees associated with Hutchens' failure to comply with LBR 7026 in the Swindell Adversary prior to his ineligibility to practice law on Sept. 1, 2017.

To the extent that fees are requested based on the allegation that Hutchens' purported false allegation caused the Trustee to file his adversary proceeding, such fees are not appropriate as the Trustee has an independent duty to investigate and to prosecute based on his own judgment.

November 7, 2019

In light of the pendency of two motions for default judgment, continue the status conference to December 19, 2019 at 9:30 a.m.

Special Note re the motion for default judgment against David Hutchens and Patrick Swindell):

David Hutchens

There is a pending motion for default judgment against defendant David Hutchens ("Hutchens"), as well as an amended memorandum of points and authorities in support of such judgment filed August 30, 2019. Though the motion for default judgment is not on calendar today, the court wishes to advise counsel for plaintiff that it intends to rule as follows regarding the uncontested motion.

Rule 7016-1(f(3) Monetary Sanctions:

The motion will be granted in part to allow a default judgment in the amount of \$2,000 in monetary sanctions for reimbursement of reasonable attorneys fees associated with nondischargeability adversary proceeding no 16-01269 -- specifically, Plaintiff's appearance at the court-ordered mediation for which Hutchens did not appear and for preparation of the motion to dismiss. The

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

amount is based on the court's assessment of reasonableness as Plaintiff did not submit time records with sufficient detail regarding 7016-1(f)(3) sanctions. The time records submitted include time charged for a variety of services unrelated to the Hutchens' failures regarding that adversary proceeding.

Rule 9011 Sanctions

The motion is denied as to Rule 9011 sanctions due to Plaintiff's failure to comply with the safe harbor provision of FRBP 9011(c)(1)(A). This is a mandatory provision and this court cannot grant relief without compliance with the same. See, *Islamic Shura Council of S. California v. F.B.I.*, 757 F.3d 870 (9th Cir. 2014); *In re Silberkraus*, 336 F.3d 864 (9th Cir. 2003). This court lacks authority to "waive" the 21-day safe harbor provision and Plaintiff has provided no such legal authority for doing so. See, *Elliott v. Tilton*, 64 F.3d 213, 216 (5th Cir. 1995); *Islamic Shura* supra. Rule 9011 sanctions is, therefore, not an available remedy for Plaintiff in light of Plaintiff's failure to comply with the same.

Plaintiff may lodge an order providing for the granting in part of the motion for default judgment in the amount of \$2,000 pursuant to Local Bankruptcy Rule 7016-1(f)(3) and denying as to sanctions pursuant to FRBP 9011.

Patrick Swindell

Deny motion pursuant to FRBP 9011 due to Plaintiff's failure to comply with the safe harbor provision of FRBP 9011(c)(1)(A). This is a mandatory provision and this court cannot grant relief without compliance with the same. See, *Islamic Shura Council of S. California v. F.B.I.*, 757 F.3d 870 (9th Cir. 2014); *In re Silberkraus*, 336 F.3d 864 (9th Cir. 2003). This court lacks authority to "waive" the 21-day safe harbor provision and Plaintiff has provided no such legal authority for doing so. See, *Elliott v. Tilton*, 64 F.3d 213, 216 (5th Cir. 1995); *Islamic Shura* supra. Rule 9011 sanctions is, therefore, not an available remedy for Plaintiff in light of Plaintiff's failure to comply with the same.

Proof of Claim #1

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

Deny motion as to the requested disallowance of Proof of Claim #1. Both the amended complaint and the motion are breathtakingly incoherent and fail to state a clear legal or factual basis for disallowance. Notably, a proof of claim is presumed valid when filed and the objecting party has the burden to provide evidence sufficient to shift the burden back to the claimant. Plaintiff has failed to do so in this matter, either via the amended complaint or the motion for default judgment.

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, November 7, 2019

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., et al

#3.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for: 1. Declaratory Relief (Successor Liability); 2. Intentional Fraudulent Transfer; 3. Constructive Fraudulent Transfer; 4. Preservation of Avoided Transfer; 5. Turnover of Assets; 6. Breach of Fiduciary Duty; 7. Misappropriation of Trade Secrets; 8. Unjust Enrichment (Another Summons Issued 12/6/10)

FR: 2-12-19; 3-12-19; 4-4-19; 4-16-19; 6-20-19; 8-22-19

Docket 55

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 9:30 A.M.,
PER ORDER ENTERED 10/17/2019 (XX)**

Courtroom Deputy:

**SPECIAL NOTE: Notice of Voluntary Dismissal of Adversary Proceeding
Against Kirk Nelson Only filed 1/7/2019, Document # 72 - td (1/9/2019)**

**CONTINUED: Status Conference Continued to 1/9/2020 at 9:30 a.m., Per
Order Entered 10/17/2019 (XX) - td (10/17/2019)**

Tentative Ruling:

June 20, 2019

Joint status report not filed by June 13, 2019 pursuant to this court's order entered 4/25/19. Impose sanctions in the amount of \$100 against each party for the failure to do so.

Note: Appearances at this hearing are required.

August 22, 2019

Joint status report not filed by August 8, 2019 pursuant to this court's order entered June 17, 2019. Impose sanctions in the amount of \$100 against each

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Team Business Solutions, Inc.
party's attorney for the failure to do so.

Chapter 7

Note: Appearances at this hearing are required.

Party Information

Debtor(s):

Team Business Solutions, Inc.

Represented By
J Scott Williams

Defendant(s):

SNCR California, Inc.,

Represented By
Michael G Spector

John Creamer

Pro Se

Kirk Nelson

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, November 7, 2019

Hearing Room 5A

9:30 AM

8:17-14406 Kirk M. Nelson

Chapter 7

Adv#: 8:19-01016 Marshack v. Nelson

#4.00 CON'TD STATUS CONFERENCE RE: Complaint: 1. To Determine Non-Dischargeability Of Debt Pursuant to 11 U.S.C. Section 523(a)(3)(B)

FR: 4-11-19; 5-30-19; 9-12-19

Docket 1

*** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 9:30 A.M.,
PER ORDER ENTERED 10/17/2019 (XX)

Courtroom Deputy:

**CONTINUED: Status Conference is Continued to 1/9/2020 at 9:30 a.m.,
Per Order Entered 10/17/2019 (XX) - td (10/17/2019)**

Tentative Ruling:

April 11, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m., same date/time as hearing on Defendants' motion to dismiss. Joint status report not required.
(XX)

Note: Appearances at this hearing are not required.

May 30, 2019

No tentative ruling -- trail matter to the 2:00pm calendar

Party Information

Debtor(s):

Kirk M. Nelson

Represented By
J Scott Williams

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Kirk M. Nelson

Chapter 7

Defendant(s):

Kirk M Nelson

Pro Se

Plaintiff(s):

Richard A Marshack

Represented By
Robert P Goe
Thomas J Eastmond

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 7, 2019

Hearing Room 5A

9:30 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

Adv#: 8:19-01136 Philadelphia Indemnity Insurance Company v. Golden

#5.00 CONT'D STATUS CONFERENCE RE: Adversary Complaint for Declaratory Relief

FR: 10-3-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/2019 AT 9:30 A.M.,
PER ORDER ENTERED 9/13/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 12/19/2019 at 9:30 a.m.,
Per Order Entered 9/13/2019 (XX) - td (9/13/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tung Phuong Nguyen-Phuc

Represented By
Leslie K Kaufman

Defendant(s):

Jeffrey Golden

Pro Se

Plaintiff(s):

Philadelphia Indemnity Insurance

Represented By
Lane K Bogard
Lisa Darling-Alderton

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Richard A Marshack
Jerome Ringler
Neil Macy Howard

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT...

Tung Phuong Nguyen-Phuc

David Wood

Chapter 7

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

8:18-14543 Carissa Louise Clemens

Chapter 7

Adv#: 8:19-01006 Clemens v. US Dept of Education

#6.00 STATUS CONFERENCE RE: Dischargeability (523(a)(8), Student Loan)

(Another Summons Issued 8/7/2019)

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/6/2020 AT 9:30 A.M.,
PER ORDER ENTERED 10/25/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 2/6/2020 at 9:30 a.m., Per
Order Entered 10/25/2019 (XX) - td (10/25/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carissa Louise Clemens

Pro Se

Defendant(s):

US Dept of Education

Represented By
Elan S Levey

Plaintiff(s):

Carissa Clemens

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 7, 2019

Hearing Room 5A

9:30 AM

8:18-14655 Farhad Nasiri

Chapter 7

Adv#: 8:19-01168 Mitchell v. Nasiri et al

#7.00 STATUS CONFERENCE RE: Complaint For: Objection To Dischargeability Of Debt [11 U.S.C. Section 523(a)(2)(6) And Objection To Discharge 11 U.S.C. Section 727]

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and (6) Entered 11/4/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and (6) Entered 11/4/2019 - td (11/4/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Farhad Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Defendant(s):

Farhad Nasiri

Pro Se

Renee C Nasiri

Pro Se

Joint Debtor(s):

Renee C Nasiri

Represented By
Renee Nasiri
Don Emil Brand

Plaintiff(s):

Jacqueline Mitchell

Represented By

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Farhad Nasiri

Thomas R. Phinney

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 7, 2019

Hearing Room 5A

9:30 AM

8:19-10913 Cassandra Dean Duerscheidt

Chapter 7

Adv#: 8:19-01122 M.G.B. Construction, Inc. v. Duerscheidt

#8.00 CON'TD STATUS CONFERENCE RE:Complaint for: 1. Objection to Discharge [11 U.S.C. §727(a)(2)]; 2. Objection to Discharge [11 U.S.C. §727(a)(4)]

FR: 9-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Continue Status Conference to November 7, 2019 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: Appearance at today's Status Conference is not required; Plaintiff to serve notice of the continued hearing date/time.

November 7, 2019

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... **Cassandra Dean Duerscheidt** Chapter 7

Answer timely filed. Continue status conference to December 12, 2019 at 9:30 a.m.; joint status report must be filed by December 3, 2019.

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

Party Information

Debtor(s):

Cassandra Dean Duerscheidt

Represented By
Brian J Soo-Hoo

Defendant(s):

Cassandra Dean Duerscheidt

Pro Se

Plaintiff(s):

M.G.B. Construction, Inc.

Represented By
Scott A Kron

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 7, 2019

Hearing Room 5A

9:30 AM

8:19-11546 Joseph Ra

Chapter 7

Adv#: 8:19-01163 O'Gara Coach Company, LLC v. Ra

#9.00 STATUS CONFERENCE RE: Complaint To Determine NonDischargeability Of Debt [11 U.S.C. Section 523(a)(4) And 523(a)(6)]

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Discovery Cut-off Date:	Mar. 13, 2020
Deadline to File Summary Judgment Motion:	Mar. 31, 2020
Pretrial Conference Date:	May 21, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	May 7, 2020

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):

Joseph Ra

Represented By
David B Golubchik

Defendant(s):

Joseph Ra

Pro Se

Plaintiff(s):

O'Gara Coach Company, LLC

Represented By
Steven T Gubner

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Joseph Ra

Chapter 7

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, November 7, 2019

Hearing Room 5A

9:30 AM

8:19-11546 Joseph Ra

Chapter 7

Adv#: 8:19-01164 Laplant v. Ra

#10.00 STATUS CONFERENCE RE: Complaint To: (1) Determine Non-Dischargeability Of Debtor (11 U.S.C. Section 523(a)(4), (6) FRBP Rule 7001(6)) (2) Determine Validity, Priority Or Extent Of Lien Or Other Interest In Property (11 U.S.C. Section 506, FRBP Rule 7001(4)); (3) To Seek Declaratory Relief (FRBP Rule 7001(9))

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Discovery Cut-off Date:	May 1, 2020
Deadline to Attend Mandatory Mediation:	June 15, 2020
Pretrial Conference Date:	July 23, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	July 9, 2020

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):

Joseph Ra

Represented By
David B Golubchik

Defendant(s):

Joseph Ra

Pro Se

Plaintiff(s):

Joseph Laplant

Represented By

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Joseph Ra

Chapter 7

Bret D Lewis

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, November 7, 2019

Hearing Room 5A

9:30 AM

8:19-11551 Richard Allen Rietveld

Chapter 7

Adv#: 8:19-01162 Becharoff Capital Corporation v. Rietveld

#11.00 STATUS CONFERENCE RE: Complaint Objecting To Debtor's Discharge Under 11 U.S.C. Section 727(a)(2), 727(a)(3), 727 (a)(4) and 727(a)(5)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Discovery Cut-off Date:	April 1, 2020
Pretrial Conference Date:	May 21, 2020 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	May 7, 2020

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):

Richard Allen Rietveld

Represented By
Alon Darvish

Defendant(s):

Richard Allen Rietveld

Pro Se

Plaintiff(s):

Becharoff Capital Corporation

Represented By
Fritz J Firman

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Richard Allen Rietveld

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 7, 2019

Hearing Room 5A

9:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

Adv#: 8:19-01187 Legal Service Bureau Inc v. Miller et al

#12.00 STATUS CONFERENCE RE: Notice to Federal Court of Removal of Civil Action from State Court Pursuant to 28 U.S.C. Section 1452 (RE: Complaint for Creditor's Suit/Creditor's Bill in Equity in Aid of Enforcement of Judgment [Declaratory Relief RE: Imposition of Alter Ego Liability] (Superior Court (Unlimited) of the State of California, County of Orange Central Justice Center Case Number 30-2019-01065744-CU-EN-CJC)

Docket 1

***** VACATED *** REASON: MOTION TO REMAND GRANTED PER HEARING HELD ON OCT. 17, 2019**

Courtroom Deputy:

OFF CALENDAR: IN LIGHT OF GRANTING OF MOTION TO REMAND TO STATE (HEARING HELD ON OCT. 17, 2019) -- eas

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe
Ryan S Riddles

Defendant(s):

Leslie Anne Miller

Pro Se

Robert L Miller

Pro Se

Orange County Bail Bonds Inc.

Represented By
Marc C Forsythe

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

CONT... Orange County Bail Bonds, Inc.

Chapter 11

Plaintiff(s):

Legal Service Bureau Inc

Pro Se

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

Thursday, November 7, 2019

Hearing Room 5A

9:30 AM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

#13.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition

Docket 1

***** VACATED *** REASON: OFF CALENDAR; ANOTHER SUMMONS
ISSUED ON INVOLUNTARY PETITION ON 9/20/19**

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beom & Eun Investment LLC

Pro Se

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

8:16-14751 Alfred Trejo and Margaret F. Trejo

Chapter 13

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

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTORS

Docket 63

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Settled by
Stipulation) Entered 10/31/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 10/31/2019 -
td (10/31/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfred Trejo

Represented By
Michael G Spector

Joint Debtor(s):

Margaret F. Trejo

Represented By
Michael G Spector

Movant(s):

Lakeview Loan Servicing, LLC, and

Represented By
Christina J O

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Alfred Trejo and Margaret F. Trejo

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-11546 Joseph Ra

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
JPMORGAN CHASE BANK, N.A.
VS.
DEBTOR

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant motion with waiver of Rule 4001(b)(3)

Basis for Tentative Ruling:

1. Though there is an equity cushion of approximately \$17,000, the monthly payments of \$2,510.19 are unusually high and Debtor has made no postpetition payments. Presumably, the November 1 payment has not been made. Accordingly, the equity cushion will be completely depleted in less than 6 months.
2. The chapter 7 trustee has not objected to the Motion.
3. Objecting creditor Joseph Laplant's request for an order the requires distribution on account of his claimed lien is denied as being beyond the scope of a relief from stay order. To the extent that Laplant has a statutory lien (ORAP), he is certainly free to assert that claim to Movant.

Note: If Movant and Objecting Creditor 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, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Joseph Ra

Chapter 7

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Katie M Parker

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, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#16.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

ALICIA MARIE RICHARDS

VS.

DEBTOR

Docket 202

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/2/2019 - td (10/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Movant(s):

Alicia Marie Richards 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, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

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

U.S. BANK N.A. AS LEGAL TITLE TRUSTEE FOR TRUMAN 2018 SC6 TITLE TRUST

VS.

DEBTORS

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

William R Roman Jr. Pro Se

Joint Debtor(s):

Lorraine Stephanie Roman Pro Se

Movant(s):

U.S. BANK NATIONAL Represented By

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

**CONT... William R Roman, Jr. and Lorraine Stephanie Roman
Diane Weifenbach**

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-12349 Michael Alan Kohn

Chapter 13

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

KINECTA FEDERAL CREDIT UNION

VS.

DEBTOR

Docket 31

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/24/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/24/2019 - td (10/24/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Alan Kohn

Represented By
Christopher J Langley

Movant(s):

Kinecta Federal Credit Union

Represented By
Erin M McCartney
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 7, 2019

Hearing Room 5A

10:00 AM

8:19-12811 Claude Marian Dragomir

Chapter 7

#19.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

KINECTA FEDERAL CREDIT UNION

VS.

DEBTOR

FR: 10-3-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 3, 2019

Continue hearing to November 7, 2019 at 10:00 a.m. to allow Movant to file declaration in support of Motion. (XX)

Pages 6-10 of the Motion are missing.

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

November 7, 2019

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

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Claude Marian Dragomir

Chapter 7

***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):

Claude Marian Dragomir

Represented By
Alaa A Ibrahim

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13036 Luis Lazcano and Flora Lazcano

Chapter 7

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

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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 Lazcano

Represented By
Christopher J Langley

Joint Debtor(s):

Flora Lazcano

Represented By
Christopher J Langley

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, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Luis Lazcano and Flora Lazcano

Chapter 7

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**

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-13222 Larry Allan Lindsay and Leticia Lindsay

Chapter 7

#21.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FIRST TECH FEDERAL CREDIT UNION
VS.
DEBTORS

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Larry Allan Lindsay

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Leticia Lindsay

Represented By
Brian J Soo-Hoo

Movant(s):

First Tech Federal Credit Union

Represented By

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

**CONT... Larry Allan Lindsay and Leticia Lindsay
Nichole Glowin**

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13378 Walaa Alrefai

Chapter 7

#22.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
NISSAN MOTOR ACCEPTANCE CORPORATION
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Walaa Alrefai

Represented By
Daniel King

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

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 7, 2019

Hearing Room 5A

10:00 AM

CONT... Walaa Alrefai

Chapter 7

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-13410 Timothy B Lovell and Jeana M Lovell

Chapter 13

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

WELLS FARGO BANK, N.A.

VS.

DEBTORS

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant motion without waiver of 4001(a)(3) unless Movant is willing to agree to a continuance of the hearing.

If the parties agree to a continuance, the parties may so indicate to the Clerk during the calendar roll call at 10:00 a.m. on the day of the hearing. Available continued dates (all at 10:00 a.m.): 11/21/19, 12/5/19, 12/12/19, 12/19/19, 1/9/20/ 1/16/20 and 1/30/20.

Party Information

Debtor(s):

Timothy B Lovell

Represented By
Alisa Admiral

Joint Debtor(s):

Jeana M Lovell

Represented By
Alisa Admiral

**United States Bankruptcy Court
Central District of California
Santa Ana
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Hearing Room 5A

10:00 AM

CONT... Timothy B Lovell and Jeana M Lovell

Chapter 13

Movant(s):

Wells Fargo Bank, 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, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-13417 Jose Gualberto Diaz

Chapter 7

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

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Jose Gualberto Diaz

Represented By
James Geoffrey Beirne

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Jose Gualberto Diaz

Chapter 7

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-13516 Kimberlee F. Velt

Chapter 7

#25.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[UNLAWFUL DETAINER]

JOE CRUZ, IRENE CRUZ

VS.

DEBTOR

FR: 10-10-19

Docket 6

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 10, 2019

Continue hearing to November 7, 2019 at 10:00 a.m. to allow Movant to correct service issues: Debtor was not served at the mailing address indicated on the petition and the proof of service attached to the Motion is incomplete (no signature or date of service). (XX)

Tentative ruling for 11/7/19 hearing (if unopposed): Grant with 4001(a)(3) waiver and annulment; deny relief request #5 (co-debtor stay doesn't apply in chapter 7 case), #s 7 and 9 (insufficient grounds for extraordinary prospective relief stated)

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required; Movant to serve notice of the continued hearing date/time.

United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Kimberlee F. Velt
November 7, 2019

Chapter 7

Service issue corrected. 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):

Kimberlee F. Velt

Represented By
Joseph A Weber

Movant(s):

Joe Cruz

Represented By
John J Lewis

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13595 Karen Ann Richards

Chapter 7

#26.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FIRST TECH FEDERAL CREDIT UNION
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Karen Ann Richards

Represented By
Dianna M Heck

Movant(s):

First Tech Federal Credit Union

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, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Karen Ann Richards

Chapter 7

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

8:19-13669 Kamran Mirdamadi

Chapter 7

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

THE BANK OF NEW YORK MELLON

VS.

DEBTOR; FARNAZ MIRDAMADI, NON-FILING CO-DEBTOR

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant with 4001(a)(3) waiver; deny request for co-debtor relief (latter not applicable 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.

Party Information

Debtor(s):

Kamran Mirdamadi

Represented By
Tom A Moore

Movant(s):

The Bank of New York Mellon FKA

Represented By
Stephen T Hicklin

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Kamran Mirdamadi

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13766 Jaime Dale Krueger

Chapter 13

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

WILMINGTON TRUST, N.A.

VS.

DEBTOR

Docket 22

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant with 4001(a)(3) waiver and 362(d)(4) relief, except as to the currently pending case no. 19-11359 TA (relief from stay hearing and motion to sell hearing currently scheduled for 11/19/19 and 11/20/19 respectively.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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):

Jaime Dale Krueger

Represented By
Edward T Weber

Movant(s):

Wilmington Trust, National

Represented By
Robert P Zahradka

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Jaime Dale Krueger

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13972 William H Waller and Sandra M Waller

Chapter 13

#29.00 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:

November 7, 2019

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):

William H Waller

Represented By
Christopher J Langley

Joint Debtor(s):

Sandra M Waller

Represented By
Christopher J Langley

Movant(s):

William H Waller

Represented By
Christopher J Langley
Christopher J Langley

Sandra M Waller

Represented By
Christopher J Langley

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

Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... William H Waller and Sandra M Waller

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 7, 2019

Hearing Room 5A

10:00 AM

8:19-13770 Dove Real Estate & Association Management LLC

Chapter 11

#30.00 FINAL Hearing RE: Emergency Motion of Debtor and Debtor in Possession for Order: (1) Authorizing use of Cash Collateral on an Interim Basis; (2) Granting Replacement Liens; (3) Scheduling a Final Hearing on Permanent Use of Cash Collateral; and (4) After Hearing, Authorizing Permanent use of Cash Collateral

FR: 10-8-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 8, 2019

A. Service Issue:

Local Bankruptcy Rule 9075-1(a)(6) requires that an emergency motion must be filed by "email, fax or personal service" not later than the time the motion is filed with the court. The service declarations do not indicate that secured creditors were served by any method other than first class mail.

B. Court's Comments re the Substance of the Motion/Opposition:

1. Re the Budget (Exh. 1): what does the monthly \$2000 expense for "postage and delivery" cover?
2. Re the Budget: Explanation of the monthly \$5000 expense for legal and professional fees is required.
3. Re the Budget: Explanation for the monthly \$1200 expense for repairs and maintenance is required. Repairs and maintenance of what?
4. Re the Budget: Will any of the cash collateral be used to

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:00 AM

CONT... Dove Real Estate & Association Management LLC
pay salaries that became due prepetition?

Chapter 11

5. Other than cash collateral, what are Debtor's assets?

6. Re the Opposition of MacArthur Village Homeowners Assn (HOA): While the HOA is entitled to maintain its third priority secured position on account of the ORAP (the court is well aware of the *Hilde* case), it is not clear what more, if anything, the HOA is seeking as adequate protection. The court does not believe that any payment is warranted at this time.

November 7, 2019

Comments re the Supplemental Declaration of Kevin Shelton in Support of Motion re Use of Cash Collateral:

1. Debtor needs to explain the dramatic budget increase for printing from \$1800 per year to \$48,000 per year and why such costs are not recoverable from the various HOAs. Why was the initial budget so far off?
2. Debtor needs to explain the budget increase for storage from \$2,088 per year to \$4,800 per year. Why was the initial budget so far off?
3. What specifically is Debtor doing to decrease expenses?

Party Information

Debtor(s):

Dove Real Estate & Association

Represented By
Daniel J Weintraub
Crystle Jane Lindsey

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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:10-14723 Susan Doan

Chapter 7

#31.00 Hearing RE: Chapter 7 Trustee's Motion for Order Compelling Debtor to Turn Over Property of the Estate

Docket 70

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant the Motion filed on October 17, 2019 (Docket #70) and all relief requested therein: No later than December 16, 2019, Debtor must turnover to the trustee all items listed in Section 4(2)(a), (b), and (c) of the Motion (p.9) as well as the accounting requested in Section 4(3). By the same date, Debtor must also provide the trustee with the declarations of trust as to the Susan A. Doan Trust and the Silverado Land Trust. Deny without prejudice all additional relief requested in the Supplemental Declaration of D. Edward Hays in support of the Motion, filed October 24, 2019 as the request for such additional relief is untimely.

Special note: The trustee request that the court "specifically order the Debtor not to dissipate any funds." What funds? There is no basis for a blanket "injunction" as to undefined funds. And why hasn't the trustee set a 2004 examination to discover the scope and extent of potential property of the estate. The trustee appears to be endeavoring to substitute the motion for turnover with an actual investigation. In this same vein, the G Street matter noted in the supplemental pleading took place in March 2018 and should have been discovered well before the filing of the Motion.

Party Information

Debtor(s):

Susan Doan

Represented By
Gregory J Doan

**United States Bankruptcy Court
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Thursday, November 7, 2019

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10:30 AM

CONT... Susan Doan

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays

**United States Bankruptcy Court
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Santa Ana
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:11-23627 Michael James Sumrall, Sr. and Rosanna Lynne Sumrall Chapter 7

#32.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 104

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Michael James Sumrall Sr.

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Rosanna Lynne Sumrall

Represented By
Misty A Perry Isaacson

Trustee(s):

Karen S Naylor (TR)

Represented By
William M Burd

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:11-23627 Michael James Sumrall, Sr. and Rosanna Lynne Sumrall Chapter 7

#33.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From June 7, 2019 Through August 27, 2019

[HAHN FIFE & COMPANY, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Michael James Sumrall Sr.

Represented By
Misty A Perry Isaacson

Joint Debtor(s):

Rosanna Lynne Sumrall

Represented By
Misty A Perry Isaacson

Trustee(s):

Karen S Naylor (TR)

Represented By
William M Burd

**United States Bankruptcy Court
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10:30 AM

CONT...

Michael James Sumrall, Sr. and Rosanna Lynne Sumrall

Chapter 7

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#34.00 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; 12-6-18; 3-21-19; 5-30-19; 9-12-19

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

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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.

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Thursday, November 7, 2019

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-*

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Thursday, November 7, 2019

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10:30 AM

CONT... Alma Theresa Tejadilla 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.

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). (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 21, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m.; An updated status report must be filed by May 16, 2019 and such report shall address the following: 1) the amount of arrears for each class that is not current as of May 1, 2019, and 2) the status of her employment. (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.

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10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

May 30, 2019

Continue status conference to September 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019. (XX)

Special note: The court is concerned about Debtor's continuing plan default 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.

September 12, 2019

Continue status conference to November 7, 2019 at 10:30 a.m.; updated status report must be filed by October 24, 2019 (XX)

Special note: The court is concerned about Debtor's continuing plan default as to Class 2(c). If Debtor continues to fail to make payments to this creditor, absent a loan modification, the court will issue an Order to Show Cause re Dismissal immediately following the November 7, 2019 status conference.

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.

November 7, 2019

Continue Status Conference to December 19, 2019 at 10:30 a.m. The Court shall issue an Order to Show Cause Why This Case Should not Be Dismissed Due to Debtor's Continuing Inability to Comply With the Terms of the Confirmed Fourth Amended Plan. The hearing on the Order to Show

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10:30 AM

CONT... Alma Theresa Tejadilla Reyes

Chapter 11

Cause shall be set for December 19, 2019 at 10:30 a.m.

Basis for Tentative Ruling:

Debtor has a history of not making plan payments as is reflected in several tentative ruling notations for prior status conferences (see above). In the current report, Debtor admits she is not current with plan payments as to Classes 2(c), 3(a), and 3(b). Debtor has not disclosed the amount of arrearages as to each such class (which this Court has requested for prior reports).

Debtor first states that she "has become unemployed," and then in the next sentence states that she "is employed but her employer has not paid her for work performed" since January 2019. No information is provided as to why the employer is not paying her, the amount owed, or why she expects to be paid retroactively for the past 10 months. See 13th Status Report at p. 4.

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
Ivan M Lopez Ventura
Jeffrey V Hernandez

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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:14-01220 Lee et al v. Ciling et al

#35.00 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; 12-13-18; 2-12-19; 3-12-19; 6-20-19; 9-19-19; 10-3-19

Docket 73

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

March 12, 2019

Continue status conference to April 11, 2019 at 9:30 a.m. as a holding date. Court to issue Order to Show Cause Why This Adversary Should Not be Dismissed Due to Lack of Jurisdiction in light of the assignment of this adversary to Debtors pursuant to global settlement between Trustee and Debtors approved by the Court at hearing on January 31, 2019. The OSC hearing will also be held on April 11, 2019 at 9:30 a.m.

Once the adversary proceeding is dismissed, Debtors will be free to initiate new litigation against the defendant in any nonbankruptcy court of competent jurisdiction.

Note: Appearances at this hearing are not required.

October 3, 2019

The court is withholding its substantive ruling on the Motion until the time of the hearing to allow the parties to first address at the following preliminary issue:

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Thursday, November 7, 2019

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10:30 AM

CONT... Donald Woo Lee

Chapter 7

In light of the assignment of the claims from the chapter 7 trustee to Plaintiffs and the fact the the administration of the bankruptcy estate is only impacted in the event of a recovery by Plaintiffs, why should this court not abstain on the following grounds under 28 USC 1334(c)(1):

- a. Only state law claims are asserted;
 - b. No bankruptcy laws are implicated and none of the claims arise in the bankruptcy case and other than 28 U.S.C. 1334, there is no other federal jurisdiction;
 - c. There are multiple non-debtor parties
 - d. As indicated above, the impact on the administration of the estate is remote (i.e., recovery must be turned over to the estate)
 - e. Though this matter has been pending for approximately five years, it is still in the beginning stages , e.g., no discovery has been conducted.
-

November 7, 2019

Deny motion to dismiss. Defendants must file an answer to the amended complaint by or before December 12, 2019. The status conference will be continued to January 30, 2020 at 9:30 a.m.; joint status report must be filed by January 16, 2020.

The court has closely reviewed the First Amended Complaint (FAC) in its entirety, as well as the Motion and the Opposition filed by Plaintiffs. The court finds that the complaint adequately pleads facts with sufficient particularity and plausibility to meet the pleading standards of FRCP Rule 8, Rule 9(b) and the Supreme Court's standards as set forth in the *Twombly* and *Iqbal* decisions.

Defendants' arguments to the contrary are unpersuasive.

As for abstention, the court has reviewed the briefs submitted by the parties

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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee

Chapter 7

and has decided not to abstain from adversary proceeding.

Finally, there is no standing issue in light of the assignment of the claims to Plaintiffs by the chapter 7 trustee.

Special note: There is a possibility that this adversary could be transferred to a recall judge for the pretrial conference and trial.

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
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

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

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee

Chapter 7

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

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

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

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee

Chapter 7

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, November 7, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee

Chapter 7

Adv#: 8:14-01220 Lee et al v. Ciling et al

#36.00 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; 12-13-18; 2-12-19; 3-12-19; 6-20-19; 9-19-19; 10-3-19

Docket 59

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

The status conference will be continued to January 30, 2020 at 9:30 a.m.; joint status report must be filed by January 16, 2020.

Party Information

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
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Thursday, November 7, 2019

Hearing Room 5A

10:30 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
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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 Kyra E Andrassy David Wood Matthew Grimshaw
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 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, November 7, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#37.00 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; 10-18-18; 4-11-19

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.***

October 18, 2018 [GOLD STAR PLEADING]*

United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room

5A

10:30 AM

CONT...

Robert Boyajian

Chapter 11

Continue postconfirmation status conference to April 11, 2019 at 10:30 a.m.; updated status report must be filed by March 28, 2019. (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.

**Special Note: "Gold Star" designation above signifies an exceptionally well-prepared pleading. The postconfirmation status report [docket #559] qualifies for a Gold Star designation.*

April 11, 2019

Continue post-confirmation hearing to November 7, 2019 at 10:30 a.m.; updated status report must be filed by October 24, 2019. (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.

November 7, 2019

Continue post-confirmation hearing to May 7, 2020 at 10:30 a.m.; updated status report must be filed by April 23, 2020 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 this hearing is not required. It is Debtor's responsibility to confirm compliance with the US Trustee 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, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Robert Boyajian

Chapter 11

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, November 7, 2019

Hearing Room 5A

10:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

#38.00 Hearing RE: Trustee's Final Report and Final Application for Fees and Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 172

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

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 7, 2019

Hearing Room 5A

10:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

#39.00 Hearing RE: First and Final Application for Fees and Reimbursement of Expenses [December 11, 2016 through August 30, 2019]

**[THE LAW OFFICE OF THOMAS H. CASEY, ATTORNEY FOR CHAPTER 7
TRUSTEE JEFFREY I. GOLDEN]**

Docket 171

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

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 7, 2019

Hearing Room 5A

10:30 AM

8:16-13916 Thomas J Smith, III

Chapter 7

#40.00 Hearing RE: First and Final Fee Application of Hahn Fife & Company for Allowance of Fees and Expenses From May 30, 2019 Through August 15, 2019

[HAHN FIFE & COMPANY, LLP, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]

Docket 169

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

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 7, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#41.00 Hearing RE: Order to Show Cause Why the Bankruptcy Case Should Not Be Dismissed Due to Lack of Necessity for Reorganization (OSC Issued 9/19/2019)

Docket 171

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Debtor has filed non-opposition to the OSC. Dismiss case.

Note: Appearance at this hearing is not required.

Party Information

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, November 7, 2019

Hearing Room 5A

10:30 AM

8:17-12377 C.B.S.A. Family Partnership

Chapter 11

#42.00 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; 12-13-18; 4-18-19; 6-20-19; 7-18-19; 9-19-19

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
stmt has been
case the no
filed and the
be continued to
stmt hearing. (XX)

status report to be filed
unless the plan/discl.
timely filed, in which
status report need be
status conference will
the date of the discl.

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room

5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

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

May 31, 2018

Continue chapter 11 status conference to July 19, 2018 at 10:30 a.m.; the

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Santa Ana
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

court shall issue an order to show cause why this case should not be 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. (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

**United States Bankruptcy Court
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Santa Ana
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Chapter 11

continuances and time that has been granted to Debtor and the IRS with no 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.

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).

April 18, 2019

Dismiss case.

This case has now been pending for nearly two years with no contemplated plan of reorganization. Debtor wishes to continue to prop up this empty case up for the sole purpose of executing an agreement with an apparently reluctant IRS. The IRS apparently seems to have no sense of urgency regarding this case. Counsel for the IRS represented to the court on November 13, 2018 that approval from D.C. of the settlement should be obtained within 60-90 days. However, five months later, there is no approval in sight. Debtor will need to resolve its issues with the IRS outside bankruptcy.

June 20, 2019

In light of status report filed on 6/13/19 confirming approval of Debtor's settlement with the IRS by the Dept. of Justice [docket #144], continue this status conference to July 18, 2019 at 10:30 a.m.; updated status report must be filed by or before July 11, 2019 if a stipulation between Debtor and the government has not been filed by such date. (XX)

United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

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

July 18, 2019

In light of the finalization of the settlement with the IRS, continue status conference to September 19, 2019 at 10:30 a.m.; updated status conference report must be filed by September 5, 2019. (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 19, 2019

Continue status conference to November 7, 2019 at 10:30 a.m.; court to issue Order to Show Cause Why This Case Should Not Be Dismissed due to lack of necessity for reorganization on notice to all creditors. The OSC hearing shall be set for the same date/time. (XX)

Note: Appearances at this hearing are not required.

November 7, 2019

Off calendar in light of dismissal of the case.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

C.B.S.A. Family Partnership

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... C.B.S.A. Family Partnership

Jerome Bennett Friedman

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:17-13137 Maryam Teimoori

Chapter 7

#43.00 Hearing RE: Chapter 7 Trustee's Motion to Authorize Payment of Administrative Expenses From Community Sub-Estate and for Determination of Claims as Non-Community Claims

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Maryam Teimoori

Represented By
James D. Hornbuckle

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

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

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:18-14259 Raj Malhotra

Chapter 7

Adv#: 8:19-01039 Chokshi v. Malhotra et al

#44.00 Hearing RE: Motion to Award Attorneys Fees to Defendants Raj and Nayana Malhotra, Pursuant to Contract; 28 USC Section 1927; and the Court's Inherent Authority

Docket 16

***** VACATED *** REASON: CONTINUED TO 11/21/L2019 AT 10:30 A.M., PER ORDER ENTERED 11/4/2019 (XX)**

Courtroom Deputy:

CONTINUED: Hearing Continued to 11/21/2019 at 10:30 a.m., Per Order Entered 11/4/2019 (XX) - td (11/4/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raj Malhotra

Represented By
Leslie K Kaufman

Defendant(s):

Raj Malhotra

Represented By
Leslie K Kaufman

Nayana Malhotra

Represented By
Leslie K Kaufman

Leslie Keith Law offices of

Pro Se

Joint Debtor(s):

Nayana Malhotra

Represented By
Leslie K Kaufman

Plaintiff(s):

Manisha Chokshi

Represented By

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

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Raj Malhotra

Chapter 7

Onyinye N Anyama
Vithlani Dilip

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 7, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#45.00 CON'TD STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case;
and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-16-19; 6-13-19; 9-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case. (XX)

Note: Appearances at this hearing are not required.

June 13, 2019

Claims Bar Date: 8/22/19 (notice to creditors by
6/20/19)

Deadline to file Plan/DS: 8/29/19 (no extensions will be
granted)

Continued Status Conf: 9/12/19 at 10:30 a.m. (XX)

Updated Status Report due: 8/29/19 -- waived if Plan/DS timely
filed

Note: If the parties accept the foregoing tentative ruling, appearances at this status conference are not required -- the court will issue its own

United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... SPN Investments Inc
order re the same.

Chapter 11

September 12, 2019

Continue status conference to November 7, 2019 at 10:30 a.m. to allow Debtor to notice a hearing date on approval of its Disclosure Statement. (XX)

Special Note: This court does not set hearings on approval of disclosure statements. Counsel for the debtor must self-calendar hearings.

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the U.S. Trustee. It is Debtor's responsibility to ascertain its compliance status prior to the hearing.

November 7, 2019

Continue status conference to December 12, 2019 at 10:30 a.m., same date/time as hearing re approval of first amended disclosure statement. Updated status report not required.

Note: Appearance at this hearing is not required.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-10898 Alicia K Pipitone

Chapter 13

Adv#: 8:19-01108 Pipitone v. Choice Motor Credit, LLC

#46.00 Hearing RE: Defendant's Motion to Set Aside Default Pursuant to Federal Rule of Civil Procedure 55(c)

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Alicia K Pipitone

Represented By
Marc A Goldbach

Defendant(s):

Choice Motor Credit, LLC

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Alicia Pipitone

Represented By
Marc A Goldbach

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Alicia K Pipitone

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 7, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#47.00 CON'TD 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

FR: 10-17-19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

Continue hearing to November 7, 2019 at 10:30 a.m., same date/time as hearing on approval of Debtor's amended disclosure statement and Debtor's motion to sell real property. (XX)

Tentative ruling for 11/7/19 hearing: Dismiss case or convert case to chapter 7 if amended disclosure statement is not approved and/or the motion to sell is denied.

Special Note: The court is very concerned about the viability of a reorganization plan. As the sale of the Norwalk property is likely to net less than \$9,000, Debtor must present proof that the other rental properties generate positive cash flow and provide a source of plan funding. Further, as the proposed sale is to an insider, Debtor must provide objective evidence of the fair market value of the Norwalk property.

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.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

CONT... Royal Express Processing

Chapter 11

November 7, 2019

The court is inclined to grant the motion to dismiss in light of the fact that likelihood that Debtor can confirm a plan is slim to nil given the following circumstances: 1) reorganization hinges in significant part on the ability to sell the Norwalk property to the principal's son who has been occupying the property rent-free for several months and has no known ability to purchase the same; 2) Debtor has little to no equity in the three properties it owns and has been unable to make any postpetition monthly payments to secured creditors during the pendency of the case; 3) has very little income and what income it does generate is insufficient to make payments proposed under its plan; and 4) the plan requires a minimum \$25,000 contribution by Debtor's principal from undisclosed sources.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#48.00 Hearing RE: Debtors/ Debtors in Possession's Motion for Order: 1) Approving Sale of Real Property Free and Clear of Liens; 2) Determining that Buyer is a Good Faith Purchaser; and 3) Authorizing Disbursement of Proceeds.

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Deny motion.

Basis for Tentative Ruling:

1. Failure to comply with LBR 6004-1(f) -- mandatory notice of sale of estate property must be submitted to the Clerk at the time of filing of the sale motion on form F6004-2 NOTICE.SALE for publication on the court's website.

2. Insider sales are subject to "heightened scrutiny to the fairness of the value provided by the sale and the good faith of the parties in executing the transaction." *In re Roussos*, 541 B.R. 721, 730 (Bankr.C.D.Cal. 2015); *In re Family Christian, LLC*, 533 B.R. 600, 622 (Bankr.W.D.Mich.2015).

3. Here, the property is being sold to the son of Debtor's principal and, therefore, the sale is subject to heightened scrutiny not only as to the value the sale but the good faith of Debtor and the buyer. Notably, neither the Motion or the principal's declaration in support of the Motion discloses the familial relationship between buyer and seller. Several additional concerns are evident:

a. The buyer/son has "rented" the property for some time but has not consistently paid rent. Indeed, he failed pay rent for several months following

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10:30 AM

CONT... Royal Express Processing

Chapter 11

the commencement of the case. This circumstance calls into question his ability to consummate an "above-market" purchase of \$575,000.

b. Although the escrow documents signed in July 2019 required a \$2,000 deposit into escrow (or less than .5% of the purchase price), supplemental escrow instructions signed in September 2019 reduced the deposit to only \$500, at a time when he was not paying rent to the estate. No explanation for the relaxing of the deposit requirement is offered.

c. No prequalification financing documents or any other financial documents showing the buyer/son's ability to consummate the sale have been presented.

d. Debtor did not post the sale to the court's website or provide for overbidding, thereby ensuring that the principal's son would be the only "game in town." Debtor's principal's "belief" that there are no other buyers willing to pay \$10,000 over the appraised value is unpersuasive and defies this court's 25 years of experience in 363 sales.

In light of all of the foregoing circumstances, the court cannot find that the buyer is a good faith purchaser.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

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10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#49.00 CON'TD Hearing RE: Disclosure Statement Describing Chapter 11 Plan of Reorganization

FR: 9-5-19

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 5, 2019

Continue hearing to November 7, 2019 at 10:30 a.m. to allow Debtor to correct service issue and file amended disclosure statement no later than September 26, 2019. (XX)

Basis for Tentative Ruling:

Service:

1. Service is untimely under FRBP 2002(b) and LBR 3017 -- 28 days notice of time to file objection to disclosure statement. As objections are due 14 days prior to the hearing, a total of 42 days' notice is required. Here, only 36 days' notice was given.
2. Creditors were not noticed with the deadline for filing objections to approval of the disclosure statement. See Notice of Motion and Motion for Order Approving Disclosure Statement.
3. It would be wise for Debtor to serve secured creditors per 7004(b) in light of Debtor's unconventional plan treatment as to certain secured creditors.

Merits:

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CONT... Royal Express Processing

Chapter 11

1. Debtor shall use non-military dates, e.g., January 4, 2017 and not 4 January 2017. All dates in the disclosure statement must be so corrected.

2. Under Section II.A., there shall be separate headings for each property and its estimated value, e.g., 1. 1210 Alta Vista Drive, Bakersfield, California ("Alta Vista Property") - Estimated Fair Market Value: \$90,000. As currently, drafted, it is very difficult to follow the discussion of each property and liens against each.

3. There is an inconsistency in the DS re the third position lien of Medeiros Charitable Remainder Trust ("Medeiros"). This lien secures debt of \$31,166.68 and is cross-collateralized by both the Burchfield and Norwalk Properties (3rd position lien on both properties). On page 9 of the DS, Debtor also mentions a fourth position lien on the Burchfield property, that of the Georgia M Bank Living Trust ("Georgia M"). However, though Medeiros has a recorded 3rd position lien on the Burchfield property, such lien is not treated at all under the plan. Instead, the Georgia M lien is elevated from 4th to 3rd position. See DS at p. 27. Even though Medeiros is cross-collateralized, the court is unaware of any legal basis for "stripping" a valid lien under these circumstances.

4. Though there are at least two undersecured creditors -- Medeiros as to the Burchfield property and Real Estate Services, Inc. ("RES") as to the Alta Vista property, there is no mention of 11 U.S.C. 1111(b)(1)(A) and 1111(b)(2) and the rights of such undersecured creditors to make an 1111(b) election, not to mention the impact such an election would have on the feasibility of Debtor's plan.

5. Page 11: At line 8, the "principal of the business" should be modified to the "principal of the Debtor."

6. Page 13: At paragraph 4, Debtor should simply state that it is seeking to sell the Burchfield and Norwalk properties. In fact, every reference in the DS to "liquidating" properties should be changed to "selling" properties. The language in the DS is unnecessarily cumbersome.

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CONT... **Royal Express Processing**

Chapter 11

7. Page 16: As the LA County Tax Assessor has filed a proof of claim asserting a secured claim, it should be treated as a secured creditor and not a priority creditor under the plan. Also, there is a small typo re the Kern County tax claim -- should be \$1,032.09 instead of \$1.032.09. Same typo appears in the plan at p. 7.

8. Page 26: At lines 21-22, "\$075.00" needs to be changed to "\$75.00". Same in plan at p. 17.

9. Page 27: Class 2G -- this is the curious treatment of Georgia M as a third priority lienholder on the Burchfield property when Medeiros actually holds this position.

10. At various places in the DS, e.g., the treatment of Classes 2A, 2B, 2C, 2D, 2E, etc., provide that if the particular property is not liquidated (sold) within 12 months of the effective date, the affected secured creditor can proceed with foreclosure under state law but no deficiency will be permitted against "the Debtor *or its affiliates*." Who are Debtor's "affiliates?"

11. Page 34: Line 20 reads "Debtor is a real estate professional (broker?) and capable of handling the sale itself". However, Debtor is described earlier in the the DS as merely a holding company. Is it Debtor's *principal* who is the real estate professional? Also, the DS should disclose that the Norwalk sale is scheduled to close this month (per the purchase agreement). Is that likely to happen? The court is not aware of any pending motion to sell.

12. Page 35: The representation regarding Debtor as a real estate professional is repeated. Needs to be corrected if not true.

13. Page 35: Debtor projects that the sale of the Burchfield property will net \$126,100 based upon a value of \$130,000 and. Further, the \$126,100 plus an additional \$22,445 of "added value" funds from Debtor's principal will pay the property tax claim of \$1,032.09, and Classes 2E, 2F and 2G* in full. However, the math does not work. $\$126,100 + 22,445 = \mathbf{\$148,545}$. $\$1,032.09 + 95,000 + 15,000 + \$37,500 = \$148,545$ PLUS $\$832 \times 4$ mos ($\$3,328$) = $\mathbf{\$151,873}$. According to the DS, the amounts owed to Classes 2E, 2F and 2G were as of March 16, 2019. According to Debtor's most recent

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MOR, three postpetition payments to Lendinghome (\$832/mo) were not made as of July 2019. Presumably, no payment was made in August either. Accordingly, as of August, total postpetition payments owed to Lendinghome was \$3,329.00. This number increases each month that payments are not made and a plan is not confirmed.

*The DS at p. 35, Line 13 erroneously refers to 2D instead of 2G.

14. Where will the funds come from to enable Debtor's principal to make the \$25,000 added value payment?

November 7, 2019

Comments re the First Amended Disclosure Statement:

1. The feasibility issue identified by the court re the Burchfield property in comment #13 to the original disclosure statement has not been addressed. See tentative ruling above for September 5, 2019 hearing. See also the objection of LendingHome Marketplace at p. 4 regarding the lack of equity to pay all secured debt.
2. Although feasibility is normally a confirmation matter, because of Debtor's substantial monthly debt service obligations (even with interest only payments) and razor-thin revenues, disclosure of the source of funds to make the proposed plan payments over the first 12-month term of the plan is critical. In particular, the source of funds for the principal's "value added" payment of \$25,000+ needs to be disclosed.
3. Debtor needs to address the feasibility issue raised by RESG in its opposition at p. 3, lines 5-26. \$5,348.11 in monthly plan obligations during the first 12 months vs. \$2300 in income.

The bottom line is this case involves a debtor with three properties with little to no equity who has insufficient income to fund a plan of reorganization.

Party Information

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CONT... Royal Express Processing

Chapter 11

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-10933 Royal Express Processing

Chapter 11

#50.00 CON'TD STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case;
and (2) Requiring Report on Status of Chapter 11 Case

FR:5-16-19; 7-16-19; 9-5-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Debtor's counsel will need to address the following issues:

1. The projected adequate protection payments listed on Exhibit A requires explanation:

a. The projection provides for monthly adequate protection payments for *all three* properties of only \$1700, yet the debt service on the Norwalk property alone is \$3300 per month (1st and 2nd).

b. The artificially low adequate protection payments skews the projections -- in reality, Debtor will be operating at a significant deficit for all 6 months, especially after property taxes, insurance, maintenance and management fees are added.

c. It is not clear from the projections whether Debtor is paying \$100 in management fees per month for one, two or all three properties. Who is the property manager?

d. The projections include rent for the Burchfield property of \$1300 but there is no evidence that Debtor has procured a tenant for that property.

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10:30 AM

CONT... Royal Express Processing Chapter 11

e. The monthly operating report for March shows no income and no expenses for any property.

2. Debtor does not plan to file a cash collateral motion. So, how will the projected expenses for the properties be paid?

Claims Bar Date: July 30, 2019 (notice to creditors by 5/30/19;
declaration re non-opp must be filed by 5/23)

Deadline to file Plan/Discl St.: Aug. 1, 2019

Continued status conference: July 16, 2019 at 10:30 a.m.; updated report
must be filed by July 9. 2019.

Special Note: The continued chapter 11 status conference is being continued less than 60 days to allow the court to monitor the progress of this case, including a review of the April and May MORs.

Note: Appearance at this status conference is required.

July 16, 2019

The updated status report filed in 7/9/19 does not address the following issues:

1. Debtor indicated at the 5/16/19 hearing that an inside buyer would be purchasing the Norwalk property and that a motion to sell would be filed within 30 days of the hearing, i.e., June 16, 2019. To date, no such motion has been filed.

2. Debtor represents that no cash collateral is being used -- so how are the properties being maintained? Landscaping? Property management fees?

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CONT... Royal Express Processing

Chapter 11

What was the source of the payment of \$674 for office supplies?

3. Debtor represents that two of the properties generate monthly combined income of \$3450 per month. However, the most recent MOR shows income of only \$3214.

4. Why does the Burchfield property remain unrented after four months?

Note: Appearance at this hearing is required.

September 5, 2019

Continue status conference to November 7, 2019 at 10:30 a.m., same date/time as the continued hearing re approval of the Disclosure Statement. Updated status report not required. (XX)

November 7, 2019

No tentative ruling -- disposition will depend upon the outcome in other matters on today's calendar.

Party Information

Debtor(s):

Royal Express Processing

Represented By
Michael Jones

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

#51.00 Hearing RE: Debtor's Motion to Reconsider Order Allowing First Financial Credit Union's Claim in the Amount of \$176,032.78

Docket 206

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered 10/2/2019 - td (10/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards

Pro Se

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-11738 Shauna Barnhardt

Chapter 13

#52.00 Hearing RE: Debtor's Objection to Claim of Village Townhomes, Inc., Claim 5

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Sustain in part; Overrule in part. Sustain only as to the secured status of post-judgment HOA assessments, late fees, costs, attorneys fees and other charges. Overrule as to 1) any objection to the amount of the claim and 2) any objection to the secured status of the damages covered by the recorded judgments, including accrued interest.

Party Information

Debtor(s):

Shauna Barnhardt

Represented By
Michael D Franco

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-12199 Frank Albert Villar, Jr.

Chapter 7

#53.00 Hearing RE: Chapter 7 Trustee Thomas H. Casey's Motion for Order Approving Sale and Settlement Agreement with the Debtor and Authorizing the Trustee to Abandon Real Property

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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):

Frank Albert Villar Jr.

Represented By
Jacqueline D Serrao

Movant(s):

Thomas H Casey (TR)

Pro Se

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

#54.00 Hearing RE: Motion for Order Extending Debtor's Exclusivity Periods for Filing a Plan of Reorganization and Obtaining Acceptance of a Plan of Reorganization Pursuant to 11 U.S.C. Section 1121

Docket 54

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Grant the Motion as modified, i.e., extend the plan filing exclusivity period for sixty (60) days from October 21, 2019 to December 20, 2020; and the acceptance exclusivity period for one hundred and twenty (120) days from December 20, 2019 to February 18, 2020.

Note: If all parties accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe
Ryan S Riddles

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-12411 Orange County Bail Bonds, Inc.

Chapter 11

#55.00 CONT'D STATUS CONFERENCE Hearing on Status of Chapter 11 Case; and
(2) Requiring Report on Status of Chapter 11 Case

FR: 8-22-19; 10-17-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

August 22, 2019

Deadline to file Plan and Disclosure Statement: 10/21/19

Continued Status Conference Date: 11/21/19 at 10:30 a.m.

Updated Status Report due date: 11/7/19 unless a plan
& DS

filed, in which case

requirement of a report will

have been

the

be waived.

Special Note: The court does not ordinarily set a deadline for the filing of objections to claim.

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.

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10:30 AM

**CONT... Orange County Bail Bonds, Inc.
October 17, 2019**

Chapter 11

Continue status conference to November 7, 2019 at 10:30 a.m., same date/time as hearing on Debtor's motion to extend exclusivity. Updated status report not required. (XX)

November 7, 2019

Deadline to file plan/disclosure statement: Dec. 20, 2019

Continued status conference: Jan. 30, 2020 at 10:30 am

Updated status report due (only if plan &
DS not timely filed by 12/20/19): Jan. 16, 2020

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.

Party Information

Debtor(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

10:30 AM

8:19-13529 Limonite Investments LLC

Chapter 11

**#56.00 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:

November 7, 2019

Convert case to chapter 7.

Basis for Tentative Ruling:

On September 18, 2019 this court issued its order scheduling this chapter 11 status conference and ordering Debtor to file a status report no later than October 24, 2019 (Docket #36). As of November 6, 2019 no status report has been filed.

The September 18 Order provides in part that "failure to timely comply with any provision of this order may be deemed consent to the conversion or dismissal of this case"

According to Debtor's Schedule D, Debtor may have \$500,000 in equity in its real property. Debtor's schedules also show nonpriority unsecured debt of approximately \$700,000. Based upon such representations, conversion to chapter 7 would appear to be more appropriate than dismissal of the case.

Party Information

Debtor(s):

Limonite Investments LLC

Represented By
Stephen F Lopez

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

2:00 PM

8:14-10918 Robert Boyajian

Chapter 11

#57.00 Hearing RE: Debtor's Objection to Claim of Harry Ayvazian [Amended Claim No. 20-2]

Docket 586

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Preliminary Statement: The court appreciates the efforts made by the parties, in particular Debtor and his counsel, in attempting to resolve this claim without court intervention. Indeed, Debtor has track record in this case of attempting to resolve disputes, often with success. The court has spent a significant amount of time reviewing the pleadings of the parties as well as the various exhibits presented.

Tentative Ruling: Sustain the objection as to the sum of \$30,144.18 for foreclosure fees; overrule as to the balance of the objection.

Basis for Tentative Ruling:

After careful analysis and review, except as otherwise noted below, the court agrees with the Claimant as to the following matters and incorporates its analysis by reference herein:

Tender: The court agrees that the tender made by Debtor was not a valid tender under CC 1486 and 1500 in that it was not in the full amount demanded by Claimant and was not deposited into an account in the name of Claimant that was unconditionally available to Claimant.

Foreclosure Fees:

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

2:00 PM

CONT...

Robert Boyajian

Chapter 11

Claimant directs the court to the language in the Fictitious Deed of Trust for the the County of Orange attached to Claimant's RJN, Exhibit 5, which document purports to include a provision for payment of "all costs and expenses, including the cost of evidence of title and attorney's fees in a reasonable sum in any . . . action . . . to foreclose this Deed." Exhibit 5 to the RJN, however, is illegible. Accordingly, as the document is not readable, the court will not recognize it as a basis for the foreclosure fees. As Claimant has had ample time to provide a legible record, the hearing will not be continued to allow substitute documents.

Attorneys Fees:

The Forebearance and Subordination Agreement dated January 10, 2014 provides a sufficient basis for attorneys fees (but not foreclosure fees). The court finds that the attorneys fees have been sufficiently documented and do not appear to be unreasonable. Further, contractual or statutory attorneys fees and costs are allowable under Section 506(b) as to oversecured creditors.

Calculation of Interest:

The court agrees the interest is appropriately calculated in the manner set forth in the state court in its March 2, 2019 judgment.

Application of Payments:

The court agrees with Claimant that the Forebearance and Subordination Agreement sets forth the order for application of payments (costs, then attorneys fees, then interest, then principal) and that given the order and amount of payments, no interest was calculated on the attorneys fees portion of the claim.

Party Information

Debtor(s):

Robert Boyajian

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, November 7, 2019

Hearing Room 5A

2:00 PM

CONT...

Robert Boyajian

Michael G Spector
Vicki L Schenum
Jessica G McKinlay

Chapter 11

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 14, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01188 Jones v. Haythorne

#1.00 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; 12-20-18; 3-21-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/19/19 AT 9:30 A.M.
ON COURT'S OWN MOTION. See Court's Notice filed 6/5/19, Document #
72 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 11/19/19 at 9:30 a.m. on
Court's Own Motion; See Court's Notice filed 6/5/19, Document #72
(XX) - td (6/5/2019)**

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, November 14, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#2.00 Hearing RE the following issues: 1) whether the above-referenced Related Debtors should be jointly and severally liable for all administrative professional fees and expenses; 2) whether professionals should be permitted to maintain consolidated billing and file one joint fee application in the lead case, and 3) the method of allocating liability of fees and expenses for services affecting a particular Related Debtor

Docket 24

***** VACATED *** REASON: CONTINUED TO 12/5/2019 AT 10:30 A.M.,
P;ER ORDER ENTERED 11/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 12/5/2019 at 10:30 a.m, Per Order
Entered 11/12/2019 (XX) - td (11/12/2019)**

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

9:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01188 Jones v. Haythorne

#1.00 CONT'D 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; 12-20-18; 3-21-19; 11-14-19

Docket 1

***** VACATED *** REASON: STATUS CONFERENCE CONTINUED TO 2/6/2020 AT 9:30 A.M., PER ORDER ENTERED 11/8/2019 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 2/6/2020 at 9:30 a.m., Per Order Entered 11/8/2019 (XX) - td (11/8/2019)

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
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Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

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 to 523(a)(2)(B) in the JPS. Has this basis for nondischargeability

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CONT... Stephen J Haythorne
been abandoned by Plaintiff?

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

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CONT...

Stephen J Haythorne

Chapter 7

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.

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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).

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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

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CONT... Stephen J Haythorne

Chapter 7

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
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9:30 AM

8:18-14372 Narendra Mohan

Chapter 7

Adv#: 8:19-01037 Last Chance Funding, Inc. v. Mohan et al

#2.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine the Dischargeability of a Debt and Objection to Discharge of the Debtors

FR: 5-30-19; 10-17-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Discovery Cut-off Date:	Feb. 28, 2020
Pretrial Conference Date:	Apr. 9, 2020 at 9:30 a.m.
Deadline to Lodge Joint Pretrial Stipulation:	Mar. 26, 2020

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):

Narendra Mohan

Represented By
Harlene Miller

Defendant(s):

Narendra Mohan

Pro Se

Anshu Mohan

Pro Se

**United States Bankruptcy Court
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CONT... Narendra Mohan

Chapter 7

Joint Debtor(s):

Anshu Mohan

Represented By
Harlene Miller

Plaintiff(s):

Last Chance Funding, Inc.

Represented By
Robert L Rentto

Trustee(s):

Thomas H Casey (TR)

Pro Se

**United States Bankruptcy Court
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9:30 AM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

**#3.00 STATUS CONFERENCE RE: Chapter 7 Involuntary Petition
(another summons issued 9//19/19)**

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing
Involuntary Chapter 7 Petition Entered 10/3/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Involuntary Chapter 7 Petition
Entered 10/3/2019 - td (10/3/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beom & Eun Investment LLC

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:15-10272 Ranulfo Figueroa

Chapter 13

#4.00 CONT'D Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTOR

FR: 9-19-19; 10-17-19

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Grant motion with without 4001(a)(3) waiver and with co-debtor relief.

Special Note: The tentative ruling is to grant the Motion because Debtor did not provide documentary proof of payments he alleges to have made. If Movant is agreeable to a continuance to discuss a resolution, the parties may request a continuance of the hearing at the beginning of the calendar roll call. Available dates are Oct. 10, Oct. 17 and Nov. 7, 2019 at 10:00 a.m.

October 17, 2019

Parties to advise of status of matter.

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**CONT... Ranulfo Figueroa
November 19, 2019**

Chapter 13

Movant to advise the court of the status of this matter.

Party Information

Debtor(s):

Ranulfo Figueroa

Represented By
Sunita N Sood
Seema N Sood

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark T. Domeyer
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:16-12448 Linda Anne Boyer

Chapter 13

#5.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

VS.

DEBTOR

FR: 10-17-19

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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.

November 19, 2019

Movant to advise the court of the status of this matter.

Party Information

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10:00 AM

CONT... Linda Anne Boyer

Chapter 13

Debtor(s):

Linda Anne Boyer

Represented By
Ramiro Flores Munoz

Movant(s):

The Bank of New York Mellon Trust

Represented By
April Harriott
Keith Labell
Theron S Covey
Eric P Enciso
Sean C Ferry

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:16-14243 Daryl John Parks

Chapter 13

#6.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

FR: 10-17-19

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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 19, 2019

Movant to advise the court of the status of this matter.

Party Information

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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
Kirsten Martinez

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:18-14558 Cathy Marie Estrella

Chapter 13

#7.00 CONT'D Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BROKER SOLUTIONS, INC.

VS.

DEBTOR

FR: 10-17-19

Docket 70

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/4/2019**

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/4/2019 - td (11/4/2019)

Tentative Ruling:

October 17, 2019

Grant motion without 4001(a)(3) relief unless Debtor is postpetition current prior to the hearing or the parties have agreed to the terms of an adequate protection order. If more time is needed to finalize an adequate protection agreement, the parties may request a continuance during the the roll call of the calendar just prior to the hearing. Available continued hearing dates: Nov. 7, 2019, Nov. 19, 2019 or Nov. 21, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Cathy Marie Estrella

Represented By
Amanda G Billyard

**United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

CONT... Cathy Marie Estrella

Chapter 13

Movant(s):

Broker Solutions, Inc. dba New

Represented By
Christina J O

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:19-10201 Robert Lynn McEwen

Chapter 13

#8.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR
RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED
PASS-THROUGH CERTIFICATES, SERIES 2006-QO5

VS.

DEBTORS

FR: 10-10-19

Docket 42

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered 11/4/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 11/4/2019 - td (11/4/2019)**

Tentative Ruling:

October 10, 2019

Grant motion with 4001(a)(3) waiver unless the parties have negotiated a
resolution -- if more time is needed, a request for a continuance may be made
during the calendar roll call at the beginning of the hearing. Available
continued hearing dates: Nov. 7 or Nov, 14, 2019 at 10:00 a.m.

Party Information

Debtor(s):

Robert Lynn McEwen

Represented By
Jacqueline D Serrao

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

CONT... Robert Lynn McEwen

Chapter 13

Movant(s):

DEUTSCHE BANK TRUST

Represented By
Dane W Exnowski
Katie M Parker

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:19-11546 Joseph Ra

Chapter 7

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
[RE: 2017 INFINITI QX60]

NISSAN-INFINITI LT

VS.

DEBTOR

Docket 61

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation)**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief From the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 11/13/2019 -
td (11/13/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Movant(s):

NISSAN-INFINITI LT.

Represented By
Michael D Vanlochem

Trustee(s):

Richard A Marshack (TR)

Represented By
Michael G Spector

**United States Bankruptcy Court
Central District of California
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Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-11546 Joseph Ra

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
[RE: 2018 INFINITI Q50]

NISSAN-INFINITI LT

VS.

DEBTOR

Docket 62

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 Entered 11/13/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 11/13/2019 -
td (11/13/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Movant(s):

NISSAN-INFINITI LT.

Represented By
Michael D Vanlochem

Trustee(s):

Richard A Marshack (TR)

Represented By
Michael G Spector

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:19-12099 Sonny Pai

Chapter 13

#11.00 Hearing RE: Amended Motion for relief from the automatic stay [PERSONAL PROPERTY]

FORD MOTOR CREDIT COMPANY LLC

VS.

DEBTOR

Docket 39

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant with 4001(a)(3) waiver and codebtor 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):

Sonny Pai

Represented By
Anthony B Vigil

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang
Sheryl K Ith

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10:00 AM

CONT... Sonny Pai

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:19-13438 Paul D Blanco

Chapter 13

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
ADVANTAGE FUNDING COMMERCIAL CAPITAL CORP.
VS.
DEBTOR

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Paul D Blanco

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

ADVANTAGE FUNDING

Represented By
Raffi Khatchadourian

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10:00 AM

CONT... Paul D Blanco

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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10:00 AM

8:19-13651 Tien Ngoc Ho and Trinh Nguyen

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FINANCIAL SERVICES VEHICLE TRUST
VS.
DEBTORS

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Tien Ngoc Ho

Represented By
Kevin Tang

Joint Debtor(s):

Trinh Nguyen

Represented By
Kevin Tang

Movant(s):

Financial Services Vehicle Trust

Represented By

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10:00 AM

CONT... Tien Ngoc Ho and Trinh Nguyen

Chapter 7

Cheryl A Skigin

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
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Hearing Room 5A

10:00 AM

8:19-13766 Jaime Dale Krueger

Chapter 13

#14.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

PSG CAPITAL PARTNERS, INC.

VS.

DEBTOR

Docket 31

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant with 4001(a)(3) waiver, co-debtor relief and 362(d)(4) 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):

Jaime Dale Krueger

Represented By
Edward T Weber

Movant(s):

PSG Capital Partners, Inc.

Represented By
Julian K Bach

**United States Bankruptcy Court
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10:00 AM

CONT... Jaime Dale Krueger

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-13782 Margaret Ann Lindsay

Chapter 7

#15.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

DAIMLER TRUST

VS.

DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Margaret Ann Lindsay

Represented By
Brian J Soo-Hoo

Movant(s):

Daimler Trust

Represented By
Sheryl K Ith

Trustee(s):

Richard A Marshack (TR)

Pro Se

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CONT... Margaret Ann Lindsay

Chapter 7

United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-13943 Martha E Metz

Chapter 7

#16.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(RE: 2016 Nissan Quest)

NISSAN MOTOR ACCEPTANCE CORPORATION

VS.

DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Martha E Metz

Represented By
Michael H Colmenares

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
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10:00 AM

CONT... Martha E Metz

Chapter 7

Trustee(s):

Weneta M Kosmala (TR)

Pro Se

United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-13943 Martha E Metz

Chapter 7

#17.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(RE: 2018 Nissan Sentra)

NISSAN MOTOR ACCEPTANCE CORPORATION

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Martha E Metz

Represented By
Michael H Colmenares

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

CONT... Martha E Metz

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, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-13943 Martha E Metz

Chapter 7

#18.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
(RE: 2018 Nissan Rogue)

NISSAN MOTOR ACCEPTANCE CORPORATION

VS.

DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Martha E Metz

Represented By
Michael H Colmenares

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

CONT... Martha E Metz

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, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-13963 Claudia Jose Juarez

Chapter 7

#19.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
HONDA LEASE TRUST
VS.
DEBTOR; AND WENETA M. KOSMALA, CHAPTER 7 TRUSTEE

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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 Jose Juarez

Represented By
Marjan Alitalaei

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

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 19, 2019

Hearing Room 5A

10:00 AM

CONT... Claudia Jose Juarez

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:00 AM

8:19-14347 Steven Ray Douglas

Chapter 7

**#19.10 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]
(OST ENTERED 11/12/2019)**

JAZMIN PETRUCHIK

VS.

DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant the motion with all relief requested therein.

Party Information

Debtor(s):

Steven Ray Douglas Pro Se

Movant(s):

Jazmin Petruchik 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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:12-14251 Kosta M Majdalani and Therese J Majdalani

Chapter 7

#20.00 Hearing RE: Motion for Reconsideration and Partial Set Aside of Judgment Re: Compensatory and Punitive Damages and Attorney's Fees Against Creditor Sal Aridi

Docket 40

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

The court is inclined to reduce the amount of the sanction award by \$6,232.77 to extract the amount of fees clearly dedicated to the motion to amend the complaint and to issue an amended judgment in the amount of \$16,085.98

Basis for Tentative Ruling:

1. Movant does not dispute that portion of the court's October 1, 2019 Order finding that Movant violated Debtors' discharge injunction by filing and prosecuting the breach of contract complaint ("Original Complaint") six years after learning of the bankruptcy.
2. Movant takes issue with the award of \$22,318.75, arguing that the entirety of that amount was spent litigating the first amended complaint ("FAC") which only asserted intentional torts and not breach of contract. More specifically, Movant contends that the \$22,318 award is "disproportionate as a sanction because it has no rational connection to the damages incurred" as Movant's motion for leave to file the FAC was filed on November 15, 2019 before Debtors hired an attorney. Movant suggests that a more appropriate sanction amount would be \$5,000 but provides no rational basis for the amount.
3. FRBP 9023 incorporates, with exceptions not applicable here, FRCP

**United States Bankruptcy Court
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5A

10:30 AM

CONT...

Kosta M Majdalani and Therese J Majdalani

Chapter 7

59(e). In determining whether to alter or amend an order or judgment under this Rule, courts consider 1) whether the order was based upon manifest errors of law or fact; 2) whether there is newly discovered or previously unavailable evidence; 3) amendment is necessary to prevent manifest injustice, and 4) whether there is an intervening change in the controlling law. *McDowell v. Calderon*, 197 F.3d 1253 (9th Cir. 1999). The analysis under Rule 60(b) is not substantively different.

4. The court disagrees that the "entirety" of the fees charged from November 15, 2018 to May 7, 2019 related to the FAC. A substantial amount of fees were charged to Debtors motion for judgment on the pleadings which, by definition, must have related to the Original Complaint because the motion for leave to file the FAC was not decided until May 7, 2019. Similarly, fees relating to depositions and the motion(s) to compel necessarily related to the operate pleading prior to May 7, 2019, i.e., the Original Complaint.

5. Movant did not provide any basis for the suggested reduced sanction amount of \$5,000 and no reference to Debtors' counsel's time records is made as a basis for such suggestion. In this regard, the court has gone through the time records and determined that the fees actually relating to the motion for leave to amend and jurisdictional issues raised thereto total \$6,232.77, resulting a reduced judgment of \$16,085.98

Party Information

Debtor(s):

Kosta M Majdalani

Represented By
Parisa Fishback
David Brian Lally

Joint Debtor(s):

Therese J Majdalani

Represented By
Parisa Fishback
David Brian Lally

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#21.00 CON'TD Third Person Examination of Guadalupe (Lupe) Savastano RE:
Enforcement of Judgment

FR: 9-12-19

Docket 175

***** VACATED *** REASON: CONTINUED TO 1/16/2020 AT 10:30 A.M.,
PER ORDER ENTERED 11/18/2019.**

Courtroom Deputy:

**SPECIAL NOTE: Stipulation to Continue the Examination of Third Party
Guadalupe Savastano filed 11/15/2019; Order on Stipulation Lodged
(over the counter) on 11/15/2019 - td (11/15/2019)**

Tentative Ruling:

September 12, 2019

Examinee Guadalupe Savastano to appear in court to be sworn in by the
court clerk. Thereafter, the examination will take place outside the courtroom

November 19, 2019

Continued to Jan. 16, 2020 at 10:30 a.m. per stipulation of the parties.

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

#22.00 Hearing RE: Chapter 7 Trustee's Motion to Approve Estates' Settlement Agreement with Andrew and Nobie Moore Pursuant to F.R.B.P. 9019 [Affects All Debtors]

Docket 343

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant 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):

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
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#23.00 Hearing RE: Debtor's Motion to Disallow Claim of Hyundai Lease Titling Trust
[Claim No. 8]

Docket 103

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Sustain in part, overrule in part. Sustain in the amount of \$14,993.46 which is disallowed; Overrule as to the delinquent payment amount of \$6,851.24 which is allowed as a general unsecured claim.

Basis for Tentative Ruling:

Debtor admits that he failed to make all contractual payments prior to the postpetition surrender of the leased vehicle in November 2017, twenty months after the first payment became due under the lease agreement. The evidence presented by Debtor is silent as to the number of payments he missed. However, the proof of claim includes a breakdown of the default as of the date of the petition, \$6851.24. Given Debtor's admission of non-payment, Debtor has failed to rebut the presumed validity of this portion of the claim. The court agrees that Claimant did not sufficiently substantiate the balance of its claim and did not respond to the objection with evidence to satisfy its ultimate burden of proof as to the same.

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.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Troy Bernard Jemerson

Chapter 13

Debtor(s):

Troy Bernard Jemerson

Represented By

Nicholas Nicholas 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, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#24.00 CON'TD Hearing RE: Debtor's Objection to Secured Creditor, Premier Home Solutions Inc.'s Proof of Claim 1

FR: 8-22-19; 9-19-19; 10-17-19

Docket 90

Courtroom Deputy:

SPECIAL NOTE: Stipulation to Continue Hearing to 12/12/2019 at 10:30 am, filed 11/18/2019; Order Granting Stipulation to Continue Hearing Lodged in LOU on 11/18/2019, Order #9548961 - td (11/19/2019)

Tentative Ruling:

August 22, 2019

The court is inclined to sustain the objection as to accrued interest and to overrule the objection as to the principal debt, i.e., \$120,000.

The parties are to address the following issues:

Debtor:

1. This court has already abstained from hearing the merits of case involving this loan in light of a pending state court action that *Debtor* initiated prepetition involving multiple plaintiffs and defendants. Debtor is to advise the court re the status of the state court litigation.

2. The court finds Debtor's argument that she doesn't owe anything to Claimant because she "never received the money," strains credulity in light of the joint venture agreement she entered into regarding the acquisition of the Sea Island property and her subsequent acknowledgement of the purchase. See Claimant's Opposition, Declaration of Angel Santiago and exhibits attached thereto; Declaration of Michael Van Ness, Exhibit 1.

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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Daphne Alt

Chapter 13

3. Debtor's Objection does not explain or provide any legal analysis regarding relevance of Claimant's lack of a real estate license. She simply declares Claimant is not exempt from usury laws without any legal analysis. The court declines to do Debtor's research for her.
4. As of July 26, 2019, it appears Claimant is active and no longer suspended.
5. Even if the interest is usurious, the principal balance remains. Further, even if, because of the lack of notice, the note has not yet matured, the principal debt remains and has to be treated through Debtor's chapter 13 plan.

Claimant

1. Claimant's assertion of the nonapplicability of Cal. Civ. Code 2966 is unpersuasive in light of the fact that the note itself expressly states that "this note is subject to Section 2966 . . . which provides that the holder . . . shall give written notice to the trustor . . . at least 90 and not more than 150 days before any balloon payment is due." Thus, whether or not Section 2966 would have otherwise applied or not, Claimant clearly intended to provide the protections of Section 2966 by including it in the note that it presumably drafted. Absent notice given pursuant to the note, it has not yet matured.
2. The note is clearly usurious under California Constitution Article XV Section 1 as it exceeds 10% per annum. Claimant has the ultimate burden of proof and has not provided any basis for it being exempt from the usury law.
3. The court is not persuaded that Debtor's claim is time-barred. See Debtor's reply.

Special note: This court's ruling as to this claim objection cannot be used by or against any person or entity other than Debtor and Premier Home Solutions, Inc. in any other state or federal action. Further any ruling by this court regarding the subject proof of claim is without prejudice to Premier

**United States Bankruptcy Court
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Santa Ana
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Daphne Alt

Chapter 13

seeking prejudgment interest at the legal rate once notice is properly given under the note.

September 19, 2019

Parties to appear and advise the court re the status of this matter. If additional time to memorialize the settlement is needed, a final continuance may be requested during the tentative ruling roll call prior to the hearing. Available hearing dates: Oct. 10, 2019 and Oct. 17, 2019 at 10:30 a.m.

October 17, 2019

Parties to appear and advise the court re the status of this matter.

November 19, 2019

Debtor's counsel must appear for today's hearing. The ch. 13 trustee filed an opposition to the motion to compromise on Oct. 23, 2019 and Oct. 31, 2019 but Debtor has not set the matter for hearing as required by LBR 9013-1(o).

Party Information

Debtor(s):

Daphne Alt

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 19, 2019

Hearing Room 5A

10:30 AM

8:18-13238 Paul David Scarborough and Julie Ann Scarborough

Chapter 7

#25.00 Hearing RE: Chapter 7 Trustee's Motion to Approve Compromise of Controversy and Fix Overbid Bidding Procedures

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion subject to overbid (overbid procedures approved).

If no overbidders appear at the hearing, the motion will be granted.

Party Information

Debtor(s):

Paul David Scarborough

Represented By
Thomas E Brownfield

Joint Debtor(s):

Julie Ann Scarborough

Represented By
Thomas E Brownfield

Trustee(s):

Karen S Naylor (TR)

Represented By
Nanette D Sanders

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#26.00 Hearing RE: Trustee's Fourth Motion for Order to Continue Business Operations (Manage Real Property) Through and Including May 29, 2020, By Continuing To: (1) Collect Rents; and (2) Pay Operating Expenses

Docket 273

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

Trustee(s):

Richard A Marshack (TR)

Represented By

**United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village MHP Associates LP

Chapter 7

D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#27.00 Hearing RE: Trustee's Fourth 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 275

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Special note: For future reference, regarding the alternative request for assumption of the leases, notice to all affected lessees would be 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.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village MHP Associates LP

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#28.00 Hearing RE: Trustee's Fourth 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 278

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village MHP Associates LP

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#29.00 Hearing RE: Trustee's Fourth 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 280

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#30.00 Hearing RE: Trustee's Motion to Approve Three Related Compromises of Controversies: (1) Certain State Court Action; (2) Certain Insurance Coverage Litigation; and (3) Alon USA Energy Inc. and Paramount Petroleum Corporation; and Approve Super-priority Administrative Loan of \$11 Million

Docket 286

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#31.00 Hearing RE: Trustee's Fourth 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 117

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Special note: For future reference, regarding the alternative request for assumption of the leases, notice to all affected lessees would be 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.

Party Information

Debtor(s):

Friendly Village GP, LLC

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
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Santa Ana
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10:30 AM

CONT... Friendly Village GP, LLC

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#32.00 Hearing RE: Trustee's Fourth 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 119

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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 GP, LLC

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village GP, LLC

David Wood
Kristine A Thagard

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#33.00 Hearing RE: Trustee's Fourth 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 121

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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 GP, LLC

Represented By
Howard Camhi

Movant(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Friendly Village GP, LLC

Chapter 7

D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#34.00 Hearing RE: Trustee's Motion to Approve Three Related Compromises of Controversies: (1) Certain State Court Action; (2) Certain Insurance Coverage Litigation; and (3) Alon USA Energy Inc. and Paramount Petroleum Corporation; and Approve Super-Priority Administrative Loan of \$11 Million

Docket 126

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

Grant motion to extend time to assume or reject executory contracts.

Note: This matter appears to be uncontested. Accordingly, no court appearance by the Movant is required. Should an opposing party 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 GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-14314 Samantha Sim Phong

Chapter 7

Adv#: 8:19-01044 Van der Laan v. Phong et al

#35.00 Hearing RE: Motion of Plaintiff Jacob Van Der Laan to Voluntarily Dismiss
Second Claim for Relief

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

Samantha Sim Phong

Represented By
Alex L Benedict
Luke P Daniels

Defendant(s):

Samantha Sim Phong

Pro Se

Alex Benedict

Pro Se

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Samantha Sim Phong

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, November 19, 2019

Hearing Room 5A

10:30 AM

8:18-14314 Samantha Sim Phong
Adv#: 8:19-01044 Van der Laan v. Phong

Chapter 7

#36.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt Pursuant to 11 U.S.C. Section 523(a)(2)(A) and Objection to Entry of Discharge of Debtor's Debt Pursuant to 11 U.S.C. Section 727

FR: 6-20-19; 8-22-19; 9-12-19; 10-17-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Order on Plaintiff's Motion for Default Judgment Under LBR 7055-1 entered 9/17/19; Default Judgment entered 9/18/19 RE: Section 523(a)(2)(A). Still pending re: Section 727(a)(4) - liz (9/20/2019)

Tentative Ruling:

June 20, 2019

Continue Status Conference to August 22, 2019 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: Appearance at this hearing is not required; 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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Samantha Sim Phong

Chapter 7

August 22, 2019

In light of pending motion for default judgment, continue status conference to September 12, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required.

September 12, 2019

Declaration re non-opposition to pending motion for default judgment not filed. Continue status conference one final time to October 17, 2019 at 9:30 a.m. (XX)

Note: Appearance at this hearing is not required; Plaintiff to serve notice of the continued hearing date/time.

October 17, 2019

Plaintiff's counsel must appear and advise the court re the status of the 727 objection to discharge claim. Has notice of intent to dismiss such claim been served on the ch 7 trustee, US Trustee and all creditors per FRBP 7041?

Note: Appearance at this hearing is required.

November 19, 2019

Take matter off calendar in light of dismissal of second claim for relief.

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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

CONT... Samantha Sim Phong

Chapter 7

Party Information

Debtor(s):

Samantha Sim Phong

Represented By
Alex L Benedict

Defendant(s):

Samantha Sim Phong

Pro Se

Plaintiff(s):

Jacob Van der Laan

Represented By
John E Lattin

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, November 19, 2019

Hearing Room 5A

10:30 AM

8:19-13438 Paul D Blanco

Chapter 13

#37.00 Hearing RE: Creditor's Motion for Allowance and Payment of Administrative Claim

Docket 25

*** VACATED *** REASON: CONTINUED TO 12/12/2019 AT 10:30 A.M., PER ORDER ENTERED 11/18/2019.

Courtroom Deputy:

CONTINUED: Motion to Continue Motion filed 11/14/2019; Order Granting Motion to Continue Hearing on Motion for Administrative Claim Lodged in LOU on 11/15/2019 SIGNED ON 11/16/19; Hearing continued to 12/12/19 at 10:30 a.m. -- eas

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul D Blanco

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Camino Center, a California limited

Represented By
Leonard M Shulman

Trustee(s):

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 19, 2019

Hearing Room 5A

10:30 AM

8:19-13604 Shawn Vasquez

Chapter 7

#38.00 Hearing RE: ORDER To Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -installments (\$135.00 Due on 10/4/2019) (OSC Issued 10/8/2019)

Docket 11

***** VACATED *** REASON: OFF CALENDAR: Final Fee Installment of \$135.00 Paid 11/15/2019, Receipt #80074299 - adm (11/18/2016)**

Courtroom Deputy:

OFF CALENDAR: Final Fee Installment of \$135.00 Paid 11/15/2019, Receipt #80074299 - adm (11/18/2019)

Tentative Ruling:

November 19, 2019

Take matter off calendar -- final installment paid on 11/15/19.

Party Information

Debtor(s):

Shawn Vasquez

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**

Tuesday, November 19, 2019

Hearing Room 5A

10:30 AM

8:19-13696 Jesus Javier Najera

Chapter 7

#39.00 Hearing RE: ORDER to Show Cause Re Dismissal for Failure to Comply with Rule 1006(B) -installments (\$50.00 Due on 9/27/2019) (OSC Issued 10/3/2019)

Docket 12

***** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 10/15/2019**

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 10/15/2019 - td (10/17/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Javier Najera

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**

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#40.00 Hearing RE: First and Final Fee Application for Allowance of Fees and Expenses From July 1, 2017 Through September 10, 2019

[HAHN FIFE & COMPANY LLC , ACCOUNTANTS FOR CHAPTER 7 TRUSTEE]

Docket 778

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

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

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#41.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

[SALL SPENCER CALLAS & KRUEGER, SPECIAL COUNSEL FOR DEBTOR]

Docket 779

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

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**

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#42.00 Hearing RE: First and Final Fee Application for Allowance and Payment of Fees and Reimbursement of Expenses incurred as Financial Advisor and Expert Witness for John Jean Bral, Debtor and Debtor-in-Possession

**[FORCE TEN PARTNERS, LLC, FINANCIAL ADVISOR AND EXPERT
WITNESS FOR DEBTOR AND DEBTOR-IN-POSSESSION]**

Docket 780

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 19, 2019

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):

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**

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#43.00 Hearing RE: First and Final Application for Approval of Pre-Confirmation Fees and Reimbursement of Expenses

[SHULMAN HODGES & BASTIAN LLP, ATTORNEYS FOR DEBTOR]

Docket 781

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
Bobby Samini
Dean A Ziehl

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#44.00 Hearing RE: First and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses

[LOBEL WEILAND GOLDEN FRIEDMAN LLP, FORMER COUNSEL FOR THE DEBTOR]

Docket 782

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
Bobby Samini
Dean A Ziehl

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 19, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#45.00 Hearing RE: First and Final Application for Compensation and Reimbursement of Expenses for the Period January 1, 2018 Through July 31, 2019

**[PACHULSKI STANG ZIEHL & JONES LLP, SPECIAL REORGANIZATION
COUNSEL FOR DEBTOR AND DEBTOR IN POSSESSION]**

Docket 783

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
Bobby Samini
Dean A Ziehl

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19; 7-18-19; 9-12-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Continue status conference to December 12, 2019 at 9:30 a.m. as a holding date in light of the court's approval of the parties' settlement agreement on November 19, 2019.

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):

Andrew Moore

Pro Se

Nobie Moore

Pro Se

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, November 21, 2019

Hearing Room 5A

9:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

#2.00 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; 12-6-18; 3-21-19; 5-9-19; 6-18-19; 9-19-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/30/2020 AT 9:30 AM,
Per Order Entered 11/14/2019 (XX)**

Courtroom Deputy:

SPECIAL NOTE: Order Granting Plaintiff Woodlawn Colonial, L.P.'s Motion (1) to Dismiss Plaintiff's First & Second Claims for Relief; & (2) for Entry of Judgment on Plaintiff's Third Claim for Relief Entered 9/6/2019; Non-Dischargeable Judgment Entered 9/6/2019. Remaining Issue is Defendant's Counterclaim fld 6/12/17, dkt #7 - td (9/6/2019)

CONTINUED: Status Conference Continued to 1/30/2020 at 9:30 a.m., Per Order Entered 11/14/2019 (XX) - td (11/14/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room

5A

9:30 AM

CONT...

Chad Paul Delannoy

Chapter 7

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.
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.
(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 (XX)

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, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Chad Paul Delannoy

Chapter 7

March 21, 2019

Continue status conference to May 9, 2019 at 2:00 p.m., same date/time as hearing on Plaintiff's motion for summary judgment; updated status report not required. (XX)

Note: Appearances at the March 21, 2019 status conference are not required.

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, November 21, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:18-01049 Rehburg v. Helton-Rehburg

#3.00 CON'TD PRE-TRIAL 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)

FR: 6-21-18; 1-31-19; 5-2-19; 5-7-19; 8-8-19

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: a.m.	Jan. 31, 2019 at 9:30
Deadline to Lodge Joint Pretrial Stipulation:	(XX) 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.

November 21, 2019

Impose sanctions in the amount of \$100 each against counsel for Plaintiff and counsel for Defendant for failure to timely file a pretrial stipulation.

Appearances at today's hearing are required.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

Chapter 7

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
Bradley D Blakeley

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 21, 2019

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

#4.00 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; 12-20-18; 1-31-19; 3-21-19; 6-20-19

Docket 1

***** VACATED *** REASON: CONTINUED: Hearing Continued to
1/30/2020 at 930 a.m., Per Order Entered 9/17/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/30/2020 at 9:30 a.m. Per Order
Entered 9/17/2019 (XX) - liz (9/17/2019)**

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.

March 21, 2019

This matter will be trailed to today's 10:30 a.m. calendar.

June 20, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Lenore LuAnn Albert-Sheridan

Chapter 7

Discovery Cut-off Date:	Sept. 30, 2019
Pretrial Conference Date: (XX)	Nov. 21, 2019 at 9:30 a.m.
Deadline to File Joint Pretrial Stipulation:	Nov. 7, 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):

Lenore LuAnn Albert-Sheridan	Pro Se
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Defendant(s):

Education Credit Management	Represented By Scott A Schiff
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The Education Resources Institute	Pro Se
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Plaintiff(s):

Lenore LuAnn Albert-Sheridan	Pro Se
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Trustee(s):

Jeffrey I Golden (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

8:18-14388 Francis J. Marzec

Chapter 7

Adv#: 8:19-01180 Marshack v. Sweeney et al

#5.00 STATUS CONFERENCE RE: Complaint for Turnover of Property Pursuant to 11 U.S.C. §542, 547, 548, 550 and California Civil Code Sec. 3439 et seq.

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Continue status conference to February 20, 2020 at 9:30 a.m. to allow Plaintiff to complete service of all defendants. Updated status report must be filed by February 6, 2020.

Note: Appearance at this hearing are not required; Plaintiff shall serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Francis J. Marzec

Represented By
Christine A Kingston

Defendant(s):

Anita Sweeney

Pro Se

Tori Sweeney

Pro Se

Michael Marzec

Pro Se

Beth Marzec

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, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Francis J. Marzec

Chapter 7

Anerio V Altman

Trustee(s):

Richard A Marshack (TR)

Represented By
Anerio V Altman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

9:30 AM

8:19-10898 Alicia K Pipitone

Chapter 13

Adv#: 8:19-01108 Pipitone v. Choice Motor Credit, LLC

#6.00 CON'TD STATUS CONFERENCE RE: Complaint to Compel Turnover of Property to the Estate

FR: 8-22-19; 10-3-19

Docket 1

*** VACATED *** REASON: CONTINUED TO 1/16/2020 AT 9:30 A.M.,
Per Order Entered 11/13/2019 (XX)

Courtroom Deputy:

CONTINUED: Status Conference Continued to 1/16/2020 at 9:30 a.m., Per Order Entered 11/13/2019 (XX) - td (11/13/2019)

Tentative Ruling:

August 22, 2019

Continue Status Conference to October 3, 2019 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: Appearance at this hearing is not required; Plaintiff to serve Defendant with 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, November 21, 2019

Hearing Room 5A

9:30 AM

CONT... Alicia K Pipitone

Chapter 13

October 3, 2019

Continue status conference to November 21, 2019 at 9:30 a.m.; updated status report must be filed by November 7, 2019. (XX)

The status conference is being continued in light of Plaintiff's representations in the status report that some issues have been resolved and that Defendant has hired new counsel to set aside default.

Note: Appearance at this hearing is not required; Plaintiff to serve Defendant with notice of the continued status conference date/time.

Party Information

Debtor(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Defendant(s):

Choice Motor Credit, LLC

Pro Se

Plaintiff(s):

Alicia K Pipitone

Represented By
Marc A Goldbach

Trustee(s):

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 21, 2019

Hearing Room

5A

9:30 AM

8:19-11139 Chirag Shewa

Chapter 7

Adv#: 8:19-01177 Gama World Technologies, Inc. v. Shewa

#7.00 STATUS CONFERENCE RE: Complaint to Determine Nondischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A), (B), 523(a)(4) and (6)

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

No proof of service showing proper service of the summons and complaint and no status report filed as required by LBR 7016-1. Impose sanctions in the amount of \$100 against Plaintiff's counsel. Court to issue Order to Show Cause why this adversary proceeding should not be dismissed for failure to prosecute.

Note: Appearance at this hearing is required.

Party Information

Debtor(s):

Chirag Shewa

Represented By
Leonard M Shulman

Defendant(s):

Chirag Shewa

Pro Se

Plaintiff(s):

Gama World Technologies, Inc.

Represented By
Bryan Leifer

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 21, 2019

Hearing Room 5A

9:30 AM

CONT... Chirag Shewa

Chapter 7

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, November 21, 2019

Hearing Room 5A

10:00 AM

8:18-12419 Omar Martinez Sanchez

Chapter 13

#8.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE
FOR, NEW CENTURY EQUITY LOAN TRUST, 2005-1

VS.

DEBTORS

FR: 10-10-19

Docket 52

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay Under 11 U.S.C. §362 (Settled by
Stipulation) Entered 10/15/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay Under 11 U.S.C. §362 (Settled by Stipulation) Entered 10/15/2019 -
td (10/15/2019)**

Tentative Ruling:

October 10, 2019

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:00 AM

CONT... Omar Martinez Sanchez

Chapter 13

Debtor(s):

Omar Martinez Sanchez

Represented By
Bryn C Deb

Movant(s):

Deutsche Bank National Trust

Represented By
Diana Torres-Brito
Anna Landa

Trustee(s):

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 21, 2019

Hearing Room 5A

10:00 AM

8:19-11546 Joseph Ra

Chapter 7

#8.10 CONT'D Hearing RE: Motion for relief from the automatic stay
[PERSONAL PROPERTY]

JPMORGAN CHASE BANK, N.A.

VS.

DEBTOR

FR: 11-7-19

Docket 59

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation) Entered
11/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered 11/15/2019 - td (11/15/2019)**

Tentative Ruling:

November 7, 2019

Grant motion with waiver of Rule 4001(b)(3)

Basis for Tentative Ruling:

1. Though there is an equity cushion of approximately \$17,000, the monthly payments of \$2,510.19 are unusually high and Debtor has made no postpetition payments. Presumably, the November 1 payment has not been made. Accordingly, the equity cushion will be completely depleted in less than 6 months.

2. The chapter 7 trustee has not objected to the Motion.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:00 AM

CONT... Joseph Ra

Chapter 7

3. Objecting creditor Joseph Laplant's request for an order the requires distribution on account of his claimed lien is denied as being beyond the scope of a relief from stay order. To the extent that Laplant has a statutory lien (ORAP), he is certainly free to assert that claim to Movant.

Note: If Movant and Objecting Creditor accept the foregoing tentative ruling, appearances at this hearing are not required.

Party Information

Debtor(s):

Joseph Ra

Represented By
David B Golubchik

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Katie M Parker

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, November 21, 2019

Hearing Room 5A

10:00 AM

8:19-14426 Michael Alan Kohn

Chapter 13

#8.20 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate **(OST Entered 11/14/2019)**

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

Michael Alan Kohn

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, November 21, 2019

Hearing Room 5A

10:00 AM

8:19-14310 Gateway Business Complex LLC

Chapter 11

#8.30 Hearing RE: Emergency Motion for Entry of an Order Pursuant to Bankruptcy Code Sections 105 and 543, Compelling Turnover of "Property of the Estate" in the Possession, Custody, or Control of Richardson C. Griswold, The Receiver Appointed by The California Superior Court in Riverside in the Case of The City of Banning V. Gateway Business Complex LLC Et Alia, Case No. RIC1700904 (Set Per Order Enered 11/1/42019)

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

Gateway Business Complex LLC

Represented By
Jonathan Seligmann Shenson

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

#9.00 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; 11-15-18; 5-30-19

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 21, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Note: Appearance at this hearing is not required.

May 30, 2019

Continue status conference to November 21, 2019 at 10:30 a.m.; updated status report must be filed by November 7, 2019, 2019 unless a final decree has been entered by such date. (XX)

Note: Appearance at this hearing is not required.

November 21, 2019

Continue status conference to May 21, 2020 at 10:30 a.m.; updated status report must be filed by May 7, 2020 unless a final decree has been entered by such date.

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#10.00 Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing Second Interim Distributions

Docket 869

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

Donald Woo Lee

Represented By
Robert B Rosenstein

Joint Debtor(s):

Linda Bae Lee

Represented By
Robert B Rosenstein

Movant(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, November 21, 2019

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

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#11.00 Hearing RE: Third Interim Application of Best Best & Krieger, LLP for Allowance of Fees and Reimbursement of Costs

**[BEST BEST & KRIEGER, LLP, SPECIAL LITIGATION COUNSEL FOR
RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]**

Docket 874

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Allow all fees on an interim basis and award payment of 80% of fees and 100% of expenses. The 20% holdback may be requested as part of the final fee application.

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
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee and Linda Bae 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, November 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#12.00 Hearing RE: First Interim Application for Allowance of Fees and Expenses From February 8, 2015 Through October 27, 2019

[HAHN FIFE & COMPANY, LLP, ACCOUNTANT TO CHAPTER 7 TRUSTEE]

Docket 878

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

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, November 21, 2019

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#13.00 Hearing RE: Trustee's First Interim Report in Chapter 7 Case and Application for Compensation and Reimbursement of Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 883

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Allow all fees on an interim basis and award payment of 80% of fees and 100% of expenses. The 20% holdback may be requested as part of the final fee application.

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
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, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee and Linda Bae Lee

Chapter 7

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#14.00 Hearing RE: Sixth Interim Application for Allowance of Fees and Costs

**[MARSHACK HAYS LLP, ATTORNEYS FOR CHAPTER 7 TRUSTEE,
RICHARD A. MARSHACK]**

Docket 885

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Allow all fees on an interim basis and award payment of 80% of fees and 100% of expenses. The 20% holdback may be requested as part of the final fee application.

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
Matthew Grimshaw
Nathan F Smith

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Donald Woo Lee and Linda Bae Lee

Chapter 7

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:13-17920 Donald Woo Lee and Linda Bae Lee

Chapter 7

#15.00 Hearing RE: Second Interim Application for Allowance of Compensation and Reimbursement of Expenses for the Period From November 1, 2017 Through and Including September 30, 2019

[ARENT FOX LLP, SPECIAL HEALTHCARE COUNSEL TO THE CHAPTER 7 TRUSTEE]

Docket 887

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Allow all fees on an interim basis and award payment of 80% of fees and 100% of expenses. The 20% holdback may be requested as part of the final fee application.

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, November 21, 2019

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#16.00 CON'TD Examination of Judgment Debtor Stephen J. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19

Docket 128

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Stephen Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt.
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... **Stephen J Haythorne**
re contempt may be heard on the same date.

Chapter 7

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:16-11882 Stephen J Haythorne

Chapter 7

Adv#: 8:16-01247 Damon v. Haythorne

#17.00 CON'TD Examination of Judgment Debtor/Third Person Kelli R. Haythorne RE:
Enforcement of Judgment

FR: 7-16-19; 8-15-19; 10-17-19

Docket 130

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

July 16, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 8, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

August 15, 2019

Kelli Haythorne to appear in court to be sworn in by the court clerk; the examination will take place outside the courtroom.

October 17, 2019

Judgment creditor has not sought the issuance of an OSC re contempt.
Continue hearing to November 21, 2019 at 10:30 a.m. Any motion for OSC

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... **Stephen J Haythorne**
re contempt may be heard on the same date.

Chapter 7

November 21, 2019

Judgment creditor to advise the court re the status of this matter. The court notes that judgment creditor has not sought the issuance of an OSC re contempt.

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, November 21, 2019

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

#18.00 CON'TD Hearing RE: Defendant Stuart Moore's Motion to Dismiss or Abstain from Hearing Adversary Proceeding

FR: 1-31-19; 2-12-19; 4/18/19; 7-11-19; 7-16-19; 9-12-19

Docket 24

***** VACATED *** REASON: CONTINUED TO 2/20/2020 AT 2:00 P.M.,
PER ORDER ENTERED 11/12/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 2/20/2020 at 2:00 p.m., Per Order
Entered 11/12/2019 (XX) - td (11/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stuart Moore (USA) Ltd.

Represented By
William M Burd
Jeffrey S Shinbrot

Defendant(s):

Stuart Moore

Represented By
Todd C. Ringstad

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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 21, 2019

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

#19.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint for Avoidance of Recovery of Fraudulent and Preferential Transfers (Another Summons Issued 9/13/18)

FR: 12-6-18; 1-31-19; 3-12-19; 4/18/19; 7-11-19, 7-16-19; 9-12-19

Docket 3

***** VACATED *** REASON: CONTINUED TO 2/20/2020 AT 2:00 P.M.,
PER ORDER ENTERED 11/12/2019 (XX)**

Courtroom Deputy:

CONTINUED: Status Conference Continued to 2/20/2020 at 2:00 p.m., Per Order Entered 11/12/2019 (XX) - td (11/12/2019)

Tentative Ruling:

January 31, 2019

Continued to March 12, 2019 at 10:30 a.m.; updated status report not required. (XX)

Note: If all parties accept the foregoing tentative ruling, 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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Stuart Moore (USA) Ltd.

Chapter 7

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:17-10097 Cozette Hanich

Chapter 11

#20.00 Hearing RE: Debtor and Debtor-in-Possession's Motion for Order To Reopen Case for Entry of Discharge

Docket 134

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:17-10423 Chad Paul Delannoy

Chapter 7

Adv#: 8:17-01073 Woodlawn Colonial, L P v. Delannoy

#21.00 Hearing RE: Woodlawn Colonial L.P.'s Motion for an Order Authorizing Registration of the Nondischargeable Judgment in the District of Arizona

Docket 139

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Continue hearing on the Motion to December 19, 2019 at 10:30 a.m. to allow Movant to correct service issue: Defendant and his counsel were not served with the Motion in accordance with LBR 9013-1. Service must be made no later than November 27, 2019.

Tentative Ruling for 12/19/19 hearing (if unopposed): Grant.

Note: If Movant accepts the foregoing tentative ruling, appearance at this hearing is not required.

Party Information

Debtor(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee

Defendant(s):

Chad Paul Delannoy

Represented By
Robert P Goe
Charity J Manee
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:17-10706 John Jean Bral

Chapter 11

#22.00 Post-Confirmation Status Conference RE: Fourth Amended Chapter 11 Plan
(To be filed by Debtor per Plan hrg. held 6-26-19)

(Set at Conf. Hrg. Held 6-26-19)

Docket 761

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Continue status conference to February 20, 2020 at 10:30 a.m.; an updated status report must be filed by February 6, 2020.

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, November 21, 2019

Hearing Room 5A

10:30 AM

8:18-14259 Raj Malhotra and Nayana Malhotra

Chapter 7

#23.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[KAREN SUE NAYLOR, CHAPTER 7 TRUSTEE]

Docket 34

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

Raj Malhotra

Represented By
Leslie K Kaufman

Joint Debtor(s):

Nayana Malhotra

Represented By
Leslie K Kaufman

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 21, 2019

Hearing Room 5A

10:30 AM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

#24.00 Hearing RE: U.S. Trustee's Motion for an Order to Show Cause Why Former Counsel to the Debtor, Tony Diab, [California Bar Number 277343] Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts for the Central District of California or Otherwise Disciplined Pursuant to the Courts Inherent Authority to Impose discipline Pursuant to Local Rule 83-3.1 of the Local Rules for the Central of California

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Grant Movant's request for the entry of an order consistent with Tony Diab's Statement of Intent (dated 11/18/19) not to practice in the Bankruptcy Court of the Central District of California for at least five years.

Note: Appearances at this hearing re not required; Movant to lodge an order consistent with the tentative ruling.

Party Information

Debtor(s):

William R Roman Jr.	Pro Se
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Joint Debtor(s):

Lorraine Stephanie Roman	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:19-13587 Trent Tyrell Berglin and Adrienne Lynn Berglin

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:

November 21, 2019

Claims bar date:	Jan. 27, 2020 (notice to creditors by 11/27/19)
Deadline to file plan/DS :	Jan. 31, 2020
Continued Status Conference:	Feb. 20, 2020 at 10:30 a.m.
Updated Status Report due:	Feb. 6, 2020 (waived if plan/DS timely filed)

Note: If Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of Debtors to confirm compliance with the U.S. Trustee prior to the hearing.

Party Information

Debtor(s):

Trent Tyrell Berglin

Represented By
Michael Jones

Joint Debtor(s):

Adrienne Lynn Berglin

Represented By
Michael Jones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:19-14073 Greenplanet Broadbord Inc.

Chapter 7

#26.00 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 10/25/2019)

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Dismiss case.

Basis for Tentative Ruling:

1. LBR 9011-2(a) expressly provides that "**a corporation**, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust **may not file a petition or otherwise appear without counsel in any case or proceeding.**" Unless Debtor's principal is a licensed attorney, he may not file a petition or otherwise appear on behalf of Debtor.
2. The Court in *In re Abbington Partners, LLC*, 2014 WL 3735736 (July 28, 2014) aptly stated longstanding law on this issue:

The law is clear that a corporation must be represented by counsel in a bankruptcy proceeding and may not file a bankruptcy petition pro se. M.D.N.C. LBR 9011-2 ("All partnerships, corporations, and other business entities ... must be represented by an attorney duly admitted to practice before the court"); *Rowland v. Ca. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02, 113 S.Ct. 716, 121 L.Ed.2d 656 (1993) ("It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel."); *In re Tamojira*,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room

5A

10:30 AM

CONT... **Greenplanet Broadbord Inc.**

Chapter 7

Inc., 20 F. App'x 133, 133–34 (4th Cir.2001) (“[I]t is well settled that a corporation must be represented by an attorney in federal court.”); *Terry v. Sparrow*, 328 B.R. 442, 446 (M.D.N.C.2005) (“Under well-established federal law, ‘a corporation may appear in the federal courts only through licensed counsel.’ ”). Similarly, an individual without a license to practice law cannot file a petition on behalf of a corporate entity. *In re Spencer C. Young Inv./Courtyard of Chapel Hill, LLC*, No. 08–81852, 2009 WL 901654, at *3 (Bankr.M.D.N.C. Feb.4, 2009). Lack of legal representation is grounds alone to dismiss a bankruptcy case brought by a corporation in federal court. *Carrico v. Vill. of Sugar Mountain*, 114 F.Supp.2d 422, 424 (W.D.N.C.2000).

3. The chapter 7 trustee, in his reply to this OSC, states no legal basis or authority for his position that the court should "look the other way."

In federal courts an individual may proceed either pro se or by an attorney. See 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel.”

) Although federal statutes protect an individual's right to conduct her own litigation, that right has never been interpreted to allow a corporation to appear pro se. See *Carr Enterprises, Inc. v. United States*, 698 F.2d 952, 953 (8th Cir. 1983). Unlike an individual, a corporation is an artificial entity, which can only act or appear through an authorized agent. See *Ritchie Grocer Co. v. Aetna Casualty & Surety Co.*, 426 F.2d 499, 500 (8th Cir. 1970) (asserting the general principle of corporate law that a corporation may only act through its authorized agents); see also *Env'tl. Corp. v. Knight (In re Goodman)*, 991 F.2d 613, 618 (9th Cir. 1993) (rejecting the view that a corporation is an “individual” as defined by the Bankruptcy Code). As a result, it is a well-settled principle that a corporation must be represented by an attorney to appear in federal court. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel”); *Osborn v. Bank of United States*, 22 U.S. 738, 830 (1824); *First Hartford Corp. Pension Plan & Trust v. United States*, 194 F.3d 1279,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... Greenplanet Broadbord Inc. Chapter 7

1290 (Fed. Cir. 1999); Pridgen v. Andresen, 113 F.3d 391, 392–93 (2d Cir. 1997); In re Tamojira, Inc., 20 Fed.Appx. 133, 133–34 (4th Cir. 2001); National Indep. Theatre Exhibitors v. Buena Vista Distrib., 748 F.2d 602, 609 (11th Cir. 1984); Carr Enter., Inc. v. United States, 698 F.2d at 953.

a corporation may not appear in federal court pro se. See e .g., Rowland v. California Men's Colony, 506 U.S. 194, 113 S.Ct. 716, 721, 121 L.Ed.2d 656 (1993); Plimpton v. Cooper, 141 F.Supp.2d 573, 575 (W.D.N.C.2001).

An individual without a license to practice law cannot act on behalf of a corporate entity in filing a bankruptcy petition. In re Elshiddi Enters., 126 B.R. 785, 788 (Bankr.E.D.Mo.1991). See also Dick Tracy Ins. Agency, Inc., 204 B.R. 38 (Bankr.W.D.Mo.1997) (holding corporation must be represented by counsel in bankruptcy proceeding and may not file petition pro se).

Party Information

Debtor(s):

Greenplanet Broadbord Inc.	Pro Se
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Trustee(s):

Richard A Marshack (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:18-14259 Raj Malhotra

Chapter 7

Adv#: 8:19-01039 Chokshi v. Malhotra et al

#26.10 CONT'D Hearing RE: Motion to Award Attorneys Fees to Defendants Raj and Nayana Malhotra, Pursuant to Contract; 28 USC Section 1927; and the Court's Inherent Authority

FR: 11-7-19

Docket 16

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

Grant in part; deny in part; Grant motion to allow attorneys fees in the amount of \$5,000 under CCP 1021 against Plaintiff only, payable 60 days after entry of order approving the Motion. Deny motion as to the balance of the attorneys fees requested.

Basis for Tentative Ruling:

1. Fees are allowable under CCP 1021 under the facts in this case. The nondischargeability complaint was based on allegations of fraud arising out of the subject contract. The language in the underlying asset purchase agreement does not limit fees to enforcement of the agreement but allows such fees for "any matter arising out of" the same. Asset Purchase Agreement, Sec. 7.1. The expanded language permits attorneys fees under CCP 1021 in a nondischargeability action for fraud arising out of the subject agreement. See *In re Davis* 595 B.R. 818 (Bankr.C.D.Cal 2019), *aff'd* by the BAP, 2019 WL 2931668 (July 3, 2019). For purposes of CCP 1021, Debtor Raj Malhotra is the prevailing party.

2. CC1717 does not apply because the adversary was voluntarily dismissed

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

CONT... **Raj Malhotra**

Chapter 7

by Plaintiff and, therefore, there is no prevailing party. CC 1717(b)(2).

3. 28 U.S.C. 1927 does not apply because the bankruptcy court is not a "court of the United States" within the meaning of Section 1927 and, therefore, bankruptcy court lack authority to grant fees under 1927. *In re DeVille*, 3 F.3d 539, 546 (9th Cir. 2004)

4. The court declines to invoke its inherent sanction powers.

Party Information

Debtor(s):

Raj Malhotra

Represented By
Leslie K Kaufman

Defendant(s):

Raj Malhotra

Represented By
Leslie K Kaufman

Nayana Malhotra

Represented By
Leslie K Kaufman

Leslie Keith Law offices of

Pro Se

Joint Debtor(s):

Nayana Malhotra

Represented By
Leslie K Kaufman

Plaintiff(s):

Manisha Chokshi

Represented By
Onyinye N Anyama
Vithlani Dilip

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 21, 2019

Hearing Room 5A

10:30 AM

8:19-11738 Shauna Barnhardt

Chapter 13

#26.20 CON'TD Hearing RE: Debtor's Objection to Claim of Village Townhomes, Inc.,
Claim 5

FR: 11-7-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

Sustain in part; Overrule in part. Sustain only as to the secured status of post-judgment HOA assessments, late fees, costs, attorneys fees and other charges. Overrule as to 1) any objection to the amount of the claim and 2) any objection to the secured status of the damages covered by the recorded judgments, including accrued interest.

November 21, 2019

Same tentative ruling as for the November 7, 2019 hearing (see above).

Note: Appearances at this hearing are not required. Debtor to lodge an order consistent with the Nov. 7, 2019 tentative ruling.

Party Information

Debtor(s):

Shauna Barnhardt

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 21, 2019

Hearing Room 5A

10:30 AM

CONT... Shauna Barnhardt

Chapter 13

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#26.30 Hearing RE: Trustee's Motion for Order Approving Overbid Procedures For The Sale of Property

Docket 292

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 21, 2019

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):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, November 21, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

#27.00 CON'TD Hearing RE: Debtor's Amended Objection to Proof of Claim Filed by Steward Financial LLC [Claim No. 19]

FR: 8-8-19, 9-19-19

Docket 740

Courtroom Deputy:

Tentative Ruling:

- 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**

Thursday, November 21, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#28.00 CONT'D Hearing RE: Defendant's Motion for Order Dismissing with Prejudice All Claims for Relief in First Amended Complaint to Determine Non-Dischargeability of Debt Under Bankruptcy Code Section 523 Pursuant to F.R.C.P. 12(b)(6)

FR: 8-8-19; 9-19-19

Docket 78

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
Bobby 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, November 21, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:17-01095 Steward Financial LLC v. Bral

#29.00 CONT'D STATUS CONFERENCE RE: First Amended Complaint to Determine Non-dischargeability of Debt Under Bankruptcy Code Section 523

FR: 9-20-18; 3-21-19; 8-15-19; 9-19-19

Docket 35

Courtroom Deputy:

Tentative Ruling:

September 20, 2018

Continue status conference to March 21, 2019 at 9:30 a.m.; updated status report to be filed by March 7, 2019 (XX)

March 21, 2019

Continue status conference to August 15, 2019 at 9:30 a.m.; updated joint status report to be filed by August 1, 2019. **Deadline for Defendant to file responsive pleading to the FAC: June 20, 2019. (XX)**

Note: If all parties accept the foregoing tentative ruling, appearances at the March 21, 2019 hearing are not required.

August 15, 2019

Continue status conference to September 19, 2019 at 2:00 p.m.; an updated status report is not required. (XX)

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, November 21, 2019

Hearing Room 5A

2:00 PM

CONT... John Jean Bral

Chapter 11

notice of the continued date/time.

September 19, 2019

Continue status conference to November 21, 2019 at 2:00 p.m.; an updated status report is not required. (XX)

Note: Appearances at this hearing are not required; Plaintiff to serve notice of the continued date/time.

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**

Tuesday, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13845 Walt Dodge

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 29

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13815 Steve Kim

Chapter 13

#2.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 15

*** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Kim

Represented By
Richard L. Sturdevant

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13807 Edgard Paniz

Chapter 13

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgard Paniz

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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13766 Jaime Dale Krueger

Chapter 13

#4.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 29

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Dale Krueger

Represented By
Edward T 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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13761 Paul Edwin Baloloy

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

*** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Edwin Baloloy

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13756 Nelson D. Randlin

Chapter 13

#6.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 31

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nelson D. Randlin

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13727 Dawn Marie Lane

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

*** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Request for Voluntary Dismissal of Chapter 13
Entered 11/4/2019

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Request for
Voluntary Dismissal of Chapter 13 Entered 11/4/2019 - td (11/4/2019**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dawn Marie Lane

Represented By
Arlene M Tokarz

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13722 Lester Franklin Stevens, Jr. and Nancy Ashley Stevens

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 6

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lester Franklin Stevens Jr.

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Nancy Ashley Stevens

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13720 John William Carter

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 7

*** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John William Carter

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13705 Elisa B. Sim

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

*** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elisa B. Sim

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13704 Dimitrios A Kouzoukas and Jessica R Kouzoukas

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 8

***** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)**

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimitrios A Kouzoukas

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Jessica R Kouzoukas

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13676 Morteza Hamidi

Chapter 13

#12.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 17

*** VACATED *** REASON: OFF CALENDAR: Confirmation Hearing
Re-Noticed for 12/20/2019 at 9:30 a.m.; See Court's Notice filed 11/6/2019
(XX)

Courtroom Deputy:

**OFF CALENDAR: Confirmation Hearing Re-Noticed for 12/20/2019 at
9:30 a.m.; See Court's Notice filed 11/6/2019 (XX) - td (11/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Morteza Hamidi

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13671 Darryl Wayne Norman

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 10/15/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 10/15/2019 - td (11/12/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darryl Wayne Norman

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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13646 Carlos J Calvillo

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 10/8/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 10/8/2019 - td (11/4/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos J Calvillo

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13603 Rey Pascua Berona and Lolita De Ocampo Berona

Chapter 13

#15.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rey Pascua Berona

Represented By
Raymond J Seo

Joint Debtor(s):

Lolita De Ocampo Berona

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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13600 Ellie Elape Lam

Chapter 13

#16.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ellie Elape Lam

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13538 Otilia Amparo Zepeda

Chapter 13

#17.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Otilia Amparo Zepeda	Pro Se
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13509 Erica Duarte Bruce

Chapter 13

#18.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 27

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erica Duarte Bruce

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13468 Eric Anthony Perez

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 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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13465 Salvador Ramon Molina

Chapter 13

#20.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Ramon Molina

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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-13464 Robert P Fiorentino and Phyllis A Fiorentino

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert P Fiorentino

Represented By
Julie J Villalobos

Joint Debtor(s):

Phyllis A Fiorentino

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13438 Paul D Blanco

Chapter 13

#22.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul D Blanco

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13410 Timothy B Lovell and Jeana M Lovell

Chapter 13

#23.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy B Lovell

Represented By
Alisa Admiral

Joint Debtor(s):

Jeana M Lovell

Represented By
Alisa Admiral

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13404 Peter Stankovich

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Stankovich

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13288 Ken Saclo

Chapter 13

#25.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ken Saclo

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13253 Heather Gomes

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heather Gomes

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-13239 John Fouse

Chapter 13

#27.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Fouse

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12841 Augusta Ayona

Chapter 13

#28.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 14

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Augusta Ayona

Represented By
Jaime A Cuevas Jr.

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12770 Diana Gomez

Chapter 13

#29.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19; 10-22-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana Gomez

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12741 Michael E. Silbermann

Chapter 13

#30.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael E. Silbermann

Represented By
Joseph C Rosenblit

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12633 Lisa Anna Gregorius

Chapter 13

#31.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Anna Gregorius

Represented By
Sheila M Pistone

Trustee(s):

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12490 Sandra Fuamatu

Chapter 13

#32.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Fuamatu

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 26, 2019

Hearing Room 5A

1:30 PM

8:19-12451 Juan Carlos Portillo

Chapter 7

#33.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19

Docket 8

*** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Conversion of Bankruptcy Case from Chapter 13 to Chapter 7 filed
10/2/2019; Case Converted to Chapter 7

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case
from Chapter 13 to Chapter 7 filed 10/2/2019; Case Converted to Chapter
7 - td (10/3/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Portillo

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, November 26, 2019

Hearing Room 5A

1:30 PM

8:19-11738 Shauna Barnhardt

Chapter 13

#34.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19; 9-24-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shauna Barnhardt

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 26, 2019

Hearing Room 5A

2:30 PM

8:19-10796 Mario Jonathan Saldivar and Alicia Marie Braddock

Chapter 13

#35.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Jonathan Saldivar

Represented By
Joshua L Sternberg

Joint Debtor(s):

Alicia Marie Braddock

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, November 26, 2019

Hearing Room 5A

2:30 PM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#36.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 10-22-19

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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, November 26, 2019

Hearing Room 5A

2:30 PM

8:19-10201 Robert Lynn McEwen

Chapter 13

#37.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 10-22-19

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lynn McEwen

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 26, 2019

Hearing Room 5A

2:30 PM

8:18-14136 David Maurice Denman

Chapter 13

#38.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 33

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Maurice Denman

Represented By
Nicholas W Gebelt

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:18-11943 Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa

Chapter 13

#39.00 Hearing RE: Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA)

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 26, 2019

Allow fees and expenses in the amount requested LESS \$180 for fees relating to preparation of the fee application (one hour at \$450 allowed for preparation of the fee application).

Debtors' counsel also needs to advise the court if she actually appeared on the unopposed hearing on motion to value held on July 19, 2018 for which she charged one hour of time at \$450. The court issued a tentative ruling in advance of that hearing advising that the matter was unopposed and that an appearance at the hearing would not be necessary.

As for the time charged for preparing the fee application, the court finds that 1.4 hours to prepare a simple form application is excessive. The court will allow one hour or \$450 for preparation of the fee application. The court notes that the chapter 13 trustee's statement in his comments that "fees and hearings related to the litigation of the fee application itself is prohibited" by the USSC's decision in *Baker Botts v. ASARCO*, 135 S.Ct. 2158 (2015). To the extent that the trustee is asserting that the *preparation* of a fee application is not allowable under *Baker Botts*, he is incorrect. The pertinent ruling of *Baker Botts* is that the *defense* of a fee application is not allowable (once a party objects to the fee application). Stated otherwise, under *Baker Botts*, an attorney's preparation of a fee application is part of the "services rendered" to the bankruptcy estate but the attorney's defense of that

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 26, 2019

Hearing Room 5A

2:30 PM

CONT... Vincent D. Gamboa and Lisa K. Sarvinski-Gamboa Chapter 13

application is not. *Id.* at 2166-2167. Accordingly, fees charged by Debtors' counsel for the preparation of her fee application are allowable, but time spent opposing the trustee's objections to the application, including appearing at today's hearing, is not.

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 26, 2019

Hearing Room 5A

2:30 PM

8:17-14768 Edgar Guzman

Chapter 13

#40.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 56

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, November 26, 2019

Hearing Room 5A

2:30 PM

8:17-13262 Troy Bernard Jemerson

Chapter 13

#41.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 8-27-19; 9-24-19; 10-22-19

Docket 92

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, November 26, 2019

Hearing Room 5A

2:30 PM

8:16-12941 Margarita Calderon

Chapter 13

#42.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

Docket 63

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 11/13/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 11/13/2019 - td (11/13/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Calderon

Represented By
Stephen R Wade
W. Derek May

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-12477 Nathan M. Donahue

Chapter 13

#43.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 107

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nathan M. Donahue

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-12041 Fred L Ridge

Chapter 13

#44.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within its Terms

Docket 47

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 11/12/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 11/12/2019 - td (11/12/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fred L Ridge

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 26, 2019

Hearing Room 5A

2:30 PM

8:16-10509 Douglas Allen Dawson and Jennifer Ann Dawson

Chapter 13

#45.00 Hearing RE: Application of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA)

Docket 129

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 26, 2019

Approve fees and costs in the amount of \$1,199.20.

Basis for Tentative Ruling:

1. When the Declaration re Default was filed on August 9, 2019, Debtor's counsel could have filed a simple notice of opposition and attached proof of the payments. The court would have reviewed the declaration and opposition and determined whether to deny the entry of a RFS order or set the matter for hearing. However, *Debtors* themselves requested a hearing. [Docket #123]. Based on Debtors' request, the Creditor set the matter for hearing and this court signed the lodged order regarding the same. [Docket #124]
2. On August 21, 2019, at 9:53 a.m., the Creditor lodged the Order setting the matter for hearing on September 12, 2019 (as requested by Debtors), which the Court signed the same day. Later, in the afternoon of August 21, 2019 at 12:00 p.m., the Creditor filed its Withdrawal of Declaration Re: Default Under Adequate Protection Order. [Docket #126]. Once the Withdrawal was filed, there was no longer and default declaration for Debtors to respond to or for the court to consider. The matter of the default was effectively moot.
3. Debtors' counsel indicates that from August 21, 2019 through August 29,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, November 26, 2019

Hearing Room

5A

2:30 PM

CONT... **Douglas Allen Dawson and Jennifer Ann Dawson**

Chapter 13

2019, she checked for a tentative ruling from the court regarding the September 12, 2019 hearing. However, as Debtors' counsel should be aware, this court never posts tentative rulings 2-3 weeks in advance of the hearing. Further, she could have contacted the court's courtroom deputy to determine the status of the September 12, 2019 hearing. Had she done so, she would have learned that the matter had been deemed "off-calendar" as of August 21, 2019. Even without contacting the courtroom deputy, Debtors' counsel should have known that there was *no longer any evidence from the Creditor for the court to consider* on September 12, 2019. Moreover, the Creditor did not have the authority to "withdraw the Order" as Debtors' counsel has suggested in her Declaration dated October 4, 2019 at paragraph 11. [Docket #137].

4. In light of the foregoing circumstances, the filing of the Opposition to the withdrawn default declaration was unnecessary. Accordingly, the amount charged, \$525.00, will not be allowed.

5. As for the time charged for preparing the fee application, the court finds that nearly two hours to prepare a simple form application is excessive. The court will allow one hour or \$350 for preparation of the fee application. The court notes that the chapter 13 trustee's statement in his comments that "fees and hearings related to the litigation of the fee application itself is prohibited" by the USSC's decision in *Baker Botts v. ASARCO*, 135 S.Ct. 2158 (2015). To the extent that the trustee is asserting that the *preparation* of a fee application is not allowable under *Baker Botts*, he is incorrect. The pertinent ruling of *Baker Botts* is that the *defense* of a fee application is not allowable (once a party objects to the fee application). Stated otherwise, under *Baker Botts*, an attorney's preparation of a fee application is part of the "services rendered" to the bankruptcy estate but the attorney's defense of that application is not. *Id.* at 2166-2167. Accordingly, fees charged by Debtors' counsel for the preparation of her fee application are allowable, but time spent opposing the trustee's objections to the application, including appearing at today's hearing, is not.

Party Information

Debtor(s):

Douglas Allen Dawson

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Tuesday, November 26, 2019

Hearing Room 5A

2:30 PM

CONT... Douglas Allen Dawson and Jennifer Ann Dawson
Christine A Kingston

Chapter 13

Joint Debtor(s):

Jennifer Ann Dawson

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 26, 2019

Hearing Room 5A

2:30 PM

8:15-14408 Thomas Winslor Eddy and Colleen Marie Eddy

Chapter 13

#46.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Make Plan Payments

Docket 112

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

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, November 26, 2019

Hearing Room 5A

2:30 PM

8:15-13987 Catherina D. Salazar

Chapter 13

#47.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 10-22-19

Docket 124

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catherina D. Salazar

Represented By
Michael Jay Berger

Trustee(s):

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 26, 2019

Hearing Room 5A

2:30 PM

8:14-15791 John Phillip Driver and Dawn Denyce Driver

Chapter 13

#48.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Complete the Plan Within Its Terms

Docket 64

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 10/28/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 Filed 10/28/2019 - td (10/28/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Phillip Driver

Represented By
Daniel King

Joint Debtor(s):

Dawn Denyce Driver

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**

Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

8:17-12373 Todd Leroy Hinker

Chapter 7

Adv#: 8:17-01153 Hinker v. Hinker

#1.00 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; 12-6-18; 4-18-19; 9-19-19

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

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

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Santa Ana
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Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... **Todd Leroy Hinker** Chapter 7
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. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

April 18, 2019

In light of pending state court litigation, continue status conference to September 19, 2019 at 9:30 a.m.; updated status report must be filed by September 5, 2019. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

September 19, 2019

In light of the upcoming trial in the state court litigation, continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

December 5, 2019

In light of the pending state court matter, continue this Status Conference to May 21, 2020; updated Joint Status Report must be filed by May 7, 2020.

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Judge Erithe Smith, Presiding
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Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... Todd Leroy Hinker

Chapter 7

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

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 5, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:19-01188 Kosmala v. Breidenbach et al

#2.00 STATUS CONFERENCE RE: Complaint for Avoidance of Transfers

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Continue Status Conference to February 6, 2020 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: Appearances at this hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Maria H. Helton-Rehburg

Represented By
Christopher P Walker

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

Chapter 7

Defendant(s):

Andrea M. Breidenbach Pro Se

Manuela I. Kitchen 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, December 5, 2019

Hearing Room 5A

9:30 AM

8:17-13780 Maria H. Helton-Rehburg

Chapter 7

Adv#: 8:19-01189 Kosmala v. Merhab Robinson, Jackson & Clarkson, APC et al

#3.00 STATUS CONFERENCE RE: Complaint to Determine and Preserve Void Lien (11 U.S.C. §§506(d), 551); Avoid, Recover and Preserve Unperfected Lien (11 U.S.C. §§544, 550, 551); Avoid, Recover and Preserve Preferential Transfers (11 U.S.C. §§547, 550 551); and Disallow/Subordinate Homestead Exemption)

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/20/2020 AT 9:30 A.M.,
PER ORDER ENTERED 12/2/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 2/20/2020 at 9:30 a.m., Per
Order Entered 12/2/2019 (XX) - td (12/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria H. Helton-Rehburg

Represented By
Christopher P Walker

Defendant(s):

Merhab Robinson, Jackson &

Pro Se

Merhab Robinson & Clarkson, APC

Pro Se

James T. Jackson, APC

Pro Se

James T. Jackson

Pro Se

Maria H. Helton-Rehburg

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, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... Maria H. Helton-Rehburg

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 5, 2019

Hearing Room 5A

9:30 AM

8:18-11594 George Carl Natzic

Chapter 7

Adv#: 8:18-01170 Add2Net, Inc. v. Natzic et al

#4.00 CONT'D 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))

FR: 12-6-18; 1-24-19; 4-18-19; 6-20-19; 8-22-19; 9-19-19

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/20/2020 AT 9:30 A.M.,
Per Order Entered 11/20/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 2/20/2020 at 9:30 a.m., Per
Order Entered 11/20/2019 (XX) - td (11/22/2019)**

Tentative Ruling:

June 20, 2019

No tentative ruling. This tentative will be trailed to the 2:00 p.m. calendar along with the Motion to Dismiss

September 19, 2019

In light of the upcoming trial in the state court litigation, continue status conference to December 5, 2019 at 9:30 a.m.; updated status report must be filed by November 21, 2019. (XX)

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

**United States Bankruptcy Court
Central District of California
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Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... George Carl Natzic

Chapter 7

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

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 5, 2019

Hearing Room 5A

9:30 AM

8:18-12967 Lillian Sikanovski Dulac

Chapter 7

Adv#: 8:19-01078 Bertrand H Dulac and Georgette C Dulac, Trustees o v. Dulac et al

#5.00 CON'TD STATUS CONFERENCE RE: Complaint to Determine Validity of
Certain Notes and Deeds of Trust and to Perfect Secured Liens

FR: 7-18-19; 9-19-19

Docket 1

Courtroom Deputy:

**SPECIAL NOTE: Status conference set for 2/6/2020 at 9:30 a.m. re:
Complaint in intervention (liz - 11-19-19)**

Tentative Ruling:

July 18, 2019

Continue status conference to September 19, 2019 at 9:30 a.m. to allow the
chapter 7 trustee the opportunity to intervene. (XX)

*Special Note: It appears the complaint is seeking relief against property of
the bankruptcy estate and, therefore, the chapter 7 trustee would be an
indispensable party.*

**Note: If all parties accept the foregoing tentative ruling, appearances at
today's hearing are not required and Plaintiff shall serve notice of the
continued hearing date/time (including service to the chapter 7 trustee).**

September 19, 2019

Continue status conference to December 5, 2019 at 9:30 a.m.; updated
status report must be filed by November 21, 2019. (XX)

Special comment: The court notes that though the Trustee signed the Joint

**United States Bankruptcy Court
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Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... Lillian Sikanovski Dulac

Chapter 7

Status Report on 9/17/19, the Trustee dismissed her Complaint in Intervention on 9/16/19.

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

December 5, 2019

Continue the Status Conference to February 6, 2020 at 9:30 a.m., same date/time as Status Conference now set for Third Party Complaint. Joint Status Report must be filed by January 23, 2020.

Note: Appearances at today's hearing are not required; Plaintiff to serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Lillian Sikanovski Dulac

Represented By
Michael Jones
Sara Tidd

Defendant(s):

Ronald H. Dulac

Pro Se

Lillian Sikanovski

Pro Se

Plaintiff(s):

Bertrand H Dulac and Georgette C

Represented By
Ronald Appel

Trustee(s):

Weneta M Kosmala (TR)

Represented By
Erin P Moriarty

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

8:19-12337 Jorge David Gonzalez

Chapter 7

Adv#: 8:19-01184 Richard A. Marshack v. Carrillo

#6.00 STATUS CONFERENCE RE: Complaint for: 1. Avoidance and Recovery of Constructive Fraudulent Transfer; 2. Avoidance and Recovery of Intentional Fraudulent Transfer; 3. Avoidance and Recovery of Preferential Transfer; and 4. Avoidance and Recovery of Property of the Bankruptcy Estate

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Discovery Cut-off Date:	Mar. 6, 2020
Pretrial Conference Date:	Apr. 16, 2020 at 9:30 a.m.
Deadline to file Joint Pretrial Stipulation:	Apr. 2, 2020

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):

Jorge David Gonzalez

Represented By
Brian J Soo-Hoo

Defendant(s):

Claudia M. Carrillo

Pro Se

Plaintiff(s):

Richard A. Marshack

Represented By

**United States Bankruptcy Court
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Thursday, December 5, 2019

Hearing Room 5A

9:30 AM

CONT... Jorge David Gonzalez

Robert P Goe

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

8:18-11262 Jean A Butler-Boren

Chapter 13

#7.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

AJAX MORTGAGE LOAN TRUST 2018-G

VS.

DEBTOR

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Movant to advise the court whether Debtor is current in light of documents attached to the Opposition filed on Nov. 21, 2019. If additional time is needed, the parties may obtain a continuance by requesting the same during the calendar roll-call just prior to the hearing. Available continued hearing dates: Dec. 19, 2019 or January 9, 2020 at 10:00 a.m.

Party Information

Debtor(s):

Jean A Butler-Boren

Represented By
Thomas J Polis

Movant(s):

Ajax Mortgage Loan Trust 2018-G,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

CONT... Jean A Butler-Boren

Chapter 13

United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

8:18-13684 Olga Torres

Chapter 13

#8.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR; JORGE TORRES, NON-DEBTOR CO-DEBTOR

Docket 29

***** VACATED *** REASON: OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation)/Adequate Protection Order Entered**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation)/Adequate Protection Order Entered
12/4/2019 - td (12/4/2019)**

Tentative Ruling:

December 5, 2019

Grant motion unless Debtor is current by the time of the hearing, the parties have agreed to an adequate protection order, or Movant is agreeable to a continued hearing date. If Movant agrees to a continued hearing date, the parties may obtain a continuance by requesting the same during the calendar roll-call just prior to the hearing. Available continued hearing dates: Dec. 19, 2019 or January 9, 2020 at 10:00 a.m.

Special note: In addition to current mortgage payments, Debtor is also delinquent on plan payments to the Trustee.

Party Information

**United States Bankruptcy Court
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Santa Ana
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

CONT... Olga Torres

Chapter 13

Debtor(s):

Olga Torres

Represented By
Bryn C Deb

Movant(s):

U.S. Bank National Association, as

Represented By
Renee M Parker

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

8:19-11419 Mohammad I. Niazi and Parwin Saddozai

Chapter 7

#9.00 Hearing RE: Amended Motion for relief from the automatic stay [REAL PROPERTY]

ORANGE COUNTY BAIL BONDS, INC.

VS.

DEBTORS

Docket 52

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant motion without 4001(a)(3) waiver under 362(d)(2) (no equity in property and property not necessary for reorganization).

Basis for Tentative Ruling:

1. Debtors have cited no legally cognizable basis for disputing the entry of the judgment or the amount of Movant's claims. Under Bankruptcy Code Section 502, the proofs of claim filed by Movant are presumed to be valid. Finally, the state court judgments are presumably final (the court is not aware of any pending appeals).
2. Debtors have presented no evidence to refute the assertion that there is no equity in the subject property.
3. There is no reorganization in a chapter 7 case.
4. The chapter 7 trustee was served with the Motion but did not file an

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Hearing Room 5A

10:00 AM

CONT... Mohammad I. Niazi and Parwin Saddozai
opposition to the Motion.

Chapter 7

Party Information

Debtor(s):

Mohammad I. Niazi

Represented By
Freddie V Vega

Joint Debtor(s):

Parwin Saddozai

Represented By
Freddie V Vega

Movant(s):

Orange County Bail Bonds, Inc.

Represented By
Marc C Forsythe

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 5, 2019

Hearing Room 5A

10:00 AM

8:19-13911 Tracy Livingston

Chapter 7

#10.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
FIRST INVESTORS FINANCIAL SERVICES
VS.
DEBTOR

Docket 9

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

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):

Tracy Livingston

Represented By
Gary Polston

Movant(s):

First Investors Financial Services

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

CONT... Tracy Livingston

Chapter 7

Trustee(s):

Richard A Marshack (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar

Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

8:19-13925 Tuyen Vo

Chapter 7

#11.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
HONDA LEASE TRUST
VS.
DEBTOR; AND THOMAS H. CASEY, CHAPTER 7 TRUSTEE

Docket 8

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

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):

Tuyen Vo

Represented By
Tina H Trinh

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
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Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

CONT... Tuyen Vo

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

8:19-13977 Roy Stanton and Janet Stanton

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
HONDA LEASE TRUST
VS.
DEBTORS; AND THOMAS H. CASEY, CHAPTER 7 TRUSTEE

Docket 17

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

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):

Roy Stanton

Represented By
Timothy McFarlin

Joint Debtor(s):

Janet Stanton

Represented By
Timothy McFarlin

Movant(s):

HONDA LEASE TRUST

Represented By

**United States Bankruptcy Court
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Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:00 AM

CONT... Roy Stanton and Janet Stanton

Vincent V Frounjian

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 5, 2019

Hearing Room 5A

10:00 AM

8:19-14073 Greenplanet Broadbord Inc.

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

BENJAMIN P. LUCAS, ET AL.

VS.

DEBTOR

Docket 14

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 10:00 A.M.,
Per Order Entered 12/3/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Continued to 1/9/2020 at 10:00 a.m., Per Order Entered
12/3/2019 (XX) - td (12/3/2019)**

Tentative Ruling:

Party Information

Debtor(s):

Greenplanet Broadbord Inc.

Pro Se

Movant(s):

Benjamin P. Lucas, a Sole

Represented By
Edward T Weber

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 5, 2019

Hearing Room 5A

10:00 AM

8:19-14528 Vishundyal Ramotar Mohabir

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

Docket 7

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant 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):

Vishundyal Ramotar 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**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:12-18188 Luis Savastano

Chapter 7

Adv#: 8:13-01220 Bobinski v. Savastano

#14.00 Third Person Examination of Dominic Savastano RE: Enforcement of Judgment

Docket 183

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Examinee Dominic Savastano to appear in court for swearing in by the courtroom clerk; the examination will thereafter proceed outside the courtroom.

Party Information

Debtor(s):

Luis Savastano

Represented By
Nathan Fransen

Defendant(s):

Luis Savastano

Represented By
Nathan Fransen

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, December 5, 2019

Hearing Room 5A

10:30 AM

8:14-10918 Robert Boyajian

Chapter 11

#15.00 Hearing RE: Reorganized Debtor's Motion for Entry of Discharge After Completion of Plan Obligations

Docket 600

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant 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):

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, December 5, 2019

Hearing Room 5A

10:30 AM

8:15-13630 Daghan Izberk

Chapter 7

#16.00 Hearing RE: Motion of U.S. Trustee for Order Reopening Chapter 7 Case to Administer Assets and to Appoint Chapter 7 Trustee; Pursuant to 11 U.S.C. Section 350(b)

Docket 15

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant 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):

Daghan Izberk

Represented By
Joseph A Weber

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 5, 2019

Hearing Room 5A

10:30 AM

8:17-13516 Christopher A Schaller

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Motion for Disallowance or Reallocation of Debtor's Claim of Exemption

Docket 111

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant the Motion.

Basis for Tentative Ruling

Debtor's objection is overruled based upon the trustee's detailed explanation and clarification of the relief being sought as set forth in the Reply, which the court adopts and incorporates herein by reference.

Note: If Debtor accepts the tentative ruling, appearances at this hearing are not required.

Party Information

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, December 5, 2019

Hearing Room 5A

10:30 AM

8:18-11727 VV Hospitality LLC

Chapter 7

#18.00 Hearing RE: Unopposed Motion of VV Hospitality, LLC's for Voluntary Dismissal of Bankruptcy Case

Docket 48

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant 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):

VV Hospitality LLC

Represented By
Yoon O Ham
Thomas F Nowland

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 5, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#19.00 Hearing RE: Final Application for Allowance of Compensation and Reimbursement of Expenses for the Period of August 23, 2018 Through October 28, 2019

[FINANCIAL RELIEF LAW CENTER, COUNSEL FOR DEBTOR IN POSSESSION]

Docket 158

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

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):

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, December 5, 2019

Hearing Room 5A

10:30 AM

8:18-13119 DFH Network Inc.

Chapter 11

#20.00 Hearing RE: Reorganizaed Debtor's Motion in Chapter 11 Case for the Entry of A Final Decree and Order Closing Case

Docket 160

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant 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):

DFH Network Inc.

Represented By
Andy C Warshaw
Richard L. Sturdevant

Movant(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, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-12735 Jose Alberto Hernandez Campos

Chapter 7

#21.00 Hearing RE: Motion of U.S Trustee to Dismiss Case, with a 180 Day Bar to Refiling Pursuant to 11 U.S.C. Sections 707(b)(3)(A), 105(a), 109(g) and 349

Docket 12

*** VACATED *** REASON: Voluntary Dismissal of Motion filed
12/4/2019.

Courtroom Deputy:

**OFF CALENDAR: Voluntary Dismissal of Motion filed 12/4/2019. - sb
(12/5/19)**

Tentative Ruling:

December 5, 2019

Deny motion without prejudice.

Basis for Tentative Ruling:

The motion does not provide sufficient grounds for the dismissal of the case on the basis of bad faith.

Debtor admits to the unauthorized use of a social security number assigned to another person (XXX-XX-8115) from 2013-2018 for employment (and presumably also for credit obtained during the same period), which is likely a criminal matter. However, Debtor did not use that SS# to *file the bankruptcy petition*. The reported cases that touch on this issue all involved cases where the false SS# was used to file the petition and the primary issue was denial or revocation of discharge under 727. See, e.g., *In re Guadarrama*, 284 B.R. 463 (Bankr.C.D.Cal.2002); *In re Riccardo*, 248 B.R. 717 (D.Colo.2009); *In re Perez*, 411 B.R. 386 (D.Colo.2009).

Section 707(b)(3)(A) provides for dismissal where a debtor *files* the petition in bad faith. Here, the false SS# was not used to file the petition and Debtor readily disclosed the unauthorized use. Further, Movant has not satisfied its

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

CONT... Jose Alberto Hernandez Campos Chapter 7

burden of proof under 707(b)(3)(B) re the totality of the circumstances. While the court in no way condones the unlawful use of a social security number , which is tantamount to identity fraud against the lawful assignee of the SS# and against unsuspecting creditors, the court is not persuaded that dismissal is the appropriate remedy.

Party Information

Debtor(s):

Jose Alberto Hernandez Campos

Represented By
Raymond Perez

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 5, 2019

Hearing Room 5A

10:30 AM

8:19-13055 Rebecca Lujan Robles

Chapter 13

#22.00 Hearing RE: Debtor's Objection to Proof of Claim #1-1 Filed by Cavalry SPV I, LLC

Docket 21

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Sustain objection.

Note: As this matter is unopposed, appearance at this hearing is not required.

Party Information

Debtor(s):

Rebecca Lujan Robles

Represented By
Christopher J Langley

Movant(s):

Rebecca Lujan Robles

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, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13547 Luis Alberto Rodriguez, Jr.

Chapter 11

#23.00 STATUS CONFERENCE Hearing 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 5, 2019

Deadline to file plan/disclosure statement: Feb. 28, 2020
Continued status conference: Apr. 9, 2020 at 10:30
a.m.
Deadline to file updated status report: Mar.26, 2020*

*Requirement of an updated status report is waived if the plan and disclosure statement are timely filed.

Note: If Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of Debtors to confirm compliance with the U.S. Trustee prior to the hearing.

Party Information

Debtor(s):

Luis Alberto Rodriguez Jr.

Represented By
Michael Jones

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13770 Dove Real Estate & Association Management LLC

Chapter 11

#24.00 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 5, 2019

Claims bar date:	Feb. 14, 2020
Deadline to serve notice of claims bar date:	Dec. 13, 2019
Deadline to file plan/disclosure statement:	Feb. 21, 2020
Continued status conference:	Apr. 9, 2020 at 10:30 a.m.
Deadline to file updated status report:	Mar.26, 2020*

*Requirement of an updated status report is waived if the plan and disclosure statement are timely filed.

Note: If Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of Debtors to confirm compliance with the U.S. Trustee prior to the hearing.

Party Information

Debtor(s):

Dove Real Estate & Association

Represented By
Daniel J Weintraub

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13844 Sepas Property Management LLC

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:

December 5, 2019

No status report filed other than Debtor's counsel's statement that Debtor has terminated legal representation. As a business entity may not represent itself in a bankruptcy case, the court will issue an Order to Show Cause Why This Case Should Not Be Dismissed Due to Violation of Local Bankruptcy Rule 9020-2.

Party Information

Debtor(s):

Sepas Property Management LLC

Represented By
Dennis Connelly

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#26.00 CON'TD Hearing RE the following issues: 1) whether the above-referenced Related Debtors should be jointly and severally liable for all administrative professional fees and expenses; 2) whether professionals should be permitted to maintain consolidated billing and file one joint fee application in the lead case, and 3) the method of allocating liability of fees and expenses for services affecting a particular Related Debtor

FR: 11-14-19

Docket 24

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

As to the request in the Motion for joint and several liability of professional fees and expenses, grant in part and deny in part. Grant only as to services that affect all debtors; deny as to services that affect individual debtors. The lead case may be charged with the joint services. All other services affecting individual debtors must include separate time records and separate fee applications. The lead case fee application must include in the narration of services, a statement of services rendered that affect all debtors and why such services affect all debtors.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#27.00 Hearing RE: Application of The Debtor and Debtor-In-Possession for Authority to Employ Force Ten Partners, LLC as Financial Advisor Effective as of The Petition Date **[Affects Bruce Elieff]**

Docket 43

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Potential Service Issue: LBR 2014-1(b)(2)(1) requires that employment applications be served on the 20 Largest Unsecured Creditors. The court could not determine from the proof of service re this application that such creditors were served. If not, the hearing on this application will be continued to January 9, 2020 at 10:30 a.m.

If service is determined to be correct, grant the application, including the *Knudsen* provisions and overrule all objections to the same.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#28.00 Hearing RE: Debtor's Motion for Order Authorizing Employment of Couchot Law, LLP, as Debtors General Insolvency Counsel [**Affects All Debtors**]

Docket 44

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Potential Service Issue: LBR 2014-1(b)(2)(1) requires that employment applications be served on the 20 Largest Unsecured Creditors. The court could not determine from the proof of service re this application that such creditors were served. If not, the hearing on this application will be continued to January 9, 2020 at 10:30 a.m.

If service is determined to be correct, grant the application, including the *Knudsen* provisions and overrule all objections to the same. However, applicant must file quarterly fee applications commencing at the end of the first quarter 2020.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#29.00 Hearing RE: Motion in Debtors' Chapter 11 Cases for Order Authorizing Debtor in Possession to Employ Professional Real Estate Broker Timothy Tamura
[Affects 4627 Camden, LLC]

Docket 49

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Potential Service Issue: LBR 2014-1(b)(2)(1) requires that employment applications be served on the 20 Largest Unsecured Creditors. The court could not determine from the proof of service re this application that such creditors were served. If not, the hearing on this application will be continued to January 9, 2020 at 10:30 a.m.

If service is determined to be correct, grant the application, without the conditions of weekly reports requested by objecting creditor -- the court finds such a request unnecessarily burdensome.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#30.00 Hearing RE: Motion in Debtors' Chapter 11 Cases For Order Authorizing Debtor in Possession to Employ Professional Real Estate Broker Timothy Tamura
[Affects Bruce Elieff]

Docket 50

***** VACATED *** REASON: NCONTINUED TO 12/19/2019 AT 10:30
A.M., Per Order Entered 1/3/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 12/19/2019 at 10:30 a.m., Per Order
Entered 1/3/2019 (XX) - td (12/3/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#31.00 Hearing RE: Motion in Debtors' Chapter 11 Cases For Order Authorizing Debtor in Possession to Employ Professional Real Estate Broker Carol Trapani
[Affects Morse Properties, LLC]

Docket 60

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Potential Service Issue: LBR 2014-1(b)(2)(1) requires that employment applications be served on the 20 Largest Unsecured Creditors. The court could not determine from the proof of service re this application that such creditors were served. If not, the hearing on this application will be continued to January 9, 2020 at 10:30 a.m.

If service is determined to be correct, grant the application, modified by the terms set forth in Debtor's reply.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#32.00 STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and (2)
Requiring Report on Status of Chapter 11 Case

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Order Granting Motion to Approve Joint Administration of Cases in Part and Setting Hearing on Certain Issues Entered 10/10/2019. LEAD CASE: BRUCE ELIEFF, Case No. (8:19-bk-13858-ES) Jointly Administered with Member Cases: Morse Properties, LLC, Case No. (8:19-bk-13874-ES); and 4627 Camden, LLC, Case No. (8:19-bk-13875-ES).

Tentative Ruling:

December 5, 2019

Claims bar date:	Feb. 14, 2020
Deadline to serve notice of claims bar date:	Dec. 13, 2019
Deadline to file plan/disclosure statement:	Feb. 21, 2020
Continued status conference:	Apr. 9, 2020 at 10:30 a.m.
Deadline to file updated status report:	Mar.26, 2020*

**Special note: a hearing on the motion for summary judgment re the subordination action cannot be heard prior to April 9, 2020 at 2:00 p.m.*

**Requirement of an updated status report is waived if the plan and disclosure statement are timely filed.*

Note: If Debtors accept the foregoing tentative ruling and are in substantial compliance with the requirements of the U.S. Trustee, appearance at this hearing is not required. It is the responsibility of Debtors to confirm compliance with the U.S. Trustee prior to the

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

**CONT... Bruce Elieff
hearing.**

Chapter 11

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar

Thursday, December 5, 2019

Hearing Room 5A

10:30 AM

8:19-14337 Richard P Alexander

Chapter 13

#33.00 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems

Docket 9

*** VACATED *** REASON: OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 11/27/2019

Courtroom Deputy:

OFF CALENDAR: Order Dismissing Case for Failure to File Schedules, Statements, and/or Plan Entered 11/27/2019 - td (11/27/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard P Alexander 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, December 5, 2019

Hearing Room 5A

2:00 PM

8:17-10706 John Jean Bral

Chapter 11

Adv#: 8:19-01031 Bral v. Samini et al

#34.00 Hearing RE: Plaintiff John Bral's Motion for Partial Summary Adjudication

Docket 30

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Grant in part; deny in part. Grant partial summary adjudication as to the second claim for relief for legal malpractice; grant as to the third claim for relief as to the existence of a fiduciary duty but deny as the breach of such duty; deny motion as to the amount of damages as to the second and third claims for relief.

Basis for Tentative Ruling:

On February 20, 2019, Debtor filed the instant complaint against Babak Samini aka Bobby Samini ("Samini"), Matthew Hoesly ("Hoesly"), and Samini Schenberg, APC (the "Samini Firm")(Samini, Hoesly, and the Samini Firm, collectively, "Defendants") alleging causes of action for breach of contract, legal malpractice, and breach of fiduciary duty (the "Complaint").

Defendants filed an answer on July 19, 2019 (the "Answer")[AP dkt. # 24]. Per the Court's August 29, 2019 scheduling order, the discovery cutoff date is January 23, 2020, the deadline to file a pretrial stipulation is February 20, 2020, and the pretrial conference is set for March 5, 2020 [AP dkt. #27].

Debtor moves for partial summary judgment against Defendants on the second claim for relief, legal malpractice, and the third claim for relief, breach of fiduciary duty (the "Motion") [AP dkt. #30], causing Debtor to suffer damages in the amount of \$277,639.14.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

2:00 PM

CONT...

John Jean Bral

Chapter 11

A. Undisputed Facts

Debtor retained the Samini Firm to represent him in a civil action filed January 8, 2014, entitled *Barry A. Beitler v. John Bral* in L.A. Superior Court (the "State Court"), case no. BC532523 ("the Beitler Litigation"). Debtor's Statement of Uncontroverted Facts ("UF") 1; Defendants' Statement of Genuine Issues ("GI") 1. Samini supervised the representation of Debtor in the Beitler Litigation. UF 2; GI 2. Hoesly also was an attorney at the Samini Firm and represented Debtor in the Beitler Litigation. UF 3; GI 3. Debtor also retained Lloyd Chapman ("Chapman") to represent him in the Beitler Litigation. UF 4; GI 4. Chapman and the Samini Firm associated in as co-counsel to provide a defense for Debtor in the Beitler Litigation. UF 5; GI 5.

On May 24, 2016, the Court ordered Debtor to appear on June 22, 2016 for another session of his deposition and to produce documents to Beitler's counsel (the "May 24, 2016 Order"). UF 9; GI 9. The clerk of the Court served the notice of the May 24, 2016 Order on the Samini Firm and Chapman, but not on Debtor. UF 10, 11; GI 10, 11.

Defendants did not inform Debtor of the May 24, 2016 Order or the June 22, 2016 deposition date (the "Deposition"). UF 12; GI 12. As a result, Debtor was unaware of the Deposition and did not appear. UF 13; GI 12. Defendants also did not appear. UF 14; GI 14.

On May 27, 2016, Chapman filed a notice of the disassociation in the Beitler Litigation. Debtor RJN, Ex. 4.

After Debtor and Defendants failed to appear for the Deposition, Beitler filed an *ex parte* application and later a regularly noticed motion for an order striking Debtor's answer and entering his default (the "Sanctions Motion"). UF 15; GI 15.

In the opposition to the Sanction Motion, Defendants stated to the State Court that Debtor's failure to appear at the Deposition was due to "counsel's error" and not Debtor's fault. UF 16; GI 16. Defendants did not

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 5, 2019

Hearing Room 5A

2:00 PM

CONT... **John Jean Bral**

Chapter 11

include a declaration from Debtor in the opposition. UF 17; GI 17.

At the hearing on Sanctions Motion, an attorney from the Samini Firm stated on the record that Debtor failed to appear at the Deposition due to counsel office made an error. UF 18; GI 18. The State Court noted that no declaration from Debtor attesting to the fact that he was unaware of the Deposition had been filed. UF 19; GI 19. The attorney from the Samini Firm failed to request a continuance or offer to produce Debtor to testify, and the Sanctions Motion was granted and Debtor's answer was stricken (the "Sanctions Order"). UF 20-23; GI 20-23. A default judgment was subsequently entered against Debtor in the amount of \$2,514,631 (the "Default Judgment"). UF 24; GI 24.

Debtor successfully appealed the Default J and incurred \$196,055.50 in attorneys' fees and \$1,188.64 in costs. UF 25-27; GI 25-27.

After obtaining the Default Judgment, but before it was reversed on appeal, Beitler served motions for charging liens against Debtor's interest Mission Medical Investors, LLC and Westcliff Investors, LLC. UF 28; GI 28. After Debtor filed for chapter 11 bankruptcy, the hearings on the motions for charging orders were stayed. UF 30-31; GI 30-31. But the mere filing and service of the motions for charging order created unperfected liens against Debtor's interests in the two limited liability companies, so Debtor filed a summary judgment motion seeking to avoid the liens pursuant to 11 U.S.C. § 544. UF 32-33; GI 32-33. The Court granted the motion for summary judgment and avoided the charging liens. UF 34; GI 34.

As a result, Debtor incurred an additional \$80,395.00 in attorneys' fees avoiding Beitler's unperfected charging liens. UF 35; GI 35.

B. Summary Judgment Standard

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

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affirmative showing on all matters placed in issue by the motion as to which it has the burden of proof at trial. *Id.* at 324. The substantive law will identify which facts are material. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. *Id.* A factual dispute is genuine where the evidence is such that a reasonable jury could return a verdict for the nonmoving party. *Id.* The court must view the evidence presented on the motion in the light most favorable to the opposing party. *Id.*

In the absence of any disputed material facts, the inquiry shifts to whether the moving party is entitled to judgment as a matter of law. *Celotex*, 477 U.S. at 323. Furthermore, where intent is at issue, summary judgment is seldom granted. See, *Provenz v. Miller*, 102 F.3d 1478, 1489 (9th Cir. 1996), *cert. denied*, 118 S. Ct. 48 (1997).

The Second Claim For Relief- Legal Malpractice

"The elements of a cause of action in tort for professional negligence are (1) the duty of the professional to use such skill, prudence, and diligence as other members of his profession commonly possess and exercise; (2) a breach of that duty; (3) a proximate causal connection between the negligent conduct and the resulting injury; and (4) actual loss or damage resulting from the professional's negligence." *Budd v. Nixen*, 6 Cal.3d 195, 200 (1971), *superseded on other grounds by* Cal. Civ. Proc. Code § 340.6.

Turning to the elements:

Defendants Owed Debtor a Professional Duty of Care

a. Expert Testimony Is Not Required

As a preliminary matter, Defendants argue that Debtors were required to provide expert witness testimony to establish a duty and breach of duty. See, Opp'n, p. 17:22-18:20. This argument is unpersuasive. Ordinarily, expert testimony is required to establish the standard of care for an attorney and determine whether that standard was breached. *Wright v. Williams*

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(1975) 47 Cal.App.3d 802, 810. However, "California law does not require an expert witness to prove professional malpractice in all circumstances. In professional malpractice cases, expert opinion testimony is required to prove or disprove that the defendant performed in accordance with the prevailing standard of care, except in cases where the negligence is obvious to laymen" *Ryan v. Real Estate of the Pacific, Inc.*, 32 Cal.App.5th 637, 644-45 (2019) (reversing summary judgment that was granted in favor of defendant real estate brokers, in part, because plaintiffs had not used an expert witness to prove an element of professional negligence claim).

"[A] judge may resort to expert testimony to establish the standard of care when that standard is not a matter of common knowledge... or where the attorney is practicing in a specialized field... However, Rosenthal's numerous, blatant and egregious violations of attorney responsibility were not breaches of legal technicalities for which expert testimony is required. They were violations of professional standards; standards which the trial court was compelled to notice." *Day v. Rosenthal*, 170 Cal. App. 3d 1125, 1147 (Ct. App. 1985) *superseded by statute on other grounds as noted in Englebrick v. Worthington Industries, Inc.* (C.D. Cal. Aug. 12, 2016)(excluding expert witness testimony regarding legal ethics).

Second, as detailed below, the a duty of care arose, as a matter of law, due to the undisputed fact that Defendants were Debtor's co-counsel. "The standards governing an attorney's ethical duties are conclusively established by the Rules of Professional Conduct." *Day*, supra 1147. Thus, the Court should overrule the argument that expert witness is required.

b. Defendants, As Debtor's Co-Counsel, Owed a Duty of Care

Defendants represented Debtor in the Beitler Litigation. UF 1, GI. Thus, an attorney-client relationship existed between Defendants and Debtor. "An attorney owes a professional duty of care to every person with whom that attorney has an attorney-client relationship." *Streit v. Covington & Crowe*, 82 Cal. App. 4th 441, 446, 98 Cal. Rptr. 2d 193, 197 (2000). Thus, Defendants owed Debtor the duty of care.

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Defendants argue that they did not owe a duty of care to Debtor because Chapman was the lead attorney, that they only played a supporting role, and that Debtor consented to such arrangement is unpersuasive. There is no question that co-counsel may delineate tasks as they see fit. *Wells Fargo & Co. v. City & Cty. of San Francisco*, 25 Cal. 2d 37, 43 (1944)(" If the attorney of record, however, associates another attorney with him, it rests with them to divide the duties concerning the conduct of the cause."). However, the argument is "[w]hether the attorney was selected directly by the client or associated by the attorney of record, that [attorney-client] relationship exists. *Streit*, 82 Cal. App. 4th at 446–47. Thus, both co-counsel jointly owe the duty of care to the client and are "jointly liable to client for any wrongful conduct by associated attorney." *Id.* at 445.

In *Streit*, a legal malpractice case, the issue was whether a special appearance attorney, appearing on behalf of the attorney of record, owed a duty of care to the client. *Id.* at 444. The special appearance attorney attempted to distinguish between counsel associating for the entire case versus counsel associating for a single hearing, with no attorney-client relationship arising the later context. *Id.* at 445. The California court of appeal rejected this argument, recognizing that the attorney-client relationship arises even from a "simple association for a particular case" and that the special appearance attorney's argument was "a distinction only of degree, not of kind, *Id.* at 446. "[W]hatever the allocation between them, both attorneys have an attorney-client relationship with the litigant they represent until that association is terminated." *Id.*

As explained by the California Court of Appeal:

California law generally allows an attorney of record to associate with another attorney and to divide the duties of conducting the case... This does not mean, however, that an associated attorney whose name appears on all filings in a case and who is served with all documents filed by the other side need not know anything about the case with which he or she is associated. Nor should an associated attorney whose name appears on all filings be able to avoid liability by intentionally failing to learn anything about a case[.]"

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Cole v. Patricia A. Meyer & Assocs., APC, 206 Cal. App. 4th 1095, 1117, 142 Cal. Rptr. 3d 646, 664 (2012)(finding that associated counsel could not avoid malicious prosecution liability by claiming ignorance of merits of allegations made by lead counsel because its "specific role in the action was never triggered").

Thus, whether Defendants received timely notice of Chapman's disassociation is irrelevant. Defendants, independent of Chapman, owed Debtor the duty of care at all times relevant as Debtor's co-counsel.

Defendants Breached Their Duty

"In addressing breach of duty, "the crucial inquiry is whether [the attorney's] advice was so legally deficient when it was given that he [or she] may be found to have failed to use 'such skill, prudence, and diligence as lawyers of ordinary skill and capacity commonly possess and exercise in the performance of the tasks which they undertake.' *Blanks v. Seyfarth Shaw LLP*, 171 Cal.App.4th 336, 357 (2009).

California Rules of Professional Conduct ("RPC") 3-500 (in effect at the time) provided that, "A member shall keep a client reasonably informed about significant developments relating to the employment or representation, including promptly complying with reasonable requests for information and copies of significant documents when necessary to keep the client so informed." Also, former RPC 3-110 stated that, "A member shall not intentionally, recklessly, or repeatedly fail to perform legal services with competence." See also, RPC 1-100 ("The following rules are intended to regulate professional conduct of members of the State Bar through discipline... These rules together with any standards adopted by the Board of Governors pursuant to these rules shall be binding upon all members of the State Bar.).

Here, the undisputed facts indicate that Defendants had notice of the Motion to Compel because it was served on Samini and the Samini Firm. See, Debtor RJN, Ex. 7, p. 244. Moreover, Defendants had actual notice of the Motion because Hoesly emailed Chapman about the hearing and assumed that Chapman was handling the matter. See, Hoesly Decl., ¶¶16 and

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Ex. D, bates stamp p. 005491. Samini was copied on the email. Id. The clerk of the Court served the notice of the May 24, 2016 Order on the Samini Firm and Chapman, but not on Debtor. UF 10, 11; GI 10, 11. And Defendants did not inform Debtor of the May 24, 2016 Order or the Deposition. UF 12; GI 12. As a result, Debtor and Defendants did not appear at the Deposition. UF 13-14; GI 13-14.

Expert witness testimony is not required to find that Defendants breached their duty of care by failing to "keep a client reasonably informed about significant developments relating to the...representation" by failing to inform Debtor that Debtor had been ordered to appear at the Deposition. And because Defendants admit in this proceeding that they did not inform Debtor of the May 24, 2016 Order, see, UF 12-14; GI 12-14, the Court is not required to find that Defendants made a judicial admission in their pleadings and oral argument during the Sanctions Motion litigation.

Similarly, failing to oppose the Motion to Compel, failing to include Debtor's declaration in opposition to the Sanctions Motion, failing to seek a continuance or offer Debtor to testify at the hearing Debtor argument does not, in the court's view, require expert testimony.

The Breach Caused Debtor's Damages

"In a legal malpractice action where... there is a combination of causes, none of which is sufficient without the others to have caused the harm, the test for causation is the "but for" test: but for the defendant's conduct, the harm would not have occurred." *Yanez v. Plummer*, 221 Cal. App. 4th 180, 186 (2013).

As further explained by California court of appeal, "A defendant's negligent conduct may combine with another factor to cause harm; if a defendant's negligence was a substantial factor in causing the plaintiff's harm, then the defendant is responsible for the harm; a defendant cannot avoid responsibility just because some other person, condition, or event was also a substantial factor in causing the plaintiff's harm; but conduct is not a substantial factor in causing harm if the same harm would have occurred

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without that conduct." *Id.* at 187.

"In a legal malpractice action, causation is an issue of fact for the jury to decide except in those cases where reasonable minds cannot differ; in those cases, the trial court may decide the issue itself as a matter of law." *Id.*

Debtor Has Not Demonstrated the Absence of a Genuine Issue
of Material Fact Regarding Damages

A plaintiff victimized by legal malpractice may recover as tort damages the attorneys' fees paid to a second attorney "to the extent that such fees compensated that [second] attorney for his efforts to extricate plaintiff from the effect of [the first attorney's] negligence." *Budd*, 6 Cal.3d at 202. "In particular, recoverable damages include 'the expense of retaining another attorney' when reasonably necessary to 'attempt to avoid or minimize the consequences of the former attorney's negligence.'" *Oasis West Realty, LLC v. Goldman*, 51 Cal.4th 811, 826 (2011)(citation omitted).

Here, as a result of Defendants' breaches, Debtor argues that he suffered \$277,639.14 in damages due to attorneys' fees and costs incurred to appeal the Default Judgment and avoiding the charging liens. Defendants do not contest that Debtor incurred fees and costs, but Defendants have raised a genuine issue of material fact regarding the amount of damages. Relying on the expert opinion of Herb Fox, Defendants argue that the alleged damages in this action are grossly inflated because \$199,055 in legal fees and costs to appeal the Default Judgment, attributable to 389.3 hours that four attorneys and two paralegals spent on the appeal, is excessive. See, Herb Fox Decl.

Debtor's first counterargument is that because the Court approved the Shulman Firm's fee application in the main bankruptcy case, and Defendant's counsel received notice of the fee application, the Court has already determined that the Shulman Firm's fees are reasonable. Effectively then, Debtor is arguing collateral estoppel which is unpersuasive because the issues are not identical. Debtor's malpractice damage amount were not at issue when the Court ruled on allowance of the Shulman Firm's fees within the context of § 330.

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And as for Debtor's next argument- that Debtor's attorney's fees and costs were reasonable under California's lodestar method, see Reply, p. 28-30, this argument supports Defendants because it demonstrates a genuine issue of material fact. Viewing the evidence in the light most favorable to Defendants, Debtor has therefore failed to demonstrate the absence of a genuine issue of material fact as to damages.

The Third Claim for Relief-

Breach of Fiduciary Duty

To establish a cause of action for breach of fiduciary duty, a plaintiff must demonstrate the existence of a fiduciary relationship, breach of that duty and damages." *Shopoff & Cavallo LLP v. Hyon*, 167 Cal.App.4th 1489, 1509 (2008). "The scope of an attorney's fiduciary duty may be determined as a matter of law based on the Rules of Professional Conduct which, 'together with statutes and general principles relating to other fiduciary relationships, all help define the duty component of the fiduciary duty which an attorney owes to his [or her] client.'" *Stanley*, supra, at 1087.

Defendants Owed Debtor A Fiduciary Duty

As indicated above, because Defendants were Debtor's attorney, a fiduciary relationship between Defendants and Debtor arose. See UF 1-3; GI 1-3; *Afont v. Poynter Law Grp.*, 2018 WL 6136147, at *6 (C.D. Cal. Nov. 5, 2018)("Fiduciary duty arises in an attorney-client context.").

Debtor Has Not Demonstrated the Absence of a Genuine Issue of Material Fact as to Breach of Fiduciary Duty

"Breach of fiduciary duty is a concept that is 'separate and distinct from traditional professional negligence but which still comprises legal malpractice.'" *Afont*, supra, at *6. Thus, "fiduciary duty claims cannot arise from the exact same facts as claims for legal malpractice[.]" *Id.* at *7 (granting summary judgment to legal malpractice defendants "because the allegations underlying the fiduciary duty claim are duplicative of those underlying the legal malpractice claim."). In this case, Debtor has not demonstrated the absence of genuine issue as to a material fact regarding

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breach of fiduciary duties because Debtor's undisputed facts are duplicative for both the legal malpractice and the breach of fiduciary duty claims. Moreover, the reasonable of the attorneys fees and costs raise an issue of material fact that must be determined at trial.

Debtor Has Not Demonstrated the Absence of a Genuine Issue of
Material Fact Regarding Damages

Because Debtor claims the same damages for the breach of the fiduciary as the legal malpractice claim for relief, the discussion above regarding Debtor's failure to demonstrate the absence of a genuine issue of material fact as to damages is applicable here. Moreover, the reasonable of the attorneys fees and costs raise an issue of material fact that must be determined at trial.

EVIDENTIARY RULINGS

Debtor's Evidentiary Objection to Declaration of Babak Samini

<u>Objection #</u>	<u>Ruling</u>
1	Sustain. FRE 701, 702
2	Sustain. FRE 701, 702
3	Sustain. FRE 701, 702
4	Overrule

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- 5 Sustain as to "It is my understanding that Chapman was a respected and seasoned litigagor. FRE 602
Overrule as to the balance

- 6 Sustain as to first sentence only. FRE 602;
Overrule as to second sentence.

- 7 Overrule
- 8 Overrule
- 9 Overrule

- 10 Sustain as to "this would make little sense . . .
the most litigation experience" Argumentative
Overrule as to the balance

- 11 Sustain. Speculative.
- 12 Sustain. FRE 801
- 13 Overrule
- 14 Sustain. FRE 801
- 15 Overrule
- 16 Overrule
- 17 Overrule

- 18 Sustain. Reference to the "Samini firm" necessarily
includes persons other than the declarant. FRE 801, 602

- 19 Sustain. Reference to the "Samini firm" necessarily
includes persons other than the declarant. FRE 801, 602

- 20 Sustain. Speculative
- 21 Sustain. Hearsay as to *this* declarant.
- 22 Sustain. Hearsay as to *this* declarant
- 23 Sustain. FRE 801
- 24 Sustain. FRE 801
- 25 Sustain. Speculative

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26 Sustain. FRE 602
27 Sustain. Argumentative

Plaintiff's Evidentiary Objections to Declaration of Matthew Hoesly

<u>Objection #</u>	<u>Ruling</u>
1 - 15	Same rulings as for the objections to B. Samini (see above)
16	Overrule
17	Sustain as to the first sentence. Speculative Overrule as to the second sentence
18	Overrule
19	Overrule
20	Overrule
21	Sustain FRE 801
22	Sustain FRE 801
23	Sustain FRE 801
24	Sustain FRE 801
25	Sustain FRE 801
26	Overrule
27	Sustain FRE 602

Party Information

Debtor(s):

John Jean Bral

Represented By
Beth Gaschen
Alan J Friedman
William N Lobel
Bobby Samini

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Dean A Ziehl

Defendant(s):

Babak Samini

Represented By
David Choi

Matthew Hoesly

Represented By
David Choi

Samini Scheinberg, APC

Represented By
David Choi

Movant(s):

John Jean Bral

Represented By
Gary A Pemberton
Alan J Friedman

Plaintiff(s):

John Jean Bral

Represented By
Gary A Pemberton
Alan J Friedman

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9:30 AM

8:16-12110 Stuart Moore (USA) Ltd.

Chapter 7

Adv#: 8:18-01192 Casey v. Moore et al

#1.00 CONT'D STATUS CONFERENCE RE: Complaint for Avoidance, Recovery & Preservation of Preferential Transfers

FR: 1-10-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19; 7-18-19; 9-12-19; 11-21-19

Docket 1

***** VACATED *** REASON: Order Approving Settlement and Dismissing Adversary Entered 11/22/19 in Main Case 16-12110**

Courtroom Deputy:

OFF CALENDAR: Order Approving Settlement and Dismissing Adversary Entered 11/22/19 in Main Case 16-12110- mp (12/4/19)

Tentative Ruling:

November 21, 2019

Continue status conference to December 12, 2019 at 9:30 a.m. as a holding date in light of the court's approval of the parties' settlement agreement on November 19, 2019. (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):

Nobie Moore

Pro Se

Andrew Moore

Pro Se

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Chapter 7

Plaintiff(s):

Thomas H. Casey

Represented By
Jeffrey S Shinbrot

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey
Jeffrey S Shinbrot
Jeffrey I Golden

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8:16-12895 29 Prime, Inc.

Chapter 7

Adv#: 8:17-01226 Marshack v. Wallace et al

#2.00 Hearing RE: Order to Show Cause Why Adversary Proceeding Should Not Be Dismissed for Lack of Prosecution (OSC Issued 11/26/2019)

Docket 138

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Dismiss adversary proceeding due to failure of Plaintiff's counsel to comply with this court's final order at the August 22, 2019 pretrial conference regarding the deadlines for the preparation, finalization and filing of the joint pretrial stipulation. Counsel has a history in this adversary proceeding of presenting substandard pleadings in a tardy matter. Counsel was permitted one final opportunity to timely file a proper pretrial stipulation and failed to do so. The court is unpersuaded by the declarations of Counsel and her paralegal regarding the reasons for the most recent failure to comply. The court incorporates by reference below its prior tentative rulings as a further basis for dismissing the adversary proceeding.

May 7, 2019

Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.

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3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?

4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.

5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

Note: Appearances at this hearing are required.

August 22, 2019

Comments re the Joint Pretrial Stipulation filed 8/16/19:

1. Who has signed off on the JPS. No signatures for either of the remaining defendants, Russell Wallace or Haleh Fardi. Did either of them participate in the preparation of this JPS?

2. The JPS is supposed to include a section on all admitted facts that require no proof. So, why does that section include the statement that Ms. Fardi "disputes" the admitted facts? That would make them NOT admitted. Which facts does she actually dispute?

3. Why does the admitted facts section include Nos. 13, 18 - 48 which all appear to be DISPUTED FACTS????

4. Why does (f) state that plaintiff "intends to file a motion *in limine*" when such a motion was already filed as of August 16, 2019, the date the JPS was submitted?

Special Note: If at all possible, the court would like for the trustee, Richard Marshack to participate in this hearing.

Note: Appearances at this hearing are required.

November 7, 2019

Continue the Pretrial Conference to December 12, 2019 at 9:30 a.m. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed Due to the Inability of Plaintiff to Properly Prosecute This Adversary Proceeding. The OSC hearing shall take place on Dec. 12, 2019 at 9:30 a.m. (XX)

Plaintiff's counsel has failed to timely comply with a strict order of this court re the service of an amended joint pretrial stipulation -- once again causing further delay and confusion for the

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defendants. The apologies offered are shallow and of no moment. The pretrial conference has previously been continued twice due to counsel's inability to present a proper, coherent and timely pretrial stipulation. Enough is enough.

Party Information

Debtor(s):

29 Prime, Inc.

Represented By
Richard L Barnett
Christine D Barker

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

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8:16-12895 29 Prime, Inc.

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Adv#: 8:17-01226 Marshack v. Wallace et al

#3.00 CON'TD 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; 12-20-18; 5-2-19; 5-7-19; 8-22-19; 11-7-19

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.	(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
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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 7, 2019

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Court's Comments re the Joint Pretrial Stipulation:

1. A demand for jury trial has been made. Each party is required indicate whether they consent or do not consent to the jury trial being conducted in this court. Absent 100% consent by all parties, the jury trial must be held in District Court. Statements re consent or nonconsent to this court conducting the jury trial must be filed with the court by **May 21, 2019**.
2. The facts to which Defendant Russell Wallace admitted to in his answer should be reflected in the Admitted Facts Section of the Stipulation.
3. Re Section (c)(1) of the Issues of Law, why must a determination be made at trial re whether Mr. Redman and Mr. Martin breached their fiduciary duties to 29 Prime when defaults have been entered against both gentlemen?
4. Why isn't Ms. Fardi ready for trial? The reason(s) should have been set forth in the Stipuation.
5. Any motions *in limine* need to be filed no later than **June 18, 2019** and scheduled for hearing no later than **July 16, 2019**.

Note: Appearances at this hearing are required.

August 22, 2019

Comments re the Joint Pretrial Stipulation filed 8/16/19:

1. Who has signed off on the JPS. No signatures for either of the remaining defendants, Russell Wallace or Haleh Fardi. Did either of them participate in the preparation of this JPS?
2. The JPS is supposed to include a section on all admitted facts that require no proof. So, why does that section include the statement that Ms. Fardi "disputes" the admitted facts? That would make them NOT admitted. Which facts does she actually dispute?

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

9:30 AM

CONT... 29 Prime, Inc.

Chapter 7

3. Why does the admitted facts section include Nos. 13, 18 - 48 which all appear to be DISPUTED FACTS????

4. Why does (f) state that plaintiff "intends to file a motion *in limine*" when such a motion was already filed as of August 16, 2019, the date the JPS was submitted?

Special Note: If at all possible, the court would like for the trustee, Richard Marshack to participate in this hearing.

Note: Appearances at this hearing are required.

November 7, 2019

Continue the Pretrial Conference to December 12, 2019 at 9:30 a.m. The court shall issue an Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed Due to the Inability of Plaintiff to Properly Prosecute This Adversary Proceeding. The OSC hearing shall take place on Dec. 12, 2019 at 9:30 a.m. (XX)

Plaintiff's counsel has failed to timely comply with a strict order of this court re the service of an amended joint pretrial stipulation -- once again causing further delay and confusion for the defendants. The apologies offered are shallow and of no moment. The pretrial conference has previously been continued twice due to counsel's inability to present a proper, coherent and timely pretrial stipulation. Enough is enough.

December 12, 2019

Take matter off calendar in light of tentative ruling for Calendar #2 dismissing adversary proceeding.

Party Information

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

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, December 12, 2019

Hearing Room

5A

9:30 AM

8:19-10913 Cassandra Dean Duerscheidt

Chapter 7

Adv#: 8:19-01122 M.G.B. Construction, Inc. v. Duerscheidt

#4.00 CON'TD STATUS CONFERENCE RE:Complaint for: 1. Objection to Discharge [11 U.S.C. §727(a)(2)]; 2. Objection to Discharge [11 U.S.C. §727(a)(4)]

FR: 9-12-19; 11-7-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 12, 2019

Continue Status Conference to November 7, 2019 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: Appearance at today's Status Conference is not required; Plaintiff to serve notice of the continued hearing date/time.

November 7, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

9:30 AM

CONT... **Cassandra Dean Duerscheidt**

Chapter 7

Answer timely filed. Continue status conference to December 12, 2019 at 9:30 a.m.; joint status report must be filed by December 3, 2019. (XX)

Note: If both parties accept the foregoing tentative ruling, appearances at today's hearing are not required.

December 12, 2019

Discovery Cut-off Date: May 1, 2020
Pretrial Conference Date: Jun. 11, 2020 at 9:30 a.m.
Deadline to File Pretrial Stipulation: May 28, 2020

Special Note: A 727 denial of discharge adversary cannot be settled for the benefit of a single creditor but, rather, settlement proceeds must be turned over to the chapter 7 trustee for distribution to all creditors. *In re de Armond*, 240 B.R. 51 (Bankr.C.D.Cal.1999).

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):

Cassandra Dean Duerscheidt

Represented By
Brian J Soo-Hoo

Defendant(s):

Cassandra Dean Duerscheidt

Pro Se

Plaintiff(s):

M.G.B. Construction, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

9:30 AM

CONT... Cassandra Dean Duerscheidt

Scott A Kron

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, December 12, 2019

Hearing Room 5A

9:30 AM

8:19-11677 Alicia Marie Richards

Chapter 13

Adv#: 8:19-01193 Richards v. Zech

#5.00 STATUS CONFERENCE RE: Complaint for Damages and Declaratory Judgment and Determine Amount of Claim [FRBP 7001(a)(9) and Other]

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation Hearing Entered on Main Case 8:19-
11677-ES on 10/2/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation Hearing Entered on Main Case 8:19-11677-ES on
10/2/2019 - td (10/2/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Marie Richards Pro Se

Defendant(s):

Eugene V. Zech Pro Se

Plaintiff(s):

Alicia Marie Richards 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, December 12, 2019

Hearing Room 5A

9:30 AM

8:19-12704 Emma Arroyo Banda

Chapter 7

Adv#: 8:19-01192 SCHOOLSFIRST FEDERAL CREDIT UNION v. Banda

#6.00 STATUS CONFERENCE RE: Complaint to Determine Dischargeability of Debt

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Continue Status Conference to February 20, 2020 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.

Party Information

Debtor(s):

Emma Arroyo Banda

Represented By
Marlin Branstetter

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

9:30 AM

CONT... Emma Arroyo Banda

Chapter 7

Defendant(s):

Emma Arroyo Banda

Pro Se

Plaintiff(s):

SCHOOLSFIRST FEDERAL

Represented By
Paul V Reza

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 12, 2019

Hearing Room 5A

10:00 AM

8:15-10272 Ranulfo Figueroa

Chapter 13

#7.00 CONT'D Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

LAKEVIEW LOAN SERVICING, LLC

VS.

DEBTOR

FR: 9-19-19; 10-17-19; 11-19-19

Docket 80

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Grant motion with without 4001(a)(3) waiver and with co-debtor relief.

Special Note: The tentative ruling is to grant the Motion because Debtor did not provide documentary proof of payments he alleges to have made. If Movant is agreeable to a continuance to discuss a resolution, the parties may request a continuance of the hearing at the beginning of the calendar roll call. Available dates are Oct. 10, Oct. 17 and Nov. 7, 2019 at 10:00 a.m.

October 17, 2019

Parties to advise of status of matter.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

**CONT... Ranulfo Figueroa
November 19, 2019**

Chapter 13

Movant to advise the court of the status of this matter.

December 12, 2019

Movant to advise the court of the status of this matter.

Party Information

Debtor(s):

Ranulfo Figueroa

Represented By
Sunita N Sood
Seema N Sood

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark T. Domeyer
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, December 12, 2019

Hearing Room 5A

10:00 AM

8:16-14243 Daryl John Parks

Chapter 13

#8.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

U.S. BANK N.A.

VS.

DEBTOR

FR: 10-17-19; 11-19-19

Docket 71

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

October 17, 2019

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 19, 2019

Movant to advise the court of the status of this matter.

December 12, 2019

Movant to advise the court of the status of this matter.

**United States Bankruptcy Court
Central District of California
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Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... Daryl John Parks

Chapter 13

Party Information

Debtor(s):

Daryl John Parks

Represented By
Thomas E Brownfield

Movant(s):

U.S. Bank National Association, as

Represented By
Kirsten Martinez

Trustee(s):

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 12, 2019

Hearing Room 5A

10:00 AM

8:18-14558 Cathy Marie Estrella

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

CALIBER HOME LOANS, INC.

VS.

DEBTOR

Docket 85

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion
for Relief from the Automatic Stay (Settled by Stipulation)/APO Entered
12/5/2019

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation)/APO Entered 12/5/2019 - td (12/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cathy Marie Estrella

Represented By
Amanda G Billyard

Movant(s):

Caliber Home Loans, Inc.

Represented By
Christina J Khil

Trustee(s):

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-11930 William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

#10.00 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

U.S. BANK N.A. AS LEGAL TITLE TRUSTEE FOR TRUMAN 2018 SC6 TITLE
TRUST

VS.

DEBTORS

FR: 11-7-19

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

November 7, 2019

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.

November 19, 2019

Movant to advise the court of the status of this matter.

December 12, 2019

**United States Bankruptcy Court
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Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... William R Roman, Jr. and Lorraine Stephanie Roman

Chapter 13

Movant to advise the court of the status of this matter.

Party Information

Debtor(s):

William R Roman Jr.	Pro Se
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Joint Debtor(s):

Lorraine Stephanie Roman	Pro Se
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Movant(s):

U.S. BANK NATIONAL	Represented By Diane Weifenbach
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Trustee(s):

Amrane (SA) Cohen (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

8:19-13858 Bruce Elieff

Chapter 11

#11.00 Hearing RE: Motion for relief from automatic stay
[ACTION IN NON-BANKRUPTCY FORUM]

TODD KURTIN

VS.

DEBTOR

Docket 90

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Grant motion with waiver of 4001(b)(3); deny request for prospective relief due to insufficient grounds stated therefor.

Basis for Tentative Ruling:

1. Movant, as a judgment creditor, has standing to bring the Motion and has sufficiently presented a colorable claim as correctly analyzed by Movant in his Reply pleading. See, *In re Veal*, 450 B.R. 897 (9th Cir. BAP 2011). Debtors' arguments to the contrary are rejected as unpersuasive.

2. The court agrees with Movant that a relief from stay hearing is a summary proceeding that does not adjudicate substantive rights. *Id.* at 914. See also, *In re Palmdale Hills Property LLC*, 423 B.R. 655, 665 (9th Cir. BAP 2009) ("There is a 'tremendous difference between adjudication of the merits and mere consideration of counterclaims and defenses' raised in a motion for stay relief."). Debtor is incorrect that his opposition to the Motion "constitutes an informal claim objection." Related Debtors' Supplemental Opposition to RFS

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... **Bruce Elieff**

Chapter 11

at p.2 While there is ample legal authority supporting the proposition that a motion for relief from stay may be deemed an informal proof of claim , e.g., *In re Fish*, 456 B.R. 413 (9th Cir. BAP 2011), the court is aware of no legal authority recognizing an opposition to a relief from stay motion as an informal claim objection and Debtor has cited the court to none. Notably, as to the 510(b) subordination matter, such a matter cannot be resolved through the 502 claim objection process as subordination involves the priority of a claim and not its disallowance.

3. Mandatory subordination under Section 510(b) does not statutorily disallow a claim but, rather, reprioritizes the order of payment of that claim. *Palmdale* at 665. That said, subordination could prove to be the functional equivalent of disallowance if estate assets are not sufficient to pay higher priority claims. However, potential prospective functional disallowance cannot be determined in the context of a relief from stay hearing. Further, and perhaps most importantly, in this case, Movant appears to have remedies available to it that other creditors do not. See comment *infra*.

4. Debtor argues that Movant only holds a judgment against him and no other entity but provides no explanation for the August 29, 2019 Fourth Amended Judgment ("FAJ") which includes as "Additional Judgment Debtors" Heritage Colorado LLC ("Heritage"), TDV Development Corporation ("TDV") and Broadband Nation LLC ("Broadband") (collectively "Additional Judgment Debtors"). Presumably, the Additional Judgment Debtors were added to the FAJ under the equitable remedies of either alter ego or reverse veil piercing. See, e.g., *Curci Investments LLC v. Baldwin*, 14 Cal.App.5th 214, 222 (2017) ("Judgment creditor was not per se precluded from reverse piercing corporate veil to add limited liability company (LLC), in which judgment debtor held 99 percent interest"). Debtors have not presented any evidence that the relief sought by the Motion involves property of any of the bankruptcy estates. While reverse veil piercing allows a judgment creditor to pursue the assets of a corporate entity to satisfy the debt of the individual judgment debtor, it does not legally follow that such assets belong to the judgment debtor. Stated otherwise, the debtor may not affirmatively utilize the equitable remedy for its own benefit.

5. The court does not find the Supplemental Opposition persuasive as to the

**United States Bankruptcy Court
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Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... Bruce Elieff

Chapter 11

argument that the pending preference action filed by Debtors constitutes a basis for denying the Motion. Even if Debtors are ultimately successful in avoiding the subject liens, Movant would continue to have an unsecured claim.

CAVEAT TO THE TENTATIVE RULING: If the court has misinterpreted the Motion and Reply and Movant is actually asserting that the assets of the Additional Judgment Creditors were in fact monies belonging to one or more of Debtors which were funneled through the Additional Judgment Creditors, such assets could be property of the estate and the court might be inclined to deny the Motion.

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

Movant(s):

Todd Kurtin

Represented By
Lewis R Landau
Edward O Morales

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

8:19-13903 Joel Vasquez Lopez

Chapter 7

#12.00 Hearing RE: Motion for relief from the automatic stay [UNLAWFUL DETAINER]

PHILLIA YI

VS.

DEBTOR

Docket 11

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

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):

Joel Vasquez Lopez

Represented By
Randy Alexander

Movant(s):

Phillia Yi

Represented By
Robert A Krasney

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... Joel Vasquez Lopez

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 12, 2019

Hearing Room 5A

10:00 AM

8:19-14306 Dwight Wayne Berger

Chapter 7

#13.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]
GATEWAY ONE LENDING & FINANCE
VS.
DEBTOR

Docket 10

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

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):

Dwight Wayne Berger

Represented By
Anerio V Altman

Movant(s):

Gateway One Lending & Finance

Represented By
Karel G Rocha

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

10:00 AM

CONT... Dwight Wayne Berger

Chapter 7

United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

8:16-14714 Bryson N Nazareno

Chapter 7

#14.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[WENETA M.A. KOSMALA, CHAPTER 7 TRUSTEE]

Docket 137

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

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):

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
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Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

8:16-14714 Bryson N Nazareno

Chapter 7

#15.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR WENETA
M.A. KOSMALA, CHAPTER 7 TRUSTEE]**

Docket 135

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

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):

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, December 12, 2019

Hearing Room 5A

10:30 AM

8:18-10097 Daphne Alt

Chapter 13

#16.00 CON'TD Hearing RE: Debtor's Objection to Secured Creditor, Premier Home Solutions Inc.'s Proof of Claim 1

FR: 8-22-19; 9-19-19; 10-17-19; 11-19-19

Docket 90

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Debtor's Voluntary Dismissal of Chapter 13 Entered 12/6/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Debtor's Voluntary
Dismissal of Chapter 13 Entered 12/6/2019 - td (12/6/2019)**

Tentative Ruling:

August 22, 2019

The court is inclined to sustain the objection as to accrued interest and to overrule the objection as to the principal debt, i.e., \$120,000.

The parties are to address the following issues:

Debtor:

1. This court has already abstained from hearing the merits of case involving this loan in light of a pending state court action that *Debtor* initiated prepetition involving multiple plaintiffs and defendants. Debtor is to advise the court re the status of the state court litigation.

2. The court finds Debtor's argument that she doesn't owe anything to Claimant because she "never received the money," strains credulity in light of the joint venture agreement she entered into regarding the acquisition of the Sea Island property and her subsequent acknowledgement of the purchase. See Claimant's Opposition, Declaration of Angel Santiago and exhibits attached thereto; Declaration of Michael Van Ness, Exhibit 1.

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Thursday, December 12, 2019

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10:30 AM

CONT... Daphne Alt

Chapter 13

3. Debtor's Objection does not explain or provide any legal analysis regarding relevance of Claimant's lack of a real estate license. She simply declares Claimant is not exempt from usury laws without any legal analysis. The court declines to do Debtor's research for her.
4. As of July 26, 2019, it appears Claimant is active and no longer suspended.
5. Even if the interest is usurious, the principal balance remains. Further, even if, because of the lack of notice, the note has not yet matured, the principal debt remains and has to be treated through Debtor's chapter 13 plan.

Claimant

1. Claimant's assertion of the nonapplicability of Cal. Civ. Code 2966 is unpersuasive in light of the fact that the note itself expressly states that "this note is subject to Section 2966 . . . which provides that the holder . . . shall give written notice to the trustor . . . at least 90 and not more than 150 days before any balloon payment is due." Thus, whether or not Section 2966 would have otherwise applied or not, Claimant clearly intended to provide the protections of Section 2966 by including it in the note that it presumably drafted. Absent notice given pursuant to the note, it has not yet matured.
2. The note is clearly usurious under California Constitution Article XV Section 1 as it exceeds 10% per annum. Claimant has the ultimate burden of proof and has not provided any basis for it being exempt from the usury law.
3. The court is not persuaded that Debtor's claim is time-barred. See Debtor's reply.

Special note: This court's ruling as to this claim objection cannot be used by or against any person or entity other than Debtor and Premier Home Solutions, Inc. in any other state or federal action. Further any ruling by this court regarding the subject proof of claim is without prejudice to Premier

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Hearing Room 5A

10:30 AM

CONT... Daphne Alt

Chapter 13

seeking prejudgment interest at the legal rate once notice is properly given under the note.

September 19, 2019

Parties to appear and advise the court re the status of this matter. If additional time to memorialize the settlement is needed, a final continuance may be requested during the tentative ruling roll call prior to the hearing. Available hearing dates: Oct. 10, 2019 and Oct. 17, 2019 at 10:30 a.m.

October 17, 2019

Parties to appear and advise the court re the status of this matter.

November 19, 2019

Debtor's counsel must appear for today's hearing. The ch. 13 trustee filed an opposition to the motion to compromise on Oct. 23, 2019 and Oct. 31, 2019 but Debtor has not set the matter for hearing as required by LBR 9013-1(o).

Party Information

Debtor(s):

Daphne Alt

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, December 12, 2019

Hearing Room 5A

10:30 AM

8:18-13499 Laura Marie Kroh

Chapter 7

#17.00 Hearing RE: Chapter 7 Trustee's Motion for Authority to Liquidate Personal Property Consisting of Individual Stocks Held at TD Ameritrade, Inc. Pursuant to 11 U.S.C. Section 363(b)

Docket 58

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Grant 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):

Laura Marie Kroh

Pro Se

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, December 12, 2019

Hearing Room 5A

10:30 AM

8:18-14284 Paula Gilbert-Bonnaire

Chapter 7

Adv#: 8:19-01035 SJO Investments, LLC v. Gilbert-Bonnaire

#18.00 Hearing RE: Defendant's Motion for Leave to File a Late Motion for Attorney Fees and Request for Attorneys Fees in the Amount of \$6,667.00

Docket 22

***** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 10:30 A.M.,
Per Order Entered 11/22/2019 (XX)**

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/9/2020 at 10:30 a.m., Per Order
Entered 11/22/2019 (XX) - td (11/22/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paula Gilbert-Bonnaire

Represented By
Andrew Edward Smyth

Defendant(s):

Paula Gilbert-Bonnaire

Pro Se

Plaintiff(s):

SJO Investments, LLC

Represented By
Jon Alan Enochs

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 12, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#19.00 CON'TD Hearing RE: Original Disclosure Statement Describing Original Chapter 11 Plan filed by Debtor and Debtor in Possession

FR: 10-17-19

Docket 88

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Deny approval of disclosure statement.

Basis for Tentative Ruling:

Service: Notice was not properly served per FRBP 2002(b) which requires 28 days notice of the time to file objections re approval of the disclosure statement or LBR 3017-1(a) which requires 42 days notice of the hearing on approval of the disclosure statement (28 + 14). Here, the amended disclosure statement was filed only 19 days prior to the hearing.

Merits: There are numerous inconsistencies, errors and misleading information in the disclosure statement.

1. DS, p. 5:13: Re "Debtor is *informed and believes* that . . ." -- Doesn't Debtor know what the claims are related to? What is the purpose of "informed and believes?"
2. DS, p. 6:3: Delete "informed and believes." Isn't it a fact that the cash is encumbered by Wells Fargo's lien?
3. DS, p.7:7-9: Run-on sentence. Add a period after "will be owed" and

**United States Bankruptcy Court
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10:30 AM

CONT... SPN Investments Inc

Chapter 11

begin a new sentence with "In an abundance . . . "

3a. DS, p.7:22-25: The treatment of the FTB appears to be unconfirmable on its face -- priority tax claims must be paid in accordance with 1129(a)(9)(C) (regular payments in full within 5 years of the petition date). Here, the FTB doesn't get paid until Debtor recovers on the insurance claim. However, Debtor cryptically states at p. 8:12-15 that it shall "in its *sole discretion*, prosecute the Liberty Mutual Claims and *if* any recovery is received" it will be disbursed per the plan. This treatment does not come close to satisfying 1128(a)(9)(C). Further, Debtor states that the FTB claim is the "sole" priority claim filed, but this is later contradicted on p. 10:14-17 where Debtor states that the IRS has also filed a priority proof of claim (in an undisclosed amount).

4. DS, p. 8:16-19 and Plan, p. 5:15-19: contradictory amounts described for the principal amount owed, \$372,648.22 vs. \$350,000.

5. DS, p. 8:12-13, 9:19-20/ Plan, p. 5:11-12 and p. 6:12-13: collateral is described as all of Debtor's prepetition assets, but those assets were previously sold per the Sale Order. Thus, WF is now secured by the \$99,000 cash on hand and the Liberty Mutual Claims only.

6. DS, p. 8:20-24: After the \$5,000 payment to WF, the treatment states that the next 40% will be unencumbered, with 10% of the 40% going to pay unsecured creditors. What will the other 30% be used for?

7. DS, p. 8:25-9:1; Plan, p. 5:24-28: states that loan ending in 8121-42 will be paid in full, but it is unclear whether this is the underlying loan for Class 1 (business loan agreement) or Class 2 (revolving business line of credit).

8. DS, p. 9:14-17 and Plan, p. 6:7-10: missing the "40%" and "Out" terms in paragraph describing treatment of Class 2.

9. DS, p. 9:25-10:2 and Plan, p. 6:18-22: the claim is secured and the Plan proposes to treat the Class 3 claim as unsecured under § 506(a), but Debtor doesn't even describe the collateral, the amount of the claim and Debtor's valuation.

**United States Bankruptcy Court
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CONT... SPN Investments Inc

Chapter 11

10. DS, p. 10:14-18 and Plan, p. 7:8-11: the IRS has filed a priority tax proof of claim no. 4 in the amount of \$71,716.59 (which should be disclosed in the DS) but the Plan effectively does not provide treatment for the IRS claim. The DS and Plan state that once returns are filed, no amounts will owed to the IRS but if amounts are owed, then the IRS claim will be paid as a priority tax claim from the Carve Out. Debtor does not disclose the tax years for which returns are due or when it will be filing the returns. Further, the treatment suffers from the same problems with 1129(a)(9)(C) as the FTB claim. The claim is presumed valid until objected to and, therefore must be provided for in full. Currently, the amount of the claim renders the plan unconfirmable.

11. DS, p. 10:24 and Plan, p. 7:18: erroneously lists Class 4 as unimpaired.

12 DS, p. 10:26-28 and Exhibit A: Per the exhibit, the total amount of Class 4 general unsecured claims is \$2,006,410.04. However, this amount only reflects filed claims and does not include general unsecured claims that were scheduled as undisputed, noncontingent, and liquidated by Debtor. Per the claims bar date notice, creditors whose claims were so listed on the schedules were not required to file a proof of claim.

13. DS, p. 11:13-15 and Plan, p. 7:25-8:6: the names of the interest holders of Debtor are not provided.

14 DS, p. 13:26-27 and Plan, p. 10:11: the date for filing a claim after lease or contract rejection needs to be updated in the Plan (listed as August 22, 2019 in the DS and June 1, **2017** in the Plan).

15. Plan, p. 10:8: this line refers to "Section {I.B.3.} of this document for the specific date." However, no such section exists in the Plan. This section is in the DS, and the Plan should be amended to refer to the DS.

16. DS, p. 13:-23; Plan, p. 10:14-28: The DS states no leases/contracts will be assumed and all leases/contracts will be rejected. However, the very next sentence at line 15 states that "if you are a party to a lease or contract *to be assumed* and you object to the assumption" This doesn't make sense and should be deleted.

**United States Bankruptcy Court
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CONT... SPN Investments Inc

Chapter 11

17. DS, p.18:8-9: The DS erroneously states that "the Plan proposes to pay all creditors *in full* on the Effective Date. This is not true.

18. DS, p. 25-27 (Exhibit A): the claims are listed as "Class 1" but per the Plan, general unsecured creditors are listed under Class 4.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

8:19-10893 SPN Investments Inc

Chapter 11

#20.00 CON'TD STATUS CONFERENCE Hearing on (1) Status of Chapter 11 Case;
and (2) Requiring Report on Status of Chapter 11 Case

FR: 5-16-19; 6-13-19; 9-12-19; 11-7-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

May 16, 2019

Continue status conference to June 13, 2019 at 10:30 a.m., same date/time as hearing on UST's motion to dismiss case. (XX)

Note: Appearances at this hearing are not required.

June 13, 2019

Claims Bar Date: 8/22/19 (notice to creditors by
6/20/19)

Deadline to file Plan/DS: 8/29/19 (no extensions will be
granted)

Continued Status Conf: 9/12/19 at 10:30 a.m. (XX)

Updated Status Report due: 8/29/19 -- waived if Plan/DS timely
filed

Note: If the parties accept the foregoing tentative ruling, appearances at this status conference are not required -- the court will issue its own order re the same.

**United States Bankruptcy Court
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Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

CONT... SPN Investments Inc
September 12, 2019

Chapter 11

Continue status conference to November 7, 2019 at 10:30 a.m. to allow Debtor to notice a hearing date on approval of its Disclosure Statement. (XX)

Special Note: This court does not set hearings on approval of disclosure statements. Counsel for the debtor must self-calendar hearings.

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the U.S. Trustee. It is Debtor's responsibility to ascertain its compliance status prior to the hearing.

November 7, 2019

Continue status conference to December 12, 2019 at 10:30 a.m., same date/time as hearing re approval of first amended disclosure statement. Updated status report not required. (XX)

Note: Appearance at this hearing is not required.

December 12, 2019

No tentative ruling. Disposition will depend upon the outcome of #19 on today's calendar.

Party Information

Debtor(s):

SPN Investments Inc

Represented By
Jeffrey S Shinbrot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

8:19-13111 Guadalupe Alejo and Gloria Alejo

Chapter 7

#21.00 Hearing RE: Chapter 7 Trustee Thomas H. Casey's Motion for Order Approving Sale and Settlement Agreement with the Debtors and Authorizing the Trustee to Abandon Real Property

Docket 19

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 12, 2019

Grant 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):

Guadalupe Alejo

Represented By
Sundee M Teeple

Joint Debtor(s):

Gloria Alejo

Represented By
Sundee M Teeple

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 12, 2019

Hearing Room 5A

10:30 AM

8:19-13438 Paul D Blanco

Chapter 13

#22.00 CONT'D Hearing RE: Creditor's Motion for Allowance and Payment of Administrative Claim

FR: 11-19-19

Docket 25

***** VACATED *** REASON: OFF CALENDAR: Order of Dismissal
Arising from Chapter 13 Confirmation (11 U.S.C. §109(g)) Hearing Entered
11/27/2019**

Courtroom Deputy:

**OFF CALENDAR: Order of Dismissal Arising from Chapter 13
Confirmation (11 U.S.C. §109(g)) Hearing Entered 11/27/2019 - td
(12/5/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul D Blanco

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

Camino Center, a California limited

Represented By
Leonard M Shulman

Trustee(s):

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 12, 2019

Hearing Room 5A

10:30 AM

8:19-13443 Beom & Eun Investment LLC

Chapter 7

#23.00 Hearing RE: Former Alleged Debtor's Motion for Punitive Damages and Attorneys' Fees

Docket 53

Courtroom Deputy:

December 12, 2019

Tentative Ruling:

December 12, 2019

Grant the Motion in the amount of \$7,553.36 as to The Wall Law Office and \$1,000 as to the Law Office of Tom Chun for total attorneys fees and costs in the amount of \$8,553.36 as to petitioning creditors Park and Hong jointly and severally; and punitive damages in the amount of \$10,000 as to Park only. The fees, costs and punitive damages are payable on or before March 13, 2020.

Basis for Tentative Ruling:

On September 4, 2019, an involuntary chapter 7 petition was filed against former alleged debtor Beom & Eun Investment, LLC dba Imperial Health Center, dba Imperial Health Spa ("Debtor") by Daniel E. Park Law Corporation ("Park Law") and Linda Hong ("Hong")(collectively, "Petitioning Creditors").

L.A. Pacific Plaza, LLC ("Landlord") is the landlord for real property located in Garden Grove, California where Debtor's spa business was located. Landlord filed a motion for relief from stay for unlawful detainer on September 9, 2019, which was granted by order entered October 3, 2019. [dkt#18], which was denied by order entered the same date [dkt. #29].

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Thursday, December 12, 2019

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5A

10:30 AM

CONT...

Beom & Eun Investment LLC

Chapter 7

Also, on October 27, 2019, the Court issued an order to show cause why the involuntary chapter 7 petition should not be dismissed for Petitioning Creditors' lack of good faith and standing (the "OSC")[dkt. #27].

The court held a hearing on the OSC on October 3, 2019 and dismissed the involuntary case, retaining jurisdiction to hear any motion under § 303(i) (the "Dismissal Order")[dkt. #46]. The Dismissal Order attached the Court's tentative ruling.

On November 1, 2109, Debtor filed the instant motion, under § 303(i), seeking \$15,000 in attorneys' fees and \$100,000 in punitive damages (the "Motion")[dkt. #53].

Attorneys' Fees and Costs Under § 303(i)(1)

Debtor first requests attorneys fees in the amount of \$14,944 plus additional estimated fees for the preparation and prosecution of the Motion. Petitioning Creditors counter that attorney's fees are discretionary and based on upon the totality of circumstances, the Court should decline to award the fees because Petitioning Creditors have acknowledged that they made a mistake, Hong voluntarily dismissed her Petition before the first hearing in this case, Petitioning Creditors believed that they creditors of Debtor and that the requirements of an involuntary bankruptcy were met, and they were desperate to preserve the bankruptcy estate. Petitioning Creditors' counter arguments are unpersuasive.

Under § 303(i)(1), "If the court dismisses a petition under this section other than on consent of all petitioners and the debtor, and if the debtor does not waive the right to judgment under this subsection, the court may grant judgment... against the petitioners and in favor of the debtor for... costs; or... a reasonable attorney's fee[.]"

Bad faith is not a prerequisite for awarding fees under § 303(i)(1). *Higgins v. Vortex Fishing Systems, Inc.*, 379 F.3d 701, 706 (9th Cir. 2004). A rebuttable presumption arises that reasonable fees and costs are authorized "when an involuntary petition is dismissed on some ground other than consent of the parties and the debtor has not waived the right to recovery[.]"

**United States Bankruptcy Court
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Thursday, December 12, 2019

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5A

10:30 AM

CONT... **Beom & Eun Investment LLC**

Chapter 7

Id. at 707. Thus, "any petitioning creditor in an involuntary case should expect to pay the debtor's attorney's fees and costs if the petition is dismissed." Id.; see, *In re Macke Int'l Trade, Inc.*, 370 B.R. 236, 255 (B.A.P. 9th Cir. 2007)("[I]n the Ninth Circuit, the presumption is that, upon dismissal of an involuntary petition, totality of the circumstances, that factors exist which overcome the presumption, and support the disallowance of fees." *Higgins, supra* at 707. Courts " should consider the following factors before awarding attorney's fees and costs under § 303(i)(1): 1) 'the merits of the involuntary petition,' 2) 'the role of any improper conduct on the part of the alleged debtor,' 3) 'the reasonableness of the actions taken by the petitioning creditors,' and 4) 'the motivation and objectives behind filing the petition.'" Id. "Although definitive in most cases, this list is not exhaustive, and a bankruptcy court may, in its discretion, choose to consider other material factors it deems relevant." A bankruptcy court's award of attorneys' fees is reviewed for abuse of discretion or erroneous application of the law. Id. at 705.

As a preliminary matter, Debtor here has demonstrated that the involuntary petition was not dismissed by consent of all parties and Debtor. Notwithstanding Hong's voluntary dismissal of her petition, § 303(i)(1) requires dismissal by *all* petitioners in order to avoid implicating § 303(i)(1). The involuntary petition was ultimately dismissed in response to the Court's OSC regarding bad faith. Debtor also did not waive the right to fees or costs under § 303(i) because the Dismissal Order specifically reserved the Court's jurisdiction to hear any § 303(i) motions, and Petitioning Creditors have not argued as such. The Dismissal Order, and all of its relevant findings, was entered on October 3, 2019 and is now a final order. Demonstration of Petitioning Creditor's bad faith is not a requirement under § 303(i)(1).

"Although the burden of proof is on the petitioning creditors to justify the denial of attorneys' fees, "if attorney's fees are allowed, the evidentiary burden to establish the reasonableness of the amount awarded rests upon the putative debtor." "*In re Anmuth Holdings LLC*, 600 B.R. 168, 190 (Bankr. E.D.N.Y. 2019)(analyzing award of attorneys' fees and costs using the lodestar method). "The customary method for assessing an attorney's fee application in bankruptcy is the 'lodestar,' under which 'the number of hours reasonably expended' is multiplied by "a reasonable hourly rate" for the person providing the services." *In re Eliapo*, 468 F.3d 592, 598 (9th Cir.

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CONT... **Beom & Eun Investment LLC**

Chapter 7

2006)(applying lodestar method within the context of § 330). "The court retains broad discretion to fashion a fee award under § 303(i)." *In re S. Cal. Sunbelt Developers, Inc.*, 608 F.3d 456, 464 n. 3 (9th Cir. 2010).

Based on the time spent by Debtor's bankruptcy counsel, William J. Wall ("Wall"), and its general counsel, Tom S. Chun ("Chun"), Debtor has carried its burden to establish that most of the fees and costs claimed are reasonable and permissible. Debtor has provided declarations for both Wall (20 years of experience) and Chun (30 years of business litigation experience) which details their qualifications. See, Mot., p. 9-12 and Ex. 2. Wall has submitted a declaration and time records sufficient to support an award of attorneys and costs as to his firm in the amount of \$7,553.36. However, the court will not award additional fees and costs to Wall on account of the estimated preparation and prosecution of the Motion. Such fees and costs are not permitted in this Circuit. See, *In re Southern California Sunbelt* at 466-467. Chun, on the other hand, submitted a declaration regarding his fees but did not provide time records. Accordingly, the court cannot fully assess the reasonableness of his fees but will allow \$1,000 (approximately two hours) for time spent assisting in the defense of the involuntary proceeding given his long history representing Debtor. Time spent explaining the ruling to Debtor and discussing future courses of action are not permissible.

Having established that the involuntary petition was not dismissed by consent of all parties and the reasonableness of the fees and costs requested, a rebuttable presumption has arisen that Debtor is entitled to reasonable attorneys' fees and costs under § 303(i)(1).

Based on the totality of the circumstances, except as noted above, Petitioning Creditors have failed to meet their burden to overcome the presumption that attorneys' fees and costs should not be awarded. First, the involuntary petition had no merit because it was ultimately dismissed per the Court's OSC.

Second, Petitioning Creditors have not shown that Debtor engaged in any improper conduct. Rather, any assertions by Petitioning Creditors that Debtor has not accounted for funds or did not oppose an unlawful detainer

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

CONT... **Beom & Eun Investment LLC**

Chapter 7

action continues to ignore the new legal reality after the Judgment was reversed and that the principals of Debtor (not Hong) are the legal and equitable owners of Debtor.

Third, the actions taken by Petitioning Creditors were not reasonable because they filed an involuntary petition knowing that their claims were subject to a bona fide dispute. As noted by the Court in its Dismissal Order, on the petition date, Petitioning Creditors knew that the Judgment had been reversed. See, Dismissal Order, p. 4 (top of page), ¶3. Under § 303(b)(1), a petitioning creditor must hold a claim that is not the "subject of a bona fide dispute as to liability or to amount[.]" Moreover, Petitioning Creditors' actions were not reasonable because they may actually be debtors, not creditors, of Debtor due to the almost \$700,000 paid by the Receiver to Petitioning Creditors on account of the Judgment which no longer exists. Petitioning Creditors continue to "vigorously disput[e]" these payments, i.e., a further admission that Petitioning Creditors' claims were the subject of a bona fide dispute. See, Opp'n, p. 2, ¶5 (Cianci Decl.).

Fourth, as the Court found in its Dismissal Order, the motivation and purpose of the involuntary petition were: "1) to halt or delay the unlawful detainer action and 2) to prevent the Receiver from turning over Debtor's assets and business operations to its legal owners...and 3) to prevent the legal owners of Debtor from surrendering the leased premises to the Landlord." Dismissal Order, p. 6 (top of page), ¶9. Thus, the Court found that Petitioning Creditors filed the involuntary petition for the improper purpose of "gaining an advantage over another creditor-Landlord- and over the principals of Debtor." *Id.*

Punitive Damages

Pursuant to § 303(i)(2), upon a showing of bad faith, the court may award punitive damages even in the absence of actual or compensatory damages. *In re Southern California Sunbelt Developers, Inc.*, 608 F.3d 456, 465 (9th Cir. 2010)(affirming that § 303(i)(2) punitive attorney's fees and costs may be awarded to the alleged debtor whether or not the filing was in bad faith.) . The court opined that the "Bankruptcy Code specifically authorizes punitive damages 'even in the absence of or in addition to actual damages.' "

**United States Bankruptcy Court
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Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

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CONT... **Beom & Eun Investment LLC**

Chapter 7

In re Wavelength, Inc., 61 B.R. 614, 619 (B.A.P. 9th Cir. 1986).

The BAP in *Wavelength* observed that the Bankruptcy Code does not define "bad faith" for purposes of awarding punitive damages under § 303(i)." *Wavelength, supra*, at 619; *In re C & C Jewelry Mfg., Inc.*, 373 F. App'x 775, 777 (9th Cir. 2010)("Bad faith is measured by an objective test—what a reasonable person would believe.")(citing *Wavelength*). Thus, within the Ninth Circuit, "Whether a party acted in bad faith is essentially a question of fact... Bad faith should be measured by an 'objective test' that asks 'what a reasonable person would have believed.'" *Wavelength*, 61 B.R. at 620.

"A punitive damages award must also be considered in light of the Due Process Clause of the Fourteenth Amendment. U.S. Const. amend. XIV, § 1. Punitive damages offend due process if an award is grossly excessive in relation to the legitimate interests of punishment and deterrence." *Anmuth*, 600 B.R. at 203. "The due process inquiry compares the punitive damages awarded to the *harm* caused by the wrongful act, not merely to the actual damages awarded." *Sunbelt*, 608 F.3d at 466 (emphasis in original).

In this case, the Court has previously found that the case was filed in bad faith for the improper purpose of "gaining an advantage over another creditor-Landlord- and over the principals of Debtor." Dismissal Order, p. 6 (top of page), ¶9. The Court also found that Petitioning Creditors filed the involuntary petition: "1) to halt or delay the unlawful detainer action and 2) to prevent the Receiver from turning over Debtor's assets and business operations to its legal owners...and 3) to prevent the legal owners of Debtor from surrendering the leased premises to the Landlord." *Id.* Moreover, the Court found that Petitioning Creditors knew, at the time of filing the involuntary petition, that their claims were the subject of a bona fide dispute and that they were not eligible to file the involuntary. See *Id.*, p. 4 (top of page), ¶3.

Moreover, while the Petitioning Creditors argue that they "have fallen on their sword" for their mistake, this sincerity of this argument is undermined by the Petitioning Creditors continued insistence that no accounting for the \$400,000 turned over to Debtor is being provided, i.e., the Petitioning Creditors continue to refuse to recognize the effect of the reversed Judgment

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 12, 2019

Hearing Room 5A

10:30 AM

CONT... **Beom & Eun Investment LLC**

Chapter 7

and that the principals of Debtor are the sole legal owners of Debtor. Finally, Petitioning Creditors have failed to address the Court's finding that they deliberately misled the Court by representing that Hong's claim was based on the Judgment but failed to make any mention that the Judgment had been reversed as of the petition date, thereby rendering their claims the subject of a bona fide dispute. Accordingly, based on these findings, and the entire record before the Court, see *In re Blumer*, 95 B.R. 143, 146 (B.A.P. 9th Cir. 1988)("It is well established that a court may take judicial notice of its own records."), the Court finds that no reasonable person would have believed that Petitioning Creditors had undisputed claims against Debtor and that an involuntary petition was warranted.

The court finds that Park instigated the filing of the involuntary petition and did so with a flagrant disregard for ability of he and Hong to meet one of the critical requirements of being a petitioning creditor under 303(b)(1) -- holding a claim that was not the subject of a bona fide dispute. Appallingly, even while admitting that the filing of the involuntary petition was a mistake, he still insists that the bankruptcy was necessary in light of post-dismissal events. The court is completely unpersuaded by Park's arguments in this regard. Events unfolded in state court (e.g., completion of the unlawful detainer, termination of the receivership and turnover of Debtor's assets to its lawful owners) as they should have. None of the post-dismissal circumstances recited by Park warranted or justified a bad faith involuntary petition. Accordingly, it is appropriate that the punitive damages portion of the award should be borne by Park alone.

Party Information

Debtor(s):

Beom & Eun Investment LLC

Represented By
William J Wall

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

2:00 PM

8:15-14580 Rosalva Ramirez

Chapter 11

Adv#: 8:15-01375 Sotelo et al v. Ramirez et al

#24.00 Hearing RE: Motion of Counter-Claimant Rosalva Ramirez to: 1. Dismiss Second Claim for Relief with Prejudice Pursuant to Bankr. R.C.P. Rule 41(a)(2); and 2. Enter the [Proposed] Judgment Granting the First, Third and Fourth Claims for Relief as Ruled Upon at March 12, 2019 Hearing

Docket 161

***** VACATED *** REASON: OFF CALENDAR: Withdrawal of Motion filed 12/10/19.**

Courtroom Deputy:

**OFF CALENDAR: Withdrawal of Motion filed 12/10/19 [dkt. #164] - sb
(12/11/19)**

Tentative Ruling:

Party Information

Debtor(s):

Rosalva Ramirez

Represented By
Marc C Forsythe
Charity J Manee

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 12, 2019

Hearing Room 5A

2:00 PM

CONT... Rosalva Ramirez Chapter 11
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

#1.00 CON'TD ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 385

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Argent Management, LLC

Aalok Sharma

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

#2.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 389

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

December 17, 2019

EVIDENTIARY OBJECTIONS

Plaintiff's Evidentiary Objections to the Declaration of Bruce V. Cook [dkt #s594-2 and 607-3]

Objection #/Para # Ruling:

- | | |
|-----------|--------------------------------------------------------------------------------------------------------|
| 1 - ¶ 5 | Overruled |
| 2 - ¶ 10 | Sustained as to "The Declaration of Bruce Elieff . . . such Debtor." Overruled as to the balance |
| 3 - ¶ 11 | Overruled |
| 4 - ¶ 13 | Overruled as to first sentence in para. 13; Sustained as to |
| | the balance based on all three objections thereto. |
| 5 - ¶ 19 | Overruled |
| 6 - ¶ 27 | Overruled as to "In the preparation . . . of SCM."
Sustained as to the balance. Hearsay;Speculation |
| 7 - ¶ 28 | Sustained as to "Approximately . . . core business."
Overruled as to the balance. |
| 8 - ¶ 32 | Sustained. Foundation |
| 9 - ¶ 34 | Overruled |
| 10 - ¶ 36 | Sustained as to "which I understand was owned by Bruce Elieff." Overruled as to the balance |
| 11 - ¶ 38 | Overruled as to ""To the extent . . . between Argent and |

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CONT... Palmdale Hills Property, LLC Chapter 11

SCM." Sustained as to the balance.

12 - ¶ 41		Overruled
13 - ¶ 46		Overruled
14- 35		Overruled as to Exhibits 1, 7, 8, 9, 15-28, 30, 35, 40, 41 on the basis of Argent's "Response to Plaintiff's Evidentiary
which		Objections to Appendix of Evidence . . ." [dkt #605-5] the court incorporates by reference herein.

Plaintiff's Evidentiary Objections to Declaration of George Rizk

Objection #/Para # Ruling

1 - ¶ 1		Overruled
2 - ¶ 6		Overruled. <i>Special note: the best evidence objection to the Lehman Bk borders on the absurd.</i>
3 - ¶ 7		Sustained as to "DE Shaw did not . . .became Argent)". Foundation. Overruled as to the balance
4 - ¶13 (p.3)		Sustained. Foundation as to others' intent.
5 - ¶13 (p.4)		Sustained as to "Rather, the parties . . over time". Overruled as to the balance.
6 - ¶ 14		Sustained. Foundation. Hearsay
7 - ¶ 18		Overruled as to "In negotiating . . . these items." Sustained as the balance as to <i>this</i> declarant only. The Initial Operating Agreement and Exhibits are admitted via Declaration of Bruce Cook, ¶ 21, Exh. 17

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8 - ¶ 19 Sustained as to *this* declarant only. See Declaration of Stephan Elieff, ¶ 34, Exh. 27, which are admitted.

9 - 12 Exhs 17, 18, 24
above. Overruled. See ruling for Declaration of Bruce Cook above.

Plaintiff's Evidentiary Objections to Declaration of Stephan Elieff

<u>Objection #/Para.#</u>	<u>Ruling</u>
1 - ¶ 3	Overruled
2 - ¶ 4	Overruled.
3 - ¶ 8	Sustained. Hearsay
4 - ¶ 11	Sustained. Foundation; Hearsay
5 - ¶ 12, p. 5:11-16	Sutained. Hearsay
6 - ¶ 12, p.5-6	Sustained. Hearsay; Speculation
7 - ¶ 17	Overruled as to testimony and Exh. 19
8 - ¶ 19	Sustained. Hearsay
9 - ¶ 20	Sustained. Hearsay
10 - ¶ 27	Sustained as to "I also understood from SCM . . . as possible". Overrule as to the balance
11 - ¶ 29 owned	Sustained only as to "which I understood was by Bruce Elieff." Foundation. Hearsay
12 - ¶ 31	Sustained. Hearsay
13 - ¶ 32	Overruled
14 - ¶ 35 Argent Overruled	Sustained only as to "and the parties forming did not intend . . merged or consolidated." as to the balance.
15 - 18; ¶s 36-40	Overruled
19 - 35; Exhs. 6, 15-24, 26-28	Overruled. See rulings on objections to exhibits re

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Chapter 11

Bruce Cook Declaration above.

Plaintiff's Evidentiary Objections to Declaration of Bruce Elieff

<u>Objection #/Para.#</u>	<u>Ruling</u>
1 - ¶ 2	Overruled
2 - ¶ 5	Overruled. Exh. 6 admitted via Stephan Elieff Declaration -- see ruling above.
3 - 13/ ¶s 7, 9-12, 14	Overruled
14 - ¶ 15, p.6-7	Sustained as to "Debtors . . . condition of SCM". Foundation. Overruled as to balance
15 - ¶ 15, p. 7:2-5	Overruled
16 - ¶ 17	Overruled
17 - ¶ 19	Sustained as to "but at yet even more
reduced . . ."	and "At these reduced rates." Foundation.
Overruled	as to the balance
18 - ¶ 21	Sustained. Hearsay
19 - ¶ 22	Sustained. Hearsay
20 - ¶ 28, p. 11:2-4	Overruled. Property owner can testify as to its
value	
21 - ¶ 28, p. 11:9-10	Sustained. Hearsay
22 ¶ 34	Overruled
23 - ¶ 37	Overruled
24 - ¶ 39	Sustained only as to "as funding had not yet been
	secured . . . such projects." Foundation.
Overrule	as to the balance
25 - ¶ 40	Overruled
26 - ¶ 41	Overruled

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CONT... Palmdale Hills Property, LLC Chapter 11

27 - ¶ 45 consolidate	Sustained as to "SCM did not merge or with Argent." Legal conclusion. Overruled as to the balance
28 - ¶ 48	Overruled
29 - ¶ 50	Overruled
30 - ¶ 54	Sustained as to "and from my conversations with Lehman representatives regarding the Projects, it was not Lehman's intent". Hearsay; Speculation Overruled as to the balance
31 - ¶ 56	Sustained. Foundation; hearsay
32 - 44; ¶ s 60,63 64, 69, 74, 779, 84, 91, 96, 100, 103, 105, 107	Overruled
45 - Exhs 1-6, 21, 22, 23, 24, 28, 30	Overruled

Plaintiff's Evidentiary Objections to Declaration of Tom Rollins

<u>Objection #/Para #</u>	<u>Ruling</u>
1 - ¶ 2	Overruled
2 - ¶ 6	Overruled
3 - ¶ 7	Overruled
4 - ¶ 9	Sustained only as to "As I understood the parties' business relations, and". Foundation. Overruled as to the balance.
5 - ¶ 10	Overruled
6 - ¶11,p.4:11-14	Sustained. Best evidence
7 - ¶11,p.4:14-18	Overruled
8 - ¶11,p.4:18-20	Overruled

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CONT... Palmdale Hills Property, LLC

Chapter 11

9 - ¶ 12	Sustained. Foundation; best evidence
10 & 11- ¶ 13	Sustained. Foundation; best evidence
12 - ¶ 14	Sustained. Foundation; best evidence
13 & 14 - ¶ 15	Sustained. Foundation; best evidence
15 - ¶ 16	Sustained. Foundation; best evidence
16 - ¶ 17	Sustained. Foundation; best evidence
17 - ¶ 18,p.8:3-9	Overruled
18 - ¶18, p.8:13-21	Overruled as to "SCM had been unable . . . assets" and "These accounts receivable . . . assets of SCM." Sustain as to the balance. Best evidence
19 - ¶18, p.9:8-11	Sustained. Foundation
20 - ¶ 19	Overruled
21 - ¶ 20	Overruled
22 - ¶ 21	Sustained. Foundation
23 - ¶ 22	Sustained. Best evidence
24 - ¶ 27	Overruled
25 - ¶ 30	Overruled. Exh 37 not objected to.
26 - ¶ 32	Sustained
27 - ¶ 33	Overruled. Exh. 38 not objected to
28 - ¶ 34	Overruled. Exh. 39 not objected to
29 - ¶ 35	Sustained. Foundation; best evidence

Plaintiff's Evidentiary Objections to Defendant Argent's Appendix of Evidence

All objections are Overruled for the reasons set forth in Defendant's Response to such evidentiary objections (incorporated herein by reference) and also pursuant to this court's rulings as to certain documents that are the subject of the court's May 13, 2019 Order Granting in Part and Denying in Part the Plaintiff's Motion to Strike Evidence[docket #364]. See exhibit 1 thereto.

Defendant Argent's Evidentiary Objections to Howard Grobstein Report
The objections regarding factual inaccuracies are well-taken.

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Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch

**United States Bankruptcy Court
Central District of California
Santa Ana
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Tuesday, December 17, 2019

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10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01015 Speier v. SunCal Management LLC et al

#3.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 95

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

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
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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
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Tuesday, December 17, 2019

Hearing Room 5A

10:30 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
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

#4.00 CON'TD ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Judgment

FR: 5-7-19; 9-26-19

Docket 340

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

#5.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 344

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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
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Louis R Miller
Jeffrey W Broker
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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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
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Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01021 Speier v. SunCal Management LLC et al

#6.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 327

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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
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James M Miller
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**United States Bankruptcy Court
Central District of California
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Tuesday, December 17, 2019

Hearing Room 5A

10:30 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
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Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01022 Speier v. SunCal Management LLC et al

#7.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 342

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
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CONT... Palmdale Hills Property, LLC

Chapter 11

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By

Paul J Couchot
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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

**United States Bankruptcy Court
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CONT... Palmdale Hills Property, LLC

Chapter 11

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
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8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01022 Speier v. SunCal Management LLC et al

#8.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 346

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
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10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

Party Information

Debtor(s):

Palmdale Hills Property, LLC

Represented By
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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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01022 Speier v. SunCal Management LLC et al

#9.00 CONT'D STATUS CONFERENCE RE: Third Amended Complaint to Avoid and Recover Fraudulent Transfers **[Debtor: SunCal PSV, LLC]**

FR: 8-1-18; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 329

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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, December 17, 2019

Hearing Room 5A

10:30 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**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01023 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#10.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 311

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01023 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#11.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 319

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01023 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#12.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 298

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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, December 17, 2019

Hearing Room 5A

10:30 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**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01024 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#13.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 308

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01024 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#14.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 312

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01024 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#15.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 68

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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, December 17, 2019

Hearing Room 5A

10:30 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

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01025 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#16.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 320

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01025 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#17.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 328

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SUNCAL MANAGEMENT, LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01025 SPEIER v. SUNCAL MANAGEMENT, LLC et al

#18.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 77

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

#19.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 308

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

#20.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 312

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01026 Speier v. SunCal Management LLC et al

#21.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 69

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

#22.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 594

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

#23.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 601

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Doah Kim
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01125 Speier v. SunCal Management LLC et al

#24.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 105

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

#25.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 498

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

#26.00 CONT'D ORAL RULING RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 502

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management, LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01126 Speier v. SunCal Management, LLC et al

#27.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 99

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01127 Speier v. SunCal Management LLC et al

#28.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 486

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01127 Speier v. SunCal Management LLC et al

#29.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 490

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01127 Speier v. SunCal Management LLC et al

#30.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 98

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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, December 17, 2019

Hearing Room 5A

10:30 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**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

#31.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 486

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

#32.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 490

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01128 Speier v. SunCal Management LLC et al

#33.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 98

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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, December 17, 2019

Hearing Room 5A

10:30 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**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

#34.00 CONT'D ORAL RULING Hearing RE: Defendant Argent Management, LLC's Motion for Summary Judgment and in the Alternative Summary Adjudication

FR: 5-7-19; 9-26-19

Docket 490

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

#35.00 CONT'D ORAL RULING Hearing RE: Trustee's Cross-Motion for Partial Summary Adjudication that Argent Management, LLC was and is SunCal Management, LLC's Alter Ego and/or, in the Alternative, Successor in Liability

FR: 5-7-19; 9-26-19

Docket 494

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

Tentative Ruling:

May 7, 2019

Defendant's Motion for Summary Judgment/Adjudication

Defendants shall have 30 minutes to highlight its best arguments in favor of summary judgement or partial adjudication in its favor.

Plaintiff shall have 15 minutes to highlight genuine issues of material fact re Defendants' Motion.

Defendants shall have 15 minutes to reply.

Plaintiff's Motion for Summary Judgment/Adjudication

Plaintiff shall have 30 minutes to highlight his best arguments in favor of summary judgment or partial adjudication in his favor.

Defendants shall have 15 minutes to highlight genuine issues of material fact re Plaintiff's Motion.

Plaintiff shall have 15 minutes to reply.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

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10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

The matter will thereupon be taken under submission and a ruling (either oral written) issued on September 26, 2019 at 2:00 p.m. (XX)

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

Defendant(s):

SunCal Management LLC

Represented By
Craig H Averch
Aalok Sharma

Argent Management, LLC

Represented By
Craig H Averch
Aalok Sharma

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

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, December 17, 2019

Hearing Room 5A

10:30 AM

8:08-17206 Palmdale Hills Property, LLC

Chapter 11

Adv#: 8:18-01129 Speier v. Argent Management, LLC et al

#36.00 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; 9-11-18; 5-2-18; 5-7-19; 9-26-19

Docket 100

Courtroom Deputy:

TRAILED TO 2:00 PM - td (12/16/2019)

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

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Tuesday, December 17, 2019

Hearing Room 5A

10:30 AM

CONT... Palmdale Hills Property, LLC

Chapter 11

Jeffrey W Broker
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, December 19, 2019

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 CONT'D STATUS CONFERENCE RE: Complaint for Sanctions; Declaratory Relief

FR: 11-8-18; 12-6-18; 1-31-19; 3-12-19; 4-18-19; 6-20-19; 7-18-19; 11-7-19

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.

January 31, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

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5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

Continue status conference to March 12, 2019 at 9:30 a.m.; updated status report must be filed by February 25, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

March 12, 2019

Continue Status Conference to April 18, 2019 at 9:30 a.m. ; updated Status Report must be filed by April 4, 2019. (XX)

Note: If Plaintiff accepts the foregoing tentative ruling, appearance at this hearing is not required.

April 18, 2019

In light of pending mediation, continue status conference to June 20, 2019 at 9:30 a.m.; updated status report must be filed by June 6, 2019. (XX)

Note: Appearance at this status conference is not required; Plaintiff to serve notice of the continued hearing date/time.

June 20, 2019

Continue status conference to July 18, 2019 at 9:30 a.m. in light of Plaintiff's pending motion for entry of default judgment as to Patrick Swindell, which motion is under review by the court. (XX)

Note: Appearance at today's hearing is not required.

July 18, 2019

Court's Comments re the Pending Motion for Default Judgment re Defendant David Hutchens:

1. Service:

**United States Bankruptcy Court
Central District of California
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Judge Erithe Smith, Presiding
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Thursday, December 19, 2019

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9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

On November 6, 2018, this court granted Plaintiff's application for permission to serve Hutchens with the summons and complaint by publication. The application indicated that Plaintiff had previously attempted to serve Hutchens at a post office box obtained through a skip trace search i.e., "P.O. Box 2313, Murphys, CA 92547" but that the service had been "refused." It is not clear whether the refusal was by Hutchens, the owner of the post office box, or the Post Office itself.

Pursuant to the November 6, 2018 Order (Publication Order), Plaintiff served the summons and complaint by publication in the Calaveras Enterprise.

Inexplicably, the Motion for Default Judgment was not served by publication but was instead served to the P.O. Box which had previously been refused *and* to a different zip code, 95287 and not 95247.

Based upon the foregoing it appears that service is not effective.

Merits

9011: FRBP 9011(c)(1)(A) includes a safe harbor provision, service of the request for sanctions 21 days before it is filed with the court. Re the failure to prosecute the adversary, Hutchens could not legally do so after September 1, 2017 because he was disbarred. Can't be sanctioned for that. As to the proof of claim, no compliance with the safe harbor provision. Further, after September 1, 2017, Hutchens could not represent the other defendants and, therefore, likely had no authority to withdraw the proof of claim even if the safe harbor provision had been complied with.

Legal Fees: The Motion appears to include all attorneys fees incurred by Plaintiff. Attorneys fees should be limited to matters specifically involving Hutchens during the time he was legally able to represent the other defendants, such as fees associated with Hutchens' failure to comply with LBR 7026 in the Swindell Adversary prior to his ineligibility to practice law on Sept. 1, 2017.

To the extent that fees are requested based on the allegation that Hutchens' purported false allegation caused the Trustee to file his adversary proceeding,

**United States Bankruptcy Court
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Santa Ana
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Thursday, December 19, 2019

Hearing Room

5A

9:30 AM

CONT... Thomas J Smith, III

Chapter 7

such fees are not appropriate as the Trustee has an independent duty to investigate and to prosecute based on his own judgment.

November 7, 2019

In light of the pendency of two motions for default judgment, continue the status conference to December 19, 2019 at 9:30 a.m. (XX)

Special Note re the motion for default judgment against David Hutchens and Patrick Swindell):

David Hutchens

There is a pending motion for default judgment against defendant David Hutchens ("Hutchens"), as well as an amended memorandum of points and authorities in support of such judgment filed August 30, 2019. Though the motion for default judgment is not on calendar today, the court wishes to advise counsel for plaintiff that it intends to rule as follows regarding the uncontested motion.

Rule 7016-1(f)(3) Monetary Sanctions:

The motion will be granted in part to allow a default judgment in the amount of \$2,000 in monetary sanctions for reimbursement of reasonable attorneys fees associated with nondischargeability adversary proceeding no 16-01269 -- specifically, Plaintiff's appearance at the court-ordered mediation for which Hutchens did not appear and for preparation of the motion to dismiss. The amount is based on the court's assessment of reasonableness as Plaintiff did not submit time records with sufficient detail regarding 7016-1(f)(3) sanctions. The time records submitted include time charged for a variety of services unrelated to the Hutchens' failures regarding that adversary proceeding.

Rule 9011 Sanctions

The motion is denied as to Rule 9011 sanctions due to Plaintiff's failure comply with the safe harbor provision of FRBP 9011(c)(1)(A). This is a mandatory provision and this court cannot grant relief without compliance with

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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5A

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Thomas J Smith, III

Chapter 7

the same. See, *Islamic Shura Council of S. California v. F.B.I.*, 757 F.3d 870 (9th Cir. 2014); *In re Silberkraus*, 336 F.3d 864 (9th Cir. 2003). This court lacks authority to "waive" the 21-day safe harbor provision and Plaintiff has provided no such legal authority for doing so. See, *Elliott v. Tilton*, 64 F.3d 213, 216 (5th Cir. 1995); *Islamic Shura* supra. Rule 9011 sanctions is, therefore, not an available remedy for Plaintiff in light of Plaintiff's failure to comply with the same.

Plaintiff may lodge an order providing for the granting in part of the motion for default judgment in the amount of \$2,000 pursuant to Local Bankruptcy Rule 7016-1(f)(3) and denying as to sanctions pursuant to FRBP 9011.

Patrick Swindell

Deny motion pursuant to FRBP 9011 due to Plaintiff's failure to comply with the safe harbor provision of FRBP 9011(c)(1)(A). This is a mandatory provision and this court cannot grant relief without compliance with the same. See, *Islamic Shura Council of S. California v. F.B.I.*, 757 F.3d 870 (9th Cir. 2014); *In re Silberkraus*, 336 F.3d 864 (9th Cir. 2003). This court lacks authority to "waive" the 21-day safe harbor provision and Plaintiff has provided no such legal authority for doing so. See, *Elliott v. Tilton*, 64 F.3d 213, 216 (5th Cir. 1995); *Islamic Shura* supra. Rule 9011 sanctions is, therefore, not an available remedy for Plaintiff in light of Plaintiff's failure to comply with the same.

Proof of Claim #1

Deny motion as to the requested disallowance of Proof of Claim #1. Both the amended complaint and the motion are breathtakingly incoherent and fail to state a clear legal or factual basis for disallowance. Notably, a proof of claim is presumed valid when filed and the objecting party has the burden to provide evidence sufficient to shift the burden back to the claimant. Plaintiff has failed to do so in this matter, either via the amended complaint or the motion for default judgment.

December 19, 2019

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Central District of California
Santa Ana
Judge Erithe Smith, Presiding
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Thursday, December 19, 2019

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9:30 AM

CONT... Thomas J Smith, III

Chapter 7

Court to issue Order to Show Cause Why This Adversary Proceeding Should Not Be Dismissed and Sanctions Imposed on Counsel for Plaintiff in an Amount of Not Less than \$500.00.

Basis for Tentative Ruling:

Grounds for the issuance of an Order to Show Cause are based on the following circumstances:

1. Plaintiff's Counsel lodged an order with the court on December 17, 2019 that is completely contrary to the court's tentative ruling posted on November 7, 2019, which tentative ruling *Counsel rested on*, resulting in the tentative ruling becoming the order of the court.
2. On November 5, 2019, Counsel filed a "DECLARATION OF MICHAEL WORTHINGTON RE: MOTIONS FOR DEFAULT JUDGMENT AGAINST DEFENDANTS DAVID P. HUTCHENS AND PATRICK SWINDELL" ("Declaration") [docket #87]. In the Declaration, Counsel purports to have complied with the provisions of FRBP 9011(c)(1)(A) by filing the Motion for Default Judgment with Notice of the Opportunity to Request a Hearing. However, such Notice does not comply with FRBP 9011(c)(1)(A).
3. Federal Rules of Bankruptcy Procedure 9011(c)(1)(A) provides in relevant part:

"A motion for sanctions under this rule shall be made **separately from other motions or requests** and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 7004. The **motion for sanctions may not be filed with or presented to the court** unless, within 21 days after **service** of the motion . . . the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected"

(emphasis added)

4. The foregoing provision is known as the "safe harbor" provision. It permits the responding party to withdraw or correct the offending document *before* the

**United States Bankruptcy Court
Central District of California
Santa Ana
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Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

motion for sanctions is actually filed with the court. The safe harbor provision must be strictly complied with in order for sanctions to be imposed under the Rule 9011. *In re Sammon*, 253 B.R. 672, 678 (Bankr.D.S.C.2000). Under the safe harbor provision, a party seeking sanctions must first serve its motion on the opposing party and may thereafter file the motion with the court 21 days later only if the challenged pleading is neither withdrawn nor corrected within that time. The purpose is to give parties against whom the motion is directed an opportunity to remedy the alleged wrongs before the motion is filed with the court. *In re M.A.S. Realty Corp.* 326 B.R. 31, 38 (Bankr.D.Mass.2005).

5. Counsel commenced the within adversary proceeding by filing a complaint against defendants seeking Rule 9011 sanctions on June 26, 2018. See Docket #2. The complaint is the functional equivalent of a motion for Rule 9011 purposes. Compliance with Rule 9011(c)(1)(A) would have required Counsel to serve a copy of the complaint on defendants 21 days before filing the same with the court. This was not done. By the time the motion for default judgment was filed it was already too late to comply with the safe harbor provision.

6. In its November 7 tentative ruling, posted prior to the November 7, 2019 Status Conference, the the court stated that as to Defendant David Hutchens, "Plaintiff may lodge an order providing for the granting in part of the motion for default judgment in the amount of \$2,000 pursuant to Local Bankruptcy Rule 7016-1(f)(3) and denying as to sanctions pursuant to FRBP 9011." (emphasis added).

7. The court also indicated in its November 7 tentative ruling that as to Defendant Patrick Swindell, the motion for default judgment for Rule 9011 sanctions would be denied for the same reason -- failure to comply with the safe harbor provision. The court further indicated that it would deny the request for disallowance of Proof of Claim #1 on the ground that Plaintiff had failed to provide evidence sufficient to rebut the presumed validity of the claim.

8. Counsel did not appear at the November 7, 2019 Status Conference to argue against the tentative ruling and the tentative ruling became the ruling of the court.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room

5A

9:30 AM

CONT...

Thomas J Smith, III

Chapter 7

9. On December 17, 2019, contrary to the court's ruling on November 7, 2019, Counsel lodged a "Proposed Amended Order Granting Motion for Entry of Default Judgment Against Defendant David P. Hutchens" ("Proposed Order") that included the following conclusions of law:

"1. Defendant Hutchens violated Fed R Bankr P 9011(b) by signing a Proof of Claim No 1 and the Petition to Determine Non-Dischargeability of

Debt, etc without making a sufficient investigation into the merits of Plaintiff/Creditors' claims.

2. Defendant Hutchens violated Fed. R Bankr P 9011(b) in failing to participate in the filing of a Joint Pretrial Statement in the Swindell Adversary.

3. Defendant Hutchens violated 28 USC §1927 by multiplying the proceedings herein unreasonably and vexatiously and may be required by the court to satisfy personally the excess costs, expenses and attorneys' fees reasonably incurred because of such conduct."

10. Contrary to the court's November 7, 2019 ruling, the Proposed Order included the following relief:

"Based on the foregoing Findings of Fact and Conclusions of Law the Motion for Default Judgment is GRANTED in favor of Plaintiff Thomas J. Smith, III and against Defendant David P. Hutchens in the amount of \$74,685 according to the Amended Appendix of Billings as restitution."

11. Counsel has a history of filing incomplete and inadequate pleadings which is why this uncontested adversary proceeding has been pending for 18 months.

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 19, 2019

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
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Trustee(s):

Jeffrey I Golden (TR)	Represented By Thomas H Casey
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

8:18-10053 William S. Stewart

Chapter 7

Adv#: 8:19-01038 Naylor v. Advanced Innovative Recovery Technologies, Inc.

#2.00 CON'TD STATUS CONFERENCE RE: Complaint for: (1) Breach of Contract; (2) For Money; and (3) Common Count (Quantum Meruit - Services Rendered)

FR: 5-30-19; 10-10-19

Docket 1

Courtroom Deputy:

MATTER WILL BE TRAILED TO THE 10:30AM CALENDAR -- eas

Tentative Ruling:

May 30, 2019

In light of pending settlement, continue status conference to October 10, 2019 at 9:30 a.m.; updated status report must be filed by October 3, 2019 if the settlement has not been approved by the Court by such date. (XX)

Note: Appearances at this status conference are not required; Plaintiff to serve notice of the continued hearing date/time.

October 10, 2019

In light of pending settlement, continue status conference one final time to December 19, 2019 at 9:30 a.m.; updated status report must be filed by December 5, 2019 if the adversary proceeding is still pending as of such date. (XX)

Note: Appearances at this hearing are not required.

December 19, 2019

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

8:18-12322 Tung Phuong Nguyen-Phuc

Chapter 7

Adv#: 8:19-01136 Philadelphia Indemnity Insurance Company v. Golden

#3.00 CONT'D STATUS CONFERENCE RE: Adversary Complaint for Declaratory Relief

FR: 10-3-19; 11-7-19

Docket 1

*** VACATED *** REASON: CONTINUED TO 2/20/2020 AT 9:30 A.M.,
Per Order Entered 12/6/2019 (XX)

Courtroom Deputy:

**CONTINUED: Status Conference Continued to 2/20/2020 at 9:30 a.m., Per
Order Entered 12/6/2019 (XX) - td (12/6/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tung Phuong Nguyen-Phuc

Represented By
Leslie K Kaufman

Defendant(s):

Jeffrey Golden

Pro Se

Plaintiff(s):

Philadelphia Indemnity Insurance

Represented By
Lane K Bogard
Lisa Darling-Alderton

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Richard A Marshack
Jerome Ringler
Neil Macy Howard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

CONT...

Tung Phuong Nguyen-Phuc

David Wood

Chapter 7

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

8:18-14603 Sean Pate

Chapter 7

Adv#: 8:19-01058 Euretig et al v. Pate

#4.00 CON'TD STATUS CONFERENCE RE: Complaint for Nondischargeability of Debt

FR: 6-20-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 20, 2019

This adversary proceeding will be stayed in light of the pending state court action, with periodic status conferences. Continue this status conference to December 19, 2019 at 9:30 a.m. An updated status report re the status of the state court action must be filed by December 12, 2019. (XX)

Special note: It is highly likely that once the updated status report is filed, the December 19, 2019 status conference will be continued without the necessity for appearances.

Note: Appearances at this hearing are waived; Plaintiff to lodge a scheduling order consistent with the same.

December 19, 2019

In light of the pending state court matter, continue this Status Conference to November 19, 2020 at 9:30 a.m.; updated joint status report must be filed by November 5, 2020. All discovery stayed until further notice.

Note: Appearances at this hearing are waived; Plaintiff to 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 19, 2019

Hearing Room 5A

9:30 AM

CONT... Sean Pate

Chapter 7

Party Information

Debtor(s):

Sean Pate	Represented By Anerio V Altman
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Defendant(s):

Sean Pate	Pro Se
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Plaintiff(s):

Gary Edelston	Represented By Jayne A Peeters
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Earl B Abramson	Represented By Jayne A Peeters
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Sunwest Trust	Represented By Jayne A Peeters
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Oxnard Street, LLC	Represented By Jayne A Peeters
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Michal Gutentag	Represented By Jayne A Peeters
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Barbara Edelston	Represented By Jayne A Peeters
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Beth Rakow	Represented By Jayne A Peeters
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Jay Rakow	Represented By Jayne A Peeters
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Sunwest Trust	Represented By Jayne A Peeters
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Louis Schwartz	Represented By Jayne A Peeters
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David P Abramson	Represented By
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

CONT...

Sean Pate

Chapter 7

Jayne A Peeters

Rachel Euretig

Represented By
Jayne A Peeters

Andrew Euretig

Represented By
Jayne A Peeters

Zvi Gutentag

Represented By
Jayne A Peeters

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 19, 2019

Hearing Room 5A

9:30 AM

8:19-10917 Alice L. Madonna Zimmerman

Chapter 7

Adv#: 8:19-01123 Will v. Madonna Zimmerman

#5.00 CON'TD STATUS COINFERENCE RE: Complaint to Determine Dischargeability of Debt Pursuant to 11 U.S.C. §§523(a)(20, 523(a)(4), and 523 (a)(6)

FR: 9-19-19

Docket 1

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

September 19, 2019

Continue status conference to December 19, 2019 at 9:30 a.m.; updated joint status report must be filed by December 5, 2019. (XX)

Basis for Tentative Ruling:

Relief from stay was granted to permit the probate matter to proceed on all issues other than a determination regarding ownership of the subject property. See Plaintiffs Reply to Defendant's Opposition to the RFS Motion at p. 2, lines 27-28. In order to award "damages" the probate court must necessarily determine whether Defendant's alleged conduct warrants a judgment of damages in Plaintiff's favor. Accordingly, Defendant's interpretation of the scope of the stay relief granted is flawed.

Note: If both parties accept the foregoing tentative ruling, appearances at this hearing are not required.

December 19, 2019

In light of pending probate action, continue this status conference to April 16,

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

CONT... Alice L. Madonna Zimmerman Chapter 7
2020 at 9:30 a.m.; updated joint status report must be filed by Apr 2, 2020.

Note: If both 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):

Alice L. Madonna Zimmerman	Represented By Leslie K Kaufman
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Defendant(s):

Alice L. Madonna Zimmerman	Pro Se
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Plaintiff(s):

Lisa Will	Represented By Bert Briones
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Trustee(s):

Weneta M Kosmala (TR)	Represented By Reem J Bello
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**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

8:19-11139 Chirag Shewa

Chapter 7

Adv#: 8:19-01177 Gama World Technologies, Inc. v. Shewa

#6.00 CONT'D STATUS CONFERENCE RE: Complaint to Determine
Nondischargeability of Debt Pursuant to 11 U.S.C. Sections 523(a)(2)(A), (B),
523(a)(4) and (6)

FR: 11-21-19

Docket 1

Courtroom Deputy:

SPECIAL NOTE: Call from plaintiff's attorney, Bryan M. Lieffer (213-680-5179), advising that this matter has settled. A motion to approve the settlement is forthcoming. -sb (12/16/2019 3:35 PM).

Tentative Ruling:

November 21, 2019

No proof of service showing proper service of the summons and complaint and no status report filed as required by LBR 7016-1. Impose sanctions in the amount of \$100 against Plaintiff's counsel. Court to issue Order to Show Cause why this adversary proceeding should not be dismissed for failure to prosecute.

Note: Appearance at this hearing is required.

December 19, 2019

Continue status conference to February 6, 2020 at 9:30 a.m.; updated status report must be filed by January 23, 2020 if the matter is still pending as of that date.

Note: If both parties accept the foregoing tentative ruling, appearances

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

9:30 AM

CONT... Chirag Shewa

Chapter 7

at this hearing are not required and Plaintiff shall serve notice of the continued hearing date/time.

Party Information

Debtor(s):

Chirag Shewa

Represented By
Leonard M Shulman

Defendant(s):

Chirag Shewa

Pro Se

Plaintiff(s):

Gama World Technologies, Inc.

Represented By
Bryan Leifer

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 19, 2019

Hearing Room 5A

9:30 AM

8:19-12482 Ryan Ramon Weaver

Chapter 7

Adv#: 8:19-01203 Weaver v. Geico General Insurance Company

#7.00 STATUS CONFERENCE RE: Complaint for: Turnover Under 11 U.S.C. 542; II. Avoidance Under 11 U.S.C. 547; III. Relief under 11 U.S.C. 550; IV. Recover Under 11 U.S.C. 551; V. Violation of the Automatic Stay

Docket 1

***** VACATED *** REASON: OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding That Does Not Involve Claims Under 11 U.S.C. §727 filed 11/7/2019, 11/21/2019, and 12/16/2019. No Answer Filed**

Courtroom Deputy:

OFF CALENDAR: Notice of Voluntary Dismissal of an Adversary Proceeding That Does Not Involve Claims Under 11 U.S.C. §727 filed 11/7/2019, 11/21/2019, and 12/16/2019. No Answer Filed - td (12/17/2019)

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Ramon Weaver

Represented By
Anerio V Altman

Defendant(s):

Geico General Insurance Company

Pro Se

Plaintiff(s):

Ryan Weaver

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, December 19, 2019

Hearing Room 5A

10:00 AM

8:16-12448 Linda Anne Boyer

Chapter 13

#8.00 CON'TD Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

VS.

DEBTOR

FR: 10-17-19; 11-19-19

Docket 56

*** VACATED *** REASON: OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation/APO) Entered 12/3/2019

Courtroom Deputy:

OFF CALENDAR: Order Granting Motion for Relief from the Automatic Stay (Settled by Stipulation/APO) Entered 12/3/2019 - td (12/3/2019)

Tentative Ruling:

October 17, 2019

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.

November 19, 2019

Movant to advise the court of the status of this matter.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

CONT... Linda Anne Boyer

Chapter 13

Party Information

Debtor(s):

Linda Anne Boyer

Represented By
Ramiro Flores Munoz

Movant(s):

The Bank of New York Mellon Trust

Represented By
April Harriott
Keith Labell
Theron S Covey
Eric P Enciso
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, December 19, 2019

Hearing Room 5A

10:00 AM

8:19-10440 Stephen B Fuller and Renee M Fuller

Chapter 13

#9.00 Hearing RE: Motion for relief from the automatic stay [PERSONAL PROPERTY]

LOGIX FEDERAL CREDIT UNION

VS.

DEBTORS

Docket 73

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

Stephen B Fuller

Represented By
Richard G Heston

Joint Debtor(s):

Renee M Fuller

Represented By
Richard G Heston

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

CONT... Stephen B Fuller and Renee M Fuller

Chapter 13

Movant(s):

LOGIX FEDERAL CREDIT

Represented By
Reilly D Wilkinson

Trustee(s):

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 19, 2019

Hearing Room 5A

10:00 AM

8:19-13858 Bruce Elieff

Chapter 11

#10.00 Hearing RE: Motion for relief from the automatic stay [REAL PROPERTY]
(Affects Bruce Elieff and Affects Morse Properties, LLC)

JOHN P. KING, JR. TRUSTEE OF THE KING FAMILY TRUST DATED
OCTOBER 31, 2001; et al.

VS.

DEBTOR

Docket 99

***** VACATED *** REASON: OFF CALENDAR; ORDER ON MOTION
FOR RELIEF FROM THE AUTOMATIC STAY ENTERED 12/16/19**

Courtroom Deputy:

**OFF CALENDAR: Order Granting Motion for Relief from the Automatic
Stay (Settled by Stipulation) Entered on 12/16/19 (liz)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

Movant(s):

John P. King, Jr., Trustee of the

Represented By
Julian K Bach

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

8:19-14667 Heriberto Moreno

Chapter 13

#10.10 Hearing RE: Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 4

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Deny motion due to failure of Debtor to rebut the presumption of bad faith.

Basis for Tentative Ruling:

1. This is Debtor's fifth chapter 13 case since 2012. None of the prior cases have been successful. The most recent, Case No. 18-14471 filed December 7, 2018 was dismissed on December 26 for failure to file schedules. Debtor offers no explanation for while he did not timely file schedules.

2. Debtor lists monthly income of \$6,000 for self-employment services but does not schedule any amount for taxes. Modest monthly taxes of \$400 would render the plan infeasible ($\$6000 - \$400 = \$5600 - \$3820 = \$1,780$).

3. In Case No. 18-14471, because Debtor had had another case pending within a year (No. 18-12682), Debtor filed a Motion to Continue the Automatic Stay ("Prior Motion"). Importantly, in the Prior Motion Debtor provides the identical argument regarding good faith. In other words, the current Motion is literally a "cut and paste" from the Prior Motion word for word. See Prior Motion, Sections 4(a)(1)(B) and 4(a)(2)(B) and (C) [Docket #10]. Similarly, Section 4(G) of the Prior Motion is word for word the same in the current Motion. Debtor was represented by the same attorney in both cases. In light of the foregoing, the court gives no weight to the assertions of good faith made in the current Motion.

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

CONT... Heriberto Moreno

Chapter 13

3. According to objecting creditor, U.S. Bank, Debtor has not made a mortgage payment since May, 2019 and failed to make the first postpetition payment due December 1, 2019.

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**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

8:18-11262 Jean A Butler-Boren

Chapter 13

#10.20 CON'TD Hearing RE: Motion for relief from the automatic stay
[REAL PROPERTY]

AJAX MORTGAGE LOAN TRUST 2018-G

VS.

DEBTOR

FR: 12-5-19

Docket 66

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 5, 2019

Movant to advise the court whether Debtor is current in light of documents attached to the Opposition filed on Nov. 21, 2019. If additional time is needed, the parties may obtain a continuance by requesting the same during the calendar roll-call just prior to the hearing. Available continued hearing dates: Dec. 19, 2019 or January 9, 2020 at 10:00 a.m.

December 19, 2019

The parties are to advise the court re the status of this matter.

Party Information

Debtor(s):

Jean A Butler-Boren

Represented By
Thomas J Polis

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

10:00 AM

CONT... Jean A Butler-Boren

Chapter 13

Movant(s):

Ajax Mortgage Loan Trust 2018-G,

Represented By
Joshua L Scheer
Reilly D Wilkinson

Trustee(s):

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 19, 2019

Hearing Room 5A

10:00 AM

8:19-13144 Randy James Allison

Chapter 13

#10.30 Hearing RE: The Orantes Law Firm, P.C. Motion to be Relieved as Counsel for Debtor **(OST Entered 12/12/2019)**

Docket 41

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

Randy James Allison

Represented By
Giovanni Orantes

Trustee(s):

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 19, 2019

Hearing Room 5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#11.00 Hearing RE: Order to Show Cause Why the Bankruptcy Case Should Not Be Dismissed Due to Debtor's Continuing Inability to Comply with the Terms of the Confirmed Fourth Amended Plan (OSC Issued 11/7/2019)

Docket 337

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Dismiss case due to inability of Debtor to administer the confirmed plan.
Judgment in favor of the UST for any outstanding quarterly fees.

No substantive response to the OSC was filed.

Party Information

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 19, 2019

Hearing Room

5A

10:30 AM

8:12-17370 Alma Theresa Tejadilla Reyes

Chapter 11

#12.00 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; 12-6-18; 3-21-19; 5-30-19; 9-12-19; 11-7-19

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 19, 2019

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 19, 2019

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
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CONT... Alma Theresa Tejadilla 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.

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). (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 21, 2019

Continue Status Conference to May 30, 2019 at 10:30 a.m.; An updated status report must be filed by May 16, 2019 and such report shall address the following: 1) the amount of arrears for each class that is not current as of May 1, 2019, and 2) the status of her employment. (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.

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CONT... Alma Theresa Tejadilla Reyes

Chapter 11

May 30, 2019

Continue status conference to September 12, 2019 at 10:30 a.m.; updated status report must be filed by August 29, 2019. (XX)

Special note: The court is concerned about Debtor's continuing plan default 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.

September 12, 2019

Continue status conference to November 7, 2019 at 10:30 a.m.; updated status report must be filed by October 24, 2019 (XX)

Special note: The court is concerned about Debtor's continuing plan default as to Class 2(c). If Debtor continues to fail to make payments to this creditor, absent a loan modification, the court will issue an Order to Show Cause re Dismissal immediately following the November 7, 2019 status conference.

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.

November 7, 2019

Continue Status Conference to December 19, 2019 at 10:30 a.m. The Court shall issue an Order to Show Cause Why This Case Should not Be Dismissed Due to Debtor's Continuing Inability to Comply With the Terms of the Confirmed Fourth Amended Plan. The hearing on the Order to Show

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CONT... Alma Theresa Tejadilla Reyes

Chapter 11

Cause shall be set for December 19, 2019 at 10:30 a.m. (XX)

Basis for Tentative Ruling:

Debtor has a history of not making plan payments as is reflected in several tentative ruling notations for prior status conferences (see above). In the current report, Debtor admits she is not current with plan payments as to Classes 2(c), 3(a), and 3(b). Debtor has not disclosed the amount of arrearages as to each such class (which this Court has requested for prior reports).

Debtor first states that she "has become unemployed," and then in the next sentence states that she "is employed but her employer has not paid her for work performed" since January 2019. No information is provided as to why the employer is not paying her, the amount owed, or why she expects to be paid retroactively for the past 10 months. See 13th Status Report at p. 4.

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.

December 19, 2019

Take status conference off calendar in light of dismissal of the ch. 11 case

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CONT... Alma Theresa Tejadilla Reyes

Chapter 11

Party Information

Debtor(s):

Alma Theresa Tejadilla Reyes

Represented By

Ivan M Lopez Ventura

Jeffrey V Hernandez

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8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh

Chapter 7

#13.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[JEFFREY I. GOLDEN, CHAPTER 7 TRUSTEE]

Docket 95

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

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

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10:30 AM

8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh

Chapter 7

#14.00 Hearing RE: Application for Payment of Final Fees and/or Expenses

**[LAW OFFICES OF WENETA M.A. KOSMALA, ATTORNEY FOR JEFFREY I.
GOLDEN, CHAPTER 7 TRUSTEE]**

Docket 89

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

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
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10:30 AM

8:17-11034 Wayne Ralph Marsh and Jennifer R. Marsh

Chapter 7

#15.00 Hearing RE: First and Final Fee Application For Allowance of Fees and Expenses From February 14, 2019 Through October 14, 2019

**[HAHN FIFE & COMPANY, ACCOUNTANTS FOR CHAPTER 7 TRUSTEE
JEFFREY I. GOLDEN]**

Docket 94

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

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

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CONT... Wayne Ralph Marsh and Jennifer R. Marsh

Chapter 7

**United States Bankruptcy Court
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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:17-11063 Karem Angelica Blair
Adv#: 8:17-01112 Herrera et al v. Blair

Chapter 7

#16.00 CON'TD Hearing RE: Motion for Judgment on the Pleadings Pursuant to FRBP 7012(b) by Defendant Karem Angelica Blair

FR: 6-13-19

Docket 36

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

June 13, 2019

Grant motion with leave to amend. Amended complaint must be filed by July 12, 2019; responsive pleading must be filed by August 12, 2019. The court abstains under 1334(c)(1) from adjudicating the validity of the will or, if there is no will, intestate succession.

Basis for Tentative Ruling:

A. Standard for Judgment on the Pleadings - FRCP 12(c)

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, 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,

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Karem Angelica Blair

Chapter 7

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).

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 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.*

B. The Court cannot find that the Motion should be granted without leave to amend due to the will's apparent non-compliance with California Probate Code Section 6110(c)(1)

Movant argues that the will filed in connection with the Complaint is invalid on its face because it was witnessed by only one party and that, under California Probate Code 6110, two witness signatures are required. Indeed,

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Cal. Prob. Code 6110(c)(1) provides that "*except as provided in paragraph (2), the will shall be witnessed by . . . at least two persons . . .*" (emphasis added). Clearly, the proffered will has only one signature and, on the face of the document it would appear not to satisfy 6110(c)(1). However, noncompliance with 6110(c)(1) is not dispositive of validity of the will. Paragraph 2 of 6110(c) provides that if the will is not signed by two witnesses, the will may be deemed to comply with 6110(c)(1) if "the proponent of the will establishes by clear and convincing evidence that, at the time the testator signed the will, the testator intended the will to constitute the testator's will." Though the Complaint is silent as to factual allegations re 6110(c)(2), the liberal leave to amend policy of this Circuit would dictate that leave should be granted to allow Plaintiff to amend the Complaint.

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).

As to Movant's argument that Plaintiff has submitted no "proof or evidence that the will is enforceable or could be enforceable under California Probate Section 6110(c)(2) . . ." and no "declarations or evidence to support any of thier assertions," the Court would not have have considered as part of this Motion any evidence or documents outside the four corners of the Complaint and exhibits. To do so, would convert the matter to a summary judgment motion.

The Court notes that if the Complaint is amended to add facts relevant to 6110(c)(2), this court should abstain from determining the validity of the will under the so-called "probate exception rule."

While 28 U.S.C. § 1334 vests federal jurisdiction of bankruptcy cases and related proceedings, there is a "probate exception" to federal jurisdiction. *Marshall v. Marshall*, 547 U.S. 293, 308 (2006); see *also*, 28 U.S.C. § 157(a) (district courts may refer bankruptcy cases and related proceedings to bankruptcy courts). Thus, "the probate exception prevents a federal court

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CONT... Karem Angelica Blair Chapter 7

from probating a will, administering a decedent's estate, or disposing of property in the custody of a state probate court." *Goncalves By & Through Goncalves v. Rady Children's Hosp. San Diego*, 865 F.3d 1237, 1252 (9th Cir. 2017); *Marshall*, 547 U.S. at 311-12. The probate exception is limited, however, and "it does not bar federal courts from adjudicating matters outside those confines and otherwise within federal jurisdiction." *Marshall*, 547 U.S. at 312.

Satisfaction of Prob. Code Section 6110(c)(2) should be determined by the state probate court.

C. The Court cannot make a finding of lack of standing pursuant to California Probate Code 6402 alone.

Movant argues if the will is deemed in valid, Plaintiff Yvonne Herrera is the Decedent's step-daughter and not his natural or adopted daughter, and therefore is not a relative in line for intestate succession under Cal. Prob. Code 6402. This is true. However, Cal. Prob. Code 6454 provides that for purposes of determining intestate succession, a foster child or step-child may qualify if "(a) the relationship began during the person's minority and continued throughout the joint lifetimes of the person and the the person's . . . stepparent," and "(b) it is established by clear and convincing evidence that the . . . stepparent would have adopted the person but for the legal barrier."

The determination of the applicability and satisfaction of Probate Section 6454 should be determined by the state probate court.

D. Abstention under 28 USC 1334(c)(1)

28 U.S.C. § 1334(c)(1) provides that a bankruptcy court may abstain from hearing a particular proceeding arising under title 11 or arising in or related to cases 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 Court believes it would be appropriate for the California probate court to decide the validity of the will as well as any intestate succession issues. Once such determination is made, the Court can adjudicate the

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CONT... Karem Angelica Blair
specific allegations under 523(a).

Chapter 7

December 19, 2019

Grant the Motion with leave to file an amended complaint no later than January 10, 2020; responsive pleading due January 30, 2020; status conference hearing to take place on February 20, 2020 at 9:30 a.m.; joint status report due February 13, 2020. The court incorporates by reference herein its tentative ruling for June 13, 2019 above.

The court shall issue an Order to Show Cause why this adversary proceeding should not be dismissed for failure to time prosecute the same, which OSC hearing shall take place on February 20, 2020 at 9:30 a.m. The OSC shall be based on the fact that Plaintiff has waited six months to submit the will to probate for no good reason shown in the joint status report.

Party Information

Debtor(s):

Karem Angelica Blair

Represented By
Kelly H. Zinser

Defendant(s):

Karem Angelica Blair

Represented By
Kelly H. Zinser

Plaintiff(s):

Yvonne Herrera

Represented By
Fritz J Firman

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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

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Hearing Room 5A

10:30 AM

8:17-11063 Karem Angelica Blair

Chapter 7

Adv#: 8:17-01112 Herrera et al v. Blair

#17.00 STATUS CONFERENCE 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; 12-6-18; 1-24-19; 4-11-19; 7-11-19; 8-1-19

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.

Note: Appearances at this hearing are required.

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CONT... Karem Angelica Blair

Chapter 7

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.

December 19, 2019

Continue status conference to February 20, 2020 at 9:30 a.m.; updated joint status report due February 13, 2020.

Party Information

Debtor(s):

Karem Angelica Blair

Represented By
Kelly Zinser

Defendant(s):

Karem Angelica Blair

Pro Se

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10:30 AM

CONT... Karem Angelica Blair

Chapter 7

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

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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:18-10053 William S. Stewart and Barbara E. Stewart

Chapter 7

#18.00 Hearing RE: Chapter 7 Trustee's Motion for an Order: (1) Approving Compromise of Estate's Litigation Claims or, Alternatively; (2) Authorizing Sale of Litigation Claims to Successful Overbidder; and (3) Establishing Overbidding Procedures

Docket 32

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Grant motion subject to overbid.

Party Information

Debtor(s):

William S. Stewart Pro Se

Joint Debtor(s):

Barbara E. Stewart Pro Se

Trustee(s):

Karen S Naylor (TR) Represented By
Nanette D Sanders
Brian R Nelson
Christopher Minier

**United States Bankruptcy Court
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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:18-12897 John Bruce Johnson

Chapter 7

#19.00 Hearing RE: Trustee's Final Report and Application for Final Fees and Expenses

[RICHARD A. MARSHACK, CHAPTER 7 TRUSTEE]

Docket 47

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

John Bruce Johnson

Pro Se

Trustee(s):

Richard A Marshack (TR)

Pro Se

**United States Bankruptcy Court
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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:18-13638 Friendly Village MHP Associates LP

Chapter 7

#20.00 Hearing RE: Trustee's Motion for Order: (1) Authorizing Sale of (A) Outside the Ordinary Course of Business; (B) Free and Clear of Liens, Claims, and Encumbrances; (C) Subject to Overbid; (D) For Determination of Good Faith Purchaser Under 11 U.S.C. Section 363(M); and (E) Authorizing the Assumption and Assignment of Leases Pursuant to 11 U.S.C. Section 365

Docket 312

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Grant motion subject to overbid. If there there are overbidders, the auction will take place outside the courtroom.

Party Information

Debtor(s):

Friendly Village MHP Associates LP

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Kristine A Thagard
Arthur Grebow
David Wood
Tinho Mang

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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:18-13864 Friendly Village GP, LLC

Chapter 7

#21.00 Hearing RE: Chapter 7 Trustee's Motion for Order Authorizing use of Estate Property Under 11 U.S.C. Section 363 to Sign Sale Documents

Docket 147

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

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):

Friendly Village GP, LLC

Represented By
Howard Camhi

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
David Wood
Kristine A Thagard

**United States Bankruptcy Court
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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 11

#22.00 CON'TD Hearing RE: Debtors' Omnibus Motion for an Order Disallowing Claims:

Claim No. 14 American Express National Bank

Claim No. 15 American Express National Bank

FR: 9-19-19

Docket 56

***** VACATED *** REASON: OFF CALENDAR: Order Approving
Stipulation to Dismiss Debtors' Motion for an Order Disallowing Claim
Numbers 14 and 15 Entered 12/18/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Approving Stipulation to Dismiss Debtors'
Motion for an Order Disallowing Claim Numbers 14 and 15 Entered
12/18/2019 - td (12/18/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes
Luis A Solorzano

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes
Luis A Solorzano

Movant(s):

Gustavo Bautista Ortiz

Represented By

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CONT... Gustavo Bautista Ortiz and Amparo Hernandez Castro Chapter 11

Giovanni Orantes
Giovanni Orantes
Luis A Solorzano
Luis A Solorzano

Amparo Hernandez Castro

Represented By
Giovanni Orantes
Giovanni Orantes
Giovanni Orantes
Luis A Solorzano
Luis A Solorzano
Luis A Solorzano

**United States Bankruptcy Court
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10:30 AM

8:19-11771 Gustavo Bautista Ortiz and Amparo Hernandez Castro

Chapter 11

**#23.00 STATUS CONFERENCE Hearing RE: Status of Chapter 11 Case; and (2)
Requiring Report on Status of Chapter 11 Case**

Docket 91

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Claims Bar Date:	Mar. 3, 2020
Deadline to file plan/DS:	Feb 14, 2020
Continued Status Conference:	Apr. 2, 2020 at 10:30 a.m.
Updated Status Report due*:	Mar. 19, 2020

*Updated status report not required if plan/DS have been filed by such date.

Note: Appearance at this hearing is not required if Debtor is in substantial compliance with the requirements of the U.S. Trustee. It is Debtor's responsibility to ascertain its compliance status prior to the hearing.

Party Information

Debtor(s):

Gustavo Bautista Ortiz

Represented By
Giovanni Orantes
Luis A Solorzano

Joint Debtor(s):

Amparo Hernandez Castro

Represented By
Giovanni Orantes
Luis A Solorzano

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Thursday, December 19, 2019

Hearing Room 5A

10:30 AM

8:19-13858 Bruce Elieff

Chapter 11

#23.10 CONT'D Hearing RE: Motion in Debtors' Chapter 11 Cases For Order
Authorizing Debtor in Possession to Employ Professional Real Estate Broker
Timothy Tamura **[Affects Bruce Elieff]**

FR: 12-5-19

Docket 50

*** VACATED *** REASON: CONTINUED TO 1/9/2020 AT 10:30 A.M.,
PER ORDER ENTERED 12/18/2019 (XX)

Courtroom Deputy:

**CONTINUED: Hearing Continued to 1/9/2020 at 10:30 a.m., Per Order
Entered 12/18/2019 (XX) - td (12/18/2019)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Elieff

Represented By
Paul J Couchot

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Erithe Smith, Presiding
Courtroom 5A Calendar**

Thursday, December 19, 2019

Hearing Room 5A

2:00 PM

8:18-12003 Jack G. Gaglio

Chapter 7

Adv#: 8:18-01172 Pacific Western Bank v. Gaglio et al

#24.00 Hearing RE: Defendants' Motion for Entry of Judgment as to Laura A. Gaglio

Docket 56

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

December 19, 2019

Grant 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):

Jack G. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

Defendant(s):

Jack G. Gaglio

Represented By
Thomas J Eastmond
Robert P Goe

Laura A. Gaglio

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 19, 2019

Hearing Room 5A

2:00 PM

CONT... Jack G. Gaglio

Chapter 7

Joint Debtor(s):

Laura A. Gaglio

Represented By
Timothy S Huyck
Thomas J Eastmond

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-14079 Joshue Avendano

Chapter 13

#1.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Joshue Avendano

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-14032 Maria Guadalupe Canales

Chapter 13

#2.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 21

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Maria Guadalupe Canales

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

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-14024 Yolanda Ibarra

Chapter 7

#3.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 13

*** VACATED *** REASON: OFF CALENDAR: Debtor's Notice of
Conversion of Bankruptcy Caze Form Chapter 13 to Chapter 7 Filed
11/12/2019; Case Converted to Chapter 7

Courtroom Deputy:

**OFF CALENDAR: Debtor's Notice of Conversion of Bankruptcy Case
From Chapter 13 to Chapter 7 filed 11/12/2019; Case Converted to
Chapter 7 - td (11/13/2019)**

Party Information

Debtor(s):

Yolanda Ibarra

Represented By
Sunita N Sood

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-14023 Jorge Sanchez and Zoila Quinonez

Chapter 13

#4.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

Docket 21

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Sanchez

Represented By
Kevin Tang

Joint Debtor(s):

Zoila Quinonez

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-14006 Daniel Gonzalez and Emily Gonzalez

Chapter 13

#5.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Gonzalez

Represented By
Scott Dicus

Joint Debtor(s):

Emily Gonzalez

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13986 Richard P Alexander

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 10/29/2019**

Courtroom Deputy:

**OFF CALENDAR: Order Dismissing Case for Failure to File Schedules,
Statements, and/or Plan Entered 10/29/2019 - td (12/3/2019)**

Party Information

Debtor(s):

Richard P Alexander

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13974 Raul Rios Munoz and Anna Munoz

Chapter 13

#7.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Raul Rios Munoz

Represented By
Bert Briones

Joint Debtor(s):

Anna Munoz

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13972 William H Waller and Sandra M Waller

Chapter 13

#8.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

William H Waller

Represented By
Christopher J Langley

Joint Debtor(s):

Sandra M Waller

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13921 Stephen Jacob Maki

Chapter 13

#9.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Jacob Maki

Represented By
Nicholas Nicholas 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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13916 Darnell Lamarque Sherman

Chapter 13

#10.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Darnell Lamarque Sherman

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13845 Walt Dodge

Chapter 13

#11.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 29

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Walt Dodge

Represented By
Walter David Channels

Trustee(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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13815 Steve Kim

Chapter 13

#12.00 Hearing RE: Confirmation of 2nd Amended Chapter 13 Plan

FR:11-26-19

Docket 19

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Steve Kim

Represented By
Richard L. Sturdevant

Trustee(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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13807 Edgard Paniz

Chapter 13

#13.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Edgard Paniz

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

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13766 Jaime Dale Krueger

Chapter 13

#14.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 29

*** 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 12/19/2019

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 12/19/2019 - td (12/19/2019)**

Party Information

Debtor(s):

Jaime Dale Krueger

Represented By
Edward T 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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13761 Paul Edwin Baloloy

Chapter 13

#15.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 11-26-19

Docket 28

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Paul Edwin Baloloy

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13756 Nelson D. Randlin

Chapter 13

#16.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 11-26-19

Docket 31

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Nelson D. Randlin

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13722 Lester Franklin Stevens, Jr. and Nancy Ashley Stevens

Chapter 13

#17.00 Hearing RE: Confirmation of 1st Amended Chapter 13 Plan

FR: 11-26-19

Docket 13

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lester Franklin Stevens Jr.

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Nancy Ashley Stevens

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13720 John William Carter

Chapter 13

#18.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 7

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

John William Carter

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13705 Elisa B. Sim

Chapter 13

#19.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Elisa B. Sim

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13704 Dimitrios A Kouzoukas and Jessica R Kouzoukas

Chapter 13

#20.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 8

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Dimitrios A Kouzoukas

Represented By
Jacqueline D Serrao

Joint Debtor(s):

Jessica R Kouzoukas

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**

Friday, December 20, 2019

Hearing Room 5A

9:30 AM

8:19-13676 Morteza Hamidi

Chapter 13

#21.00 Hearing RE: Confirmation of Chapter 13 Plan

FR: 11-26-19

Docket 17

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Morteza Hamidi

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13404 Peter Stankovich

Chapter 13

#22.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19; 11-26-19

Docket 2

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Peter Stankovich

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13144 Randy James Allison

Chapter 13

#23.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 10-22-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Randy James Allison

Represented By
Giovanni Orantes

Trustee(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 20, 2019

Hearing Room 5A

9:30 AM

8:19-13010 Lauren Lizbeth Witek

Chapter 13

#24.00 CON'TD Hearing RE: Confirmation of Chapter 13 1st Amended Plan

FR: 10-22-19

Docket 15

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lauren Lizbeth Witek

Represented By
Dana M Douglas

Trustee(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 20, 2019

Hearing Room 5A

9:30 AM

8:19-12633 Lisa Anna Gregorius

Chapter 13

#25.00 CONT'D Hearing RE: Confirmation of Chapter 13 Plan

FR: 9-24-19; 11-26-19

Docket 12

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Anna Gregorius

Represented By
Sheila M Pistone

Trustee(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 20, 2019

Hearing Room 5A

9:30 AM

8:19-11738 Shauna Barnhardt

Chapter 13

#26.00 CON'TD Hearing RE: Confirmation of Chapter 13 Plan

FR: 7-30-19; 9-24-19; 11-26-19

Docket 10

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Shauna Barnhardt

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 20, 2019

Hearing Room 5A

9:30 AM

8:19-10440 Stephen B Fuller and Renee M Fuller

Chapter 13

#27.00 Hearing RE: Confirmation of Chapter 13 Plan

Docket 0

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Stephen B Fuller

Represented By
Richard G Heston

Joint Debtor(s):

Renee M Fuller

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:19-10796 Mario Jonathan Saldivar and Alicia Marie Braddock Chapter 13

#28.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 11-26-19

Docket 43

***** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 12/4/2019**

Courtroom Deputy:

OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order Dismissing Chapter 13 filed 12/4/2019 - td (12/4/2019)

Party Information

Debtor(s):

Mario Jonathan Saldivar

Represented By
Joshua L Sternberg

Joint Debtor(s):

Alicia Marie Braddock

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders

Chapter 13

#29.00 Hearing RE: Debtors' Motion Under LBR 3015-1(n) and (w) To Modify Plan or Suspend Plan Payments

Docket 48

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:19-10560 Marvin L Sanders and Mary Ann Tan Sanders Chapter 13

#30.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 10-22-19; 11-26-19

Docket 44

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Marvin L Sanders

Represented By
Joshua L Sternberg

Joint Debtor(s):

Mary Ann Tan Sanders

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:18-14136 David Maurice Denman

Chapter 13

#31.00 CON'TD Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

FR: 11-26-19

Docket 33

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

David Maurice Denman

Represented By
Nicholas W Gebelt

Trustee(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 20, 2019

Hearing Room 5A

10:30 AM

8:17-12177 Christopher Quentin Chappell

Chapter 13

#32.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding For Failure to Make Plan Payments

Docket 67

*** VACATED *** REASON: OFF CALENDAR: Notice of Withdrawal of
Trustee's Motion for Order Dismissing Chapter 13 filed 11/18/2019

Courtroom Deputy:

**OFF CALENDAR: Notice of Withdrawal of Trustee's Motion for Order
Dismissing Chapter 13 filed 11/18/2019 - td (11/19/2019)**

Party Information

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:17-10893 Andre Taylor and Nida Taylor

Chapter 13

#33.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding for Failure to Make Plan Payments

Docket 86

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:16-10710 Christina Platt and Robert L Platt

Chapter 13

#34.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13 Proceeding

Docket 71

Courtroom Deputy:

- NONE LISTED -

Party Information

Debtor(s):

Christina Platt

Represented By
Julie J Villalobos

Joint Debtor(s):

Robert L Platt

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**

Friday, December 20, 2019

Hearing Room 5A

10:30 AM

8:14-16259 Justin William Mize and Heather Ann Mize

Chapter 13

#35.00 Hearing RE: Trustee's Verified Motion for Order Dismissing Chapter 13
Proceeding for Failure to Complete the Plan Within its Terms

Docket 120

Courtroom Deputy:

- NONE LISTED -

Party Information

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