

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

9:00 AM

**1:17-13261 Richard Phillip Dages**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Richard Phillip Dages	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

Wednesday, January 03, 2018

Hearing Room 302

9:30 AM

1:17-13263 Eduardo Antonio Canas

Chapter 11

#1.00 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:**

On December 6, 2017, Debtor filed this chapter 11 case. Debtor had one previous bankruptcy case that was dismissed in the last year. The previous case, 1:16-bk-10767-MT, was a chapter 13, later converted to chapter 11, which was filed on 3/16/2016 and dismissed on 10/20/2017 due to infeasibility.

Debtor now moves for an order continuing/imposing the automatic stay as to all creditors (the "Motion"). Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case because his income has increased and he will therefore be able to propose a feasible plan. Debtor further states that the secured creditor's interest can be adequately protected through adequate protection payments.

Secured creditor, PROF-2013-M4 Legal Title Trust, by U.S. Bank National Association ("Creditor") timely responded to the Motion. Creditor states that the case was presumptively filed in bad faith pursuant to § 362(c)(3)(C)(i)(I), (II), and (III). Creditor incorrectly cites In re Castaneda, 342 B.R. 90, 95 (Bankr. S.D. Cal. 2006) as supporting its position that "debtors bear the ultimate burden of persuasion to demonstrate through *clear and convincing evidence to the contrary* that the presumption of bad faith does not apply." To the contrary, Castaneda states that "the burden of establishing the presence of presumptive bad faith rests upon the opponent to the motion." Id.; See also In re Montoya, 342 B.R. 312, 316 (Bankr. S.D. Cal. 2006). As the opponent of the motion, Creditor bears the burden of establishing that the presumption of bad faith under § 362(c)(3)(C). "If the presumption does not arise, the debtor need only show that the current case was filed in good faith under

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CONT... Eduardo Antonio Canas

Chapter 11

the less demanding preponderance of the evidence standard." 3 Collier on Bankruptcy 362.06[3][b] (16<sup>th</sup> ed. 2016).

Creditor's argument that Debtor is presumed to have filed in bad faith under 362 (c) (3)(C)(i)(I) is incorrect. That subsection creates a presumption of bad faith where "more than 1 previous case... in which the individual was a debtor was pending within the preceding 1-year period." 11 U.S.C. 362 (c)(3)(C)(i)(I); In re Montoya, 342 B.R. 312, 316 (Bankr. S.D. Cal. 2006) ("no presumption of bad faith arises in this case . . . . Debtor had only one other pending bankruptcy case within the preceding year which she voluntarily dismissed even though she was current with her plan payments and her duties and obligations."). Because debtor has only had one case pending within the preceding 1-year period, the presumption of bad faith under § 362(c)(3)(C)(i)(I) does not arise.

Creditor has also failed to establish the presence of presumptive bad faith under § 362(c)(3)(C)(i)(II), which creates a presumption of bad faith where:

**(II)** a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to--  
**(aa)** file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);  
**(bb)** provide adequate protection as ordered by the court; or  
**(cc)** perform the terms of a plan confirmed by the court;

11 U.S.C.A. § 362. Creditor does not clarify which condition of § 362(c)(3)(C)(i)(II) is satisfied here such that the presumption of bad faith arises. Creditor does not provide the court for any basis for the court to presume bad faith under (aa). There is no allegation that Debtor failed to provide adequate protection in the previous case giving rise to a presumption under (bb). No plan was ever confirmed in the previous case which could give rise to a presumption under (cc).

Creditor also alleges that the presumption of bad faith arises under § 362(c)(3)(C)(i)(III). Under this subsection, a presumption of bad faith arises if:

**(III)** there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13

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**CONT... Eduardo Antonio Canas**

**Chapter 11**

or any other reason to conclude that the later case will be concluded--

**(aa)** if a case under chapter 7, with a discharge; or

**(bb)** if a case under chapter 11 or 13, with a confirmed plan that will be fully performed;

Debtor alleges to have projected monthly income in excess of \$11,300 compared with \$7,200-\$7,800 in the previous case. Debtor states that his income has increased since the previous case due to his new employment with "Q Biz Media." The two paystubs attached as Exhibit 1 to Debtor's reply to the Motion shows a hire date of 11/20/17, and bi-weekly payments of \$1,661.54. Debtor also states that he has been employed with GotMortgage for over 10 years. Debtor lists his income from GotMortgage in Schedule I as \$5,000 per month, slightly lower than the \$6,000 listed in his schedules from the previous case. Lastly, Debtor's rental income has allegedly increased from the previous bankruptcy from \$1,200 per month to \$2,600 per month. The \$2,600 rental income is listed in Debtor's Schedule G as a month-to-month lease effective 12/1/2017. Debtor's expenses have also increased to a total of \$8,851.86, including payments of \$2,000 per month for child support payments to Debtor's ex-wife. He provides no additional evidence of these payments and acknowledges that no court order exists for the child support payments.

Creditor argues that the above changes do not satisfy § 362(c)(3)(C)(i)(III). Creditor points to Debtor's failure to show that a feasible plan is possible despite the new income. Creditor points to Debtor's unreliable income which led the Court to dismiss the previous case. While Creditor's arguments certainly affect whether the case was filed in good faith, the Creditor has not carried its burden under § 362(c)(3)(C)(i)(III) of showing that there was not a substantial change in Debtor's financial affairs. The recent full time employment, supported by paystubs, is persuasive evidence of substantially changed financial affairs.

It does not appear that any of the criteria under § 362(c)(3)(C) exist here to give rise to the presumption of bad faith. As such, Debtor must show that the case was filed in good faith under the ordinary preponderance of the evidence standard under § 362(c)(3)(B). 3 Collier on Bankruptcy 362.06[3][b] (16<sup>th</sup> ed. 2016).

Nevertheless, the Court is concerned about Debtor's sudden oral child support agreement for \$2,000 per month as well as Debtor's lack of evidence to support his



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**CONT... Eduardo Antonio Canas**

**Chapter 11**

assertion that the property subject to Creditor's claim is generating rent. Debtor should be prepared to discuss these issues at the hearing.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**Movant(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

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Hearing Room 302

9:30 AM

1:17-13063 S.B.R.S., Inc.

Chapter 11

#2.00 Debtor's Motion for an Order  
Authorizing Use of Cash Collateral

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

What are the "personal training sessions" referenced on p. 6?  
This is debtor's 4th bankruptcy case affecting this property. It does not appear there is any equity.  
The payments are authorized as there is no opposition. If lenders come in for RFS or a different adequate protection argument, this motion is granted without prejudice to that motion.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger

**Movant(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
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**Wednesday, January 03, 2018**

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9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#3.00** U.S. Trustee Motion Under 11 U.S.C. § 1112(b)  
To Dismiss Or Convert Case With An Order  
Directing Payment Of Quarterly Fees And For  
Judgment Thereon

fr. 12/13/17

Docket 7

**\*\*\* VACATED \*\*\* REASON: Withdrawn (doc. 29) - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the hearing the hearing on 12/13/17, the U.S. Trustee ("UST") stipulated that the Debtor was substantially compliant with the UST's requirements, and continued this hearing to allow Debtor to complete a monthly operating report and further determine compliance.

On December 28, Debtor filed a response to the motion stating that it had achieved compliance with the UST's requirements, including proof of insurance requirement, and asks that the motion be withdrawn at or before the hearing. What is the status of this motion?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#4.00 Scheduling and Case Management Conference**

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

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**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:11-24455 Warren Johnson and Alicia Davis**

**Chapter 13**

**#5.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 8/16/17; 10/18/17, 11/29/17

Docket 86

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the November 29, 2017 hearing, Wells Fargo indicated that it was still reviewing the loan modification. What is the status of this motion?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Warren Johnson

Represented By  
Nathan A Berneman

**Joint Debtor(s):**

Alicia Davis

Represented By  
Nathan A Berneman

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:14-12042 Akop Gasparyan**

**Chapter 7**

**#6.00** Motion for relief from stay

DONNA FULLER

Docket 137

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Creditor still has a security interest in teh property, so this should be continued so that the 522(f) motion may be heard. Will the parties be seeking updated appraisals?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

**Movant(s):**

Donna Fuller

Represented By  
Michael Jay Berger

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Ervin Cohen & Jessup LLP

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11:00 AM

**1:15-13007 Armando Sanchez**

**Chapter 13**

**#7.00 Motion for relief from stay**

**DEUTSCHE BANK NATIONAL TRUST COMPANY**

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: September 9, 2015

Chapter: 13

Service: Proper. No opposition filed.

Property: 10443 Peach Avenue, Mission Hills, CA 91345

Property Value: \$ 429,000 (per debtor's schedules)

Amount Owed: \$ \$559,234.66 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$7,572.79 (2 payments of \$1,865.87, 2 payments of \$2,019.61)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)(2)(C)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Armando Sanchez

Represented By  
John Burt

**Movant(s):**

Deutsche Bank National Trust

Represented By

**United States Bankruptcy Court  
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11:00 AM

**CONT... Armando Sanchez**

**Chapter 13**

Kristin A Zilberstein  
Nancy L Lee  
Kelly M Raftery

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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Wednesday, January 03, 2018

Hearing Room 302

11:00 AM

1:16-10523 Jose Antonio Alva

Chapter 13

#8.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 11/29/17

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the hearing on 11/29, the parties indicated that they were working on an APO. Nothing new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

**11/29/17 Tentative**

Petition Date: 02/24/2016

Chapter:13 (plan confirmed on 06/15/2016)

Service: Proper. Opposition filed.

Property: 11654 Gladstone Ave, Sylimar, CA 91342-6406

Property Value: \$415,000.00 (per debtor's schedules)

Amount Owed: \$327,231.81 (per RFS motion)

Equity Cushion: 13.15%

Equity: \$54,568.19

Post-Petition Delinquency: \$7149.29 (4 payments behind)

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **13** (if relief from stay is not granted, adequate protection shall be ordered).

Debtor opposes the motion and requests an accounting to prove debtor's post-petition default. And debtor wants an APO over 12-months to repay the

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**CONT...**     **Jose Antonio Alva**  
correct amount in default, if any.

**Chapter 13**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Jose Antonio Alva

Represented By  
Louis S Brenes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13366 James Joseph Hullihan**

**Chapter 13**

**#9.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 7/5/17, 9/6/17; 10/18/17, 11/29/17

Docket 39

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the previous hearing on November 29, 2017, the parties indicated that Debtor was going to make up a \$400 shortage on the amended plan. Nothing new has been filed. What is the status of this motion?

**11/29/17 Tentative**

This hearing was continued from 10/18/17. On 11/14/17, the Court entered an order granting Debtor's MOMOD. Under the modified plan, two payments were suspended, the new monthly payment of \$912 began in Oct. 2017, with the distribution to unsecured creditors remaining at 100%. Nothing further filed with respect to this motion. What is the status of this motion?  
APPEARANCE REQUIRED.

**10/18/17 Tentative**

Hearing continued from 09/06. Debtor has filed motion to modify/suspend plan payment on 10/07. No response from the bank. What is the status of this motion?

APPEARANCE REQUIRED.

**9/6/17 Tentative**

Hearing was continued from July 5, 2017 for Movant to workout accounting issues.

Nothing new filed. What is the status of this motion?

**7/5/17 Tentative**

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11:00 AM

**CONT... James Joseph Hullihan**

**Chapter 13**

Petition Date: 11/25/2016  
Chapter: 13 (plan confirmed on 03/09/2017)  
Service: Proper. No opposition filed  
Property: 11060 Vanda Way, Sun Valley, CA 91352  
Property Value: \$ 660,000 (per Debtor's schedule)  
Amount Owed: \$ 36,729.27  
Equity Cushion: 86.4%  
Equity: \$570,470.73  
Post-Petition Delinquency: \$4,404.62 ( 3 payments of \$578.76; \$1,637.34 in conventional loan fees; and \$1,031 in attorney's fees and costs)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activates); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

James Joseph Hullihan

Represented By  
Charles O Agege

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:17-12313 Igor Gary Deck**

**Chapter 13**

**#10.00** Motion for relief from stay

VW CREDIT INC

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: August 31, 2017  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 2015 Volkswagen Jetta  
Property Value: \$ 8,000 (per debtor's schedules)  
Amount Owed: \$ 18,510.62  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$1,194.42 (3 payments of \$398.14)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Igor Gary Deck

Represented By  
Joshua L Sternberg

**Movant(s):**

VW Credit, Inc.

Represented By  
Austin P Nagel

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11:00 AM

**CONT... Igor Gary Deck**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

1:17-12434 Robin DiMaggio

Chapter 7

#11.00 Motion for Relief from Stay

PEACE FOR YOU PEACE FOR ME

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

The movant asks for very limited relief which seems proper, especially because the erroneous order was entered in Superior court because the debtor failed to give the Superior Court notice of the bankruptcy action.

**Party Information**

**Debtor(s):**

Robin DiMaggio

Represented By  
Moises S Bardavid

**Movant(s):**

Svilosa AD

Represented By  
Matthew A Lesnick

Krasimir Dachev

Represented By  
Matthew A Lesnick

Peace for You Peace for Me

Represented By  
Matthew A Lesnick

**Trustee(s):**

David Seror (TR)

Pro Se

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**1:17-12821 Boris Blum and Stella Kogan**

**Chapter 7**

**#12.00** Motion for relief from stay

BMW BANK OF NORTH AMERICA

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 10/20/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 BMW X1

Property Value: \$ 15,475 (per motion; vehicle not listed in debtors' schedules)

Amount Owed: \$ 16,311.21

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$485 (1 payment)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Boris Blum

Represented By  
Andrew S Mansfield

**Joint Debtor(s):**

Stella Kogan

Represented By  
Andrew S Mansfield



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11:00 AM

**CONT... Boris Blum and Stella Kogan**

**Chapter 7**

**Movant(s):**

BMW Bank of North America

Represented By  
Bret D. Allen

**Trustee(s):**

David Seror (TR)

Pro Se

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**Wednesday, January 03, 2018**

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11:00 AM

**1:17-12914 Paul Ruff**

**Chapter 7**

**#13.00** Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: October 31, 2017

Chapter: 7

Service: Proper. No opposition filed.

Movant: The Bank of New York Mellon

Property Address: 991 Gold Bear Dr. Henderson, NV 89052

Type of Property: Residential

Occupancy:

Foreclosure Sale: 9/30/2016

UD case filed: October 19, 2017

UD Judgment: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (relief binding & effective for 180 days against any debtor), and **11** (relief binding & effective for 180 days against the Debtor).

DENY relief requested in paragraph **10**.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

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**CONT... Paul Ruff**

**Chapter 7**

**Debtor(s):**

Paul Ruff

Pro Se

**Movant(s):**

The Bank of New York Mellon fka

Represented By  
Erin M McCartney

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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Central District of California  
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11:00 AM

**1:17-12986 Garen Artuni**

**Chapter 7**

**#14.00** Motion for relief from stay

DAIMLER TRUST

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: November 8, 2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2016 Mercedes Benz SL400 (on lease)  
Property Value: \$ 50,000 (per debtor's schedules)  
Amount Owed: \$ 68,998.32  
Equity Cushion: N/A, leased property  
Equity: N/A, leased property  
Post-Petition Delinquency: \$0 per motion

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Garen Artuni

Represented By  
Steven A Alpert

**Movant(s):**

Daimler Trust

Represented By  
Sheryl K Ith

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Garen Artuni**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13115 Debra Ann Tiesi**

**Chapter 13**

**#15.00** Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: November 21, 2017  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 6641 Catania Place, Rancho Cucamonga, CA 91701  
Property Value: N/A. Not listed in debtor's schedules.  
Amount Owed: \$ 811,664.28 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$3,667.47

Movant claims that the bankruptcy was filed in bad faith because the property was transferred to the debtor either just before or just after the filing of the bankruptcy and other cases have been filed in which an interest in the property was asserted. Case was dismissed with a 180 day bar following a status conference.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); and **10** (relief binding & effective for 180 days against any debtor).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.**

**MOVANT TO LODGE ORDER WITHIN 7 DAYS. MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Debra Ann Tiesi**

**Chapter 13**

**Debtor(s):**

Debra Ann Tiesi

Represented By  
Corey Phuse

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11107 Global Tech-Research & Development**

**Chapter 7**

**#15.01** Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: April 13, 2016  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 5831 Fullerton Avenue, Buena Park, CA 90621  
Property Value: \$ N/A (per debtor's schedules)  
Amount Owed: \$ N/A (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: N/A

This case, filed April 13, 2016, was dismissed on August 1, 2016 for debtor's failure to appear at the meeting of creditors. The case was reopened on December 5, 2017 in order to allow Movant to bring this motion to retroactively annul the automatic stay.

Section 362(d) grants a bankruptcy court the express power to retroactively annul the automatic stay and gives the court "wide latitude" in determining when annulment is appropriate. In re Fieldsted, 293 B.R. 12, 21 (9th Cir. B.A.P. 2003). In determining if cause exists to annul the stay, the appropriate test is to balance the equities. Two factors are normally considered in granting retroactive relief: 1) whether the creditor was aware of the bankruptcy petition and 2) whether the debtor engaged in unreasonable or inequitable conduct, or prejudice would result to creditor. In re Nat'l Environmental Waste Corp., 129 F.3d 1052, 1055 (9th Cir. 1997). Additional factors may include number of filings and whether circumstances indicate an intent to delay and hinder creditors. In re Fieldsted, 293 B.R. at 25.

Movant avers that the Debtor's bankruptcy was part of a scheme to delay, hinder, or defraud creditors due to multiple bankruptcies affecting the property and a transfer of



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, January 03, 2018

Hearing Room 302

11:00 AM

CONT... **Global Tech-Research & Development**

**Chapter 7**

all or part ownership in the property without the consent of the Movant. In total, Movant has filed five Notices of Trustee's Sale from 2010 to 2016 but was prevented from completing the sale due to thirteen bankruptcy filings by twelve different persons during those years. The most recent Notice of Trustee's Sale was filed during the pendency of the bankruptcy, on May 17, 2016. Movant declares it was unaware of the bankruptcy case at the time, and the property was successfully sold to an outside bidder on May 24, 2017.

No opposition was filed. Having considered the circumstances surrounding the property, the prior bankruptcy cases, and the circumstances of the sale, the court finds that the equities require annulment of the stay retroactive to the petition date.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (stay annulled retroactive to petition date); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS. MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

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

**Debtor(s):**

Global Tech-Research &

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil  
Brett P Ryan

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11141 Hope H. Landeros**

**Chapter 13**

**#16.00** Motion for relief from stay

HSBC BANK USA, TRUSTEE  
FOR OPTEUM MORTGAGE ACCEPTANCE

fr. 11/16/16, 11/30/16; 1/25/17; 3/29/17, 8/2/17; 8/23/17; 10/18/17

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Hearing was continued in order to allow Debtor time to pursue a reverse mortgage which would potentially resolve this motion as well as the HSBC adversary, Case No. 16-01155 (the "Adversary"). On November 25, 2017, a status report was filed in the Adversary indicating that the parties had reached a tentative settlement requiring performance in early 2018. What is the status of this Motion?

APPEARANCE REQUIRED

**10/18/17 Tentative**

Petition Date: 4/15/16

Ch: 13

Service: Proper. Opposition filed.

Property: 12530 Herrick Ave., Sylmar (Los Angeles), CA 91342

Property Value: \$374,000 (per debtor's schedules)

Amount Owed: \$319,516.55

Equity Cushion: 6.5%

Equity: \$54,483.45.

Post-Petition Delinquency: \$8,865.60 (5 payments of \$1,773.12)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Hearing Room 302**

11:00 AM

**CONT... Hope H. Landeros**

**Chapter 13**

At the August 23 hearing, parties continued this matter to engage in settlement negotiations with regard to the adversary action and this RFS motion. What is the status of those discussions?

APPEARANCE REQUIRED

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

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11141 Hope H. Landeros**

**Chapter 13**

Adv#: 1:16-01155 Landeros v. HSBC BANK USA, NATIONAL ASSOCIATION et al

**#17.00** Motion To Vacate Order Dismissing Adversary  
Complaint Against HSBC BANK USA, N.A.

fr. 8/23/17; 10/18/17

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Defendant(s):**

HSBC BANK USA, NATIONAL

Represented By  
Lovee D Sarenas

Sylvia Villapando

Pro Se

Frank Villapando

Pro Se

**Movant(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Plaintiff(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Hope H. Landeros**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11141 Hope H. Landeros**

**Chapter 13**

Adv#: 1:16-01155 Landeros v. HSBC BANK USA, NATIONAL ASSOCIATION et al

**#18.00** Status Conference re: Complaint

fr. 1/25/17; 3/29/17, 8/2/17; 8/23/17, 11/29/17

Docket 1

**Courtroom Deputy:**

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Defendant(s):**

HSBC BANK USA, NATIONAL

Pro Se

Sylvia Villapando

Pro Se

Frank Villapando

Pro Se

**Plaintiff(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 03, 2018

Hearing Room 302

11:00 AM

1:17-12107 Rima Aboudaher

Chapter 7

Adv#: 1:17-01090 Solimani v. Aboudaher

#19.00 Status Conference re: Complaint

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued per Doc. No. 8 -CT

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan

**Defendant(s):**

Rima Aboudaher

Pro Se

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 03, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12238 Juliana Njeim**

**Chapter 7**

**#20.00** Motion for Order Extending Deadline to  
File Complaint Objecting to Discharge  
under 11 USC section 727

Docket 27

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Juliana Njeim ("Debtor") filed this chapter 7 bankruptcy case on August 22, 2017. The bankruptcy filing stayed a state court action against Debtor by Maryam Seyedan ("Creditor"). Creditor is listed in Debtor's schedule F as having a disputed claim of \$0.00.

Creditor has been attempting to determine the status of Debtor's ownership in three corporations which Debtor's initial Statement of Financial Affairs listed as closed as of January 2016. Creditor's efforts include filing a Motion for 2004 Examination, supported by bank statements that seem to indicate account activity for one of the corporations extended at least two months beyond the alleged January 2016 closing date. The Court granted Creditor's Motion for 2004 Examination on November 14, 2017. On November 16, Debtor filed an amended Statement of Financial Affairs stating that the businesses existed until 2016, and that dates of operation are estimates only.

On November 21, 2017, Creditor brought this motion under Fed. R. Bankr. P. 4004 (b)(1) for an order extending by 60 days the deadline to file a complaint objecting to Debtor's discharge under 11 U.S.C. § 727. The deadline for objecting to discharge is currently November 24, 2017. Because the motion was brought before the expiration of the time for objection to discharge, the court may extend the deadline "for cause" upon notice and a hearing. Fed. R. Bankr. P. 4004(b)(1)-(2).

Creditor cites its diligence and continuing efforts to investigate the facts surrounding purported false statements in Debtor's schedules. Creditor also details hiring a private investigator on November 13, 2017, who observed and took photographs of a Maserati automobile in Debtor's driveway. Creditor argues that this automobile is likely the same leased 2015 Maserati Ghibli listed in Debtor's Schedule G and



**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 03, 2018

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11:00 AM

CONT... **Juliana Njeim**

**Chapter 7**

Amended Statement of Financial Affairs as being subleased on July 20, 2016 to Azza Abbou, an unrelated party. Creditor cites case law supporting an extension under Rule 4004(b)(1) where a creditor has acted diligently by either attending the meeting of creditors or utilizing procedures under Rule 2004.

In her response, Debtor states that her husband, a non-debtor in this bankruptcy, made all business decisions for one of the corporations at issue. Debtor therefore seems to argue that she had no knowledge of the exact closing date of the business. Debtor also cites previous failed attempts by creditors during her husband's bankruptcy in 2016 to gather information on the corporations and bring a discharge action against him. Simply put, those facts are not relevant here. This court is not required to determine the merits of a § 727 action in deciding this motion.

Creditor's reply attaches as Exhibit 6 bank statements obtained through the Rule 2004 Subpoena since the Motion to Extend was first filed. Creditor argues that those bank statements indicate more income than Debtor reports in her schedules. Additional records pursuant to the subpoena were erroneously omitted by Bank of America, and Creditor had not obtained them as of December 27.

Due to Creditor's diligence and the fact that records pursuant to the Rule 2004 subpoenas were not fully produced a full month after the discharge deadline, and for good cause appearing, the motion is GRANTED.

APPEARANCE REQUIRED

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

**Debtor(s):**

Juliana Njeim

Represented By  
Richard Mark Garber

**Movant(s):**

Maryam Seyedan

Represented By  
James R Selth  
Elaine Nguyen

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 03, 2018

Hearing Room 302

1:00 PM

1:17-12980 Mainstream Advertising, a California Corporation

Chapter 7

#21.00 Motion for relief from stay

MAINSTREAM ADVERTISING

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

RFS GRANTED as to Florida litigation as that is not opposed. The Virginia litigation has been underway for longer, the court there is familiar with the issues, and this is essentially a two-party dispute that the Virginia court should complete. The debtor has not yet been shown to be insolvent, and tying its hands before an order for relief is entered unnecessarily shuts down its business operations and ability to pay its debts. Thus, RFS will be GRANTED as to the VA action also.

APPEARANCE REQUIRED

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

**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**Movant(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:00 AM

**1:17-13349 Toni Ann Mendez**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Toni Ann Mendez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:00 AM

**1:17-13374 Mohammad Reza Mayeh**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mohammad Reza Mayeh

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#1.00 Motion RE: Objection to Claim  
by Claimant Bank of America**

fr. 12/6/17

Docket 151

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor scheduled an unsecured claim of Bank of America ("Creditor") in the amount of \$51,098. Creditor did not file a timely claim. Debtor attaches a letter his attorney sent on October 22, 2017 requesting that Creditor provide any and all documentation of the claim, including any documentation of the alleged debt Creditor purchased from credit card issuer U.S. Bank. Debtor states that he received no response to the letter, and no response to this objection to claim.

Creditor is an FDIC insured institution that must be served per the requirements of FRBP 7004(h). Service is proper. No opposition was filed. Objection is SUSTAINED. Debtor will lodge order.

NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#2.00 Motion RE: Objection to Claim  
by Claimant Wells Fargo Bank**

Docket 170

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor scheduled an unsecured claim of Wells Fargo ("Creditor") in the amount of \$51,098. Creditor did not file a timely claim. Debtor attaches a letter his attorney sent on October 22, 2017 requesting that Creditor provide any and all documentation of the claim, including any documentation of the alleged debt Creditor purchased from credit card issuer U.S. Bank. Debtor states that he received no response to the letter, and no response to this objection to claim.

Creditor is an FDIC insured institution that must be served per the requirements of FRBP 7004(h). Service is proper. No opposition was filed. Objection is SUSTAINED. Debtor will lodge order.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#2.01** Motion RE: Objection to Claim  
Number 2 by Claimant CACH, LLC

fr. 12/6/17

Docket 153

**\*\*\* VACATED \*\*\* REASON: Resolved at 12/6/17 hearing. See Doc. No.  
184.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14747 Tony Servera Company, Inc.**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 12/18/14, 3/26/15; 6/4/15, 8/27/15, 10/29/15  
2/4/16, 4/7/16, 5/23/16, 1/19/17, 2/9/17, 8/16/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having considered the status report, for good cause appearing, the status conference is continued to **June 6, 2018 at 9:30 a.m.**

Debtor to give notice of continued status conference.

APPEARANCE WAIVED on January 10, 2018.

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

**Debtor(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox

**Movant(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10159 Samuil Preys**

**Chapter 11**

**#4.00** Status hearing re: Ch. 11 Plan of Reorganization

fr. 9/7/17, 11/8/17

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Nothing other than Monthly Operating Reports have been filed since the hearing was continued. In the December Monthly Operating Report, Debtor stated that the progress made toward filing a plan was: "reviewing plan response, exploring possible amendment to reorganization plan." What is the status of this Chapter 11 plan?

APPEARANCE REQUIRED

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

**Debtor(s):**

Samuil Preys

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10159 Samuil Preys**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 4/7/16, 4/27/16; 5/11/16, 6/1/16, 7/28/16,  
8/4/16, 9/8/16; 2/23/17, 3/1/17; 4/12/17, 9/7/17,  
11/8/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Samuil Preys

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12315 Martha Alicia Ybanez**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 10/6/16; 3/2/17, 3/8/17; 4/12/17, 7/12/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having considered the status report, for good cause appearing, the status conference is continued to **March 28, 2018 at 9:30 a.m.**

Debtor to give notice of continued status conference.

APPEARANCE WAIVED on January 10, 2018.

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

**Debtor(s):**

Martha Alicia Ybanez

Represented By  
Matthew D Resnik  
Matthew D Resnik

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 10, 2018

Hearing Room 302

9:30 AM

1:17-10861 FAMOSO PORTERVILLE, LLC

Chapter 11

#7.00 Motion Under 11 USC 1112(b) To Dismiss Or  
Convert Case With An Order Directing Payment  
Of Quarterly Fees And For Judgment Thereon

Docket 85

\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal on 12/19/17 -  
doc. #96. lf

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 10, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#8.00 Disclosure Statement

fr. 9/27/17; 11/15/17

Docket 54

\*\*\* VACATED \*\*\* REASON: stip. cont. t0 01/17/18, @ 9:30 a.m. (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 10, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#9.00 Motion for Setting Property Value

fr. 7/26/17, 9/6/17, 9/27/17; 11/15/17

Docket 39

\*\*\* VACATED \*\*\* REASON: stip. cont. t0 01/17/18, @ 9:30 a.m. (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

**Movant(s):**

Emeterio Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

Leticia Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 10, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#10.00 Scheduling and Case Management Conference

fr. 5/31/17; 9/27/17; 11/15/17

Docket 1

\*\*\* VACATED \*\*\* REASON: stip. cont. t0 01/17/18, @ 9:30 a.m. (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13063 S.B.R.S., Inc.**

**Chapter 11**

**#11.00 Scheduling and Case Management Conference**

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor should submit a claims bar date order.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#12.00 Scheduling and Case Management Conference**

Docket 0

**\*\*\* VACATED \*\*\* REASON: cont'd to 1/17/18 at 9:30 a.m. - jc**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#13.00 Debtor's Motion to Use Cash Collateral**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition was filed. The motion is GRANTED.

NO APPEARANCE REQUIRED

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**Movant(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10016 James C Alexander**

**Chapter 13**

**#13.01** 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:**

On January 3, 2018, Debtor filed this chapter 13 case. Debtor had 2 previous bankruptcy cases that were dismissed within the previous year. The First Filing, 17-10271, was a chapter 13 that was filed on 2/1/17 and dismissed on 2/21/17 for failure to file schedules. The Second Filing, 17-10664, was a chapter 13 that was filed on 3/16/17 and dismissed on 7/27/17 at the confirmation hearing. In the Motion, Debtor states that he was unable to continue running his business because his sister (the administrator of his business) was diagnosed with cancer and he could not continue with the case because "the debtor has decided to dismiss the case. The debtor is able to do some things differently now." No mention of these factual circumstances was made at the confirmation hearing.

Debtor now moves for an order imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous cases because he now has a new business administrator to replace his sister. Debtor claims that the presumption of bad faith is overcome as to all creditors per 11 U.S.C. 362(c)(3)(C)(i) because there has been a substantial change in his/her financial affairs. Debtor states that since the First and Second Filings were dismissed, he has gotten a new administrator for his business and his business affairs are back in order. Debtor claims that the property is necessary for a successful reorganization because the Property has significant equity.

Service NOT proper per order shortening time - Debtor did not file the declaration of service on or before 1/8/18, as ordered. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE REQUIRED DUE TO SHORTENED TIME

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... James C Alexander**

**Chapter 13**

**Debtor(s):**

James C Alexander

Represented By  
R Grace Rodriguez

**Movant(s):**

James C Alexander

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:13-12733 Joe Momdjian**

**Chapter 13**

**#14.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

10/18/17, 12/6/17

Docket 41

**\*\*\* VACATED \*\*\* REASON: Continued to 2/14/18 per stip Doc. No. 52**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

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

**Debtor(s):**

Joe Momdjian

Represented By  
Roland H Kedikian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11064 Maria Socorro Quimson**

**Chapter 13**

**#15.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

11/8/17

Docket 59

**\*\*\* VACATED \*\*\* REASON: Settled per stipulation, Docket No. 64**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

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

**Debtor(s):**

Maria Socorro Quimson

Represented By  
Joshua L Sternberg

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12965 Yinka Brandy Nunoo**

**Chapter 13**

**#16.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 10/14/16

Chapter 13 plan confirmed: 3/9/17

Service: Proper. No opposition filed.

Property: 17625 Crabapple Way, Carson, CA 90746

Property Value: not listed on debtor's schedules

Amount Owed: \$727,010

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: \$41,694 (approx. 14 payments of between \$2,588 and \$2622.07)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Subject property not listed on Debtor's schedules, and not treated under the confirmed plan.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (waiver of the 4001(a)(3) stay); and **8** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Yinka Brandy Nunoo Chapter 13**  
ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED  
PROPERTY.

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

**Debtor(s):**

Yinka Brandy Nunoo

Represented By  
Devin Sawdayi

**Movant(s):**

WILMINGTON SAVINGS FUND

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 10, 2018

Hearing Room 302

11:00 AM

1:17-12434 Robin DiMaggio

Chapter 7

#17.00 Motion for relief from stay

FORUM ENTERTAINMENT GROUP INC

Docket 29

\*\*\* VACATED \*\*\* REASON: Reassigned to Judge Kaufman (doc. 33) -  
hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 9/12/17

Chapter: 7

Service: Proper. No opposition filed.

Movant: Forum Ent. Group

Relief Sought to: Pursue Pending Litigation \_\_\_ Commence Litigation  
Pursue Insurance \_\_\_ Other

Litigation Information

Case Name:

Court/Agency:

Date Filed:

Judgment Entered:

Trial Start Date:

Action Description:

Grounds

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3<sup>rd</sup> Parties \_\_\_  
Nondischargeable \_\_\_

Mandatory Abstention \_\_\_ Non-BK Claims Best Resolved in Non-BK Forum

Other:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Robin DiMaggio**

**Chapter 7**

paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **5** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Robin DiMaggio

Represented By  
Moises S Bardavid

**Movant(s):**

Forum Entertainment Group, Inc.

Represented By  
Sandeep J Shah

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12547 Joseph Peaks Durant**

**Chapter 7**

**#18.00** Motion for relief from stay

US BANK NA

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 9/22/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 17552 Gledhill St., Northridge, CA 91325

Property Value: \$799,000 (per debtor's schedules)

Amount Owed: \$1,394,637

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$157,539 (approx. 58 payments of \$2,719)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Joseph Peaks Durant

Represented By  
Dominic Afzali

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Joseph Peaks Durant**

**Chapter 7**

**Movant(s):**

U.S. Bank NA, Successor Trustee

Represented By  
Nichole Glowin

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12785 Adriano Milani**

**Chapter 7**

**#19.00** Motion for relief from stay

BMW BANK OF NORTH AMERICA

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 10/17/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 BMW 6 Series Convertible

Property Value: \$46,850 (per Movant's evidence, NADA Guide)

Amount Owed: \$54,175

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$5,246 (approx. 6 payments of \$874.49)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Adriano Milani

Represented By  
Alon Darvish

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Adriano Milani**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12947 Arturo Romero**

**Chapter 13**

**#20.00** Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 12/13/17

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from 12/13/17, so that the parties could discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion? APPEARANCE REQUIRED.

**12/13/17 Tentative**

Petition Date: 11/02/2017

Chapter: 13

Service: Proper. Opposition filed.

Property: 12600 San Fernando Road #126, Los Angeles, CA 91342

Property Value: \$457,000.00 (per debtor's schedules)

Amount Owed: \$445,451.97 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting the subject property.

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (Co-debtor stay annulled); 7 (waiver of the 4001(a)(3) stay); and 9 (relief under 362(d)(4)).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Arturo Romero**

**Chapter 13**

Debtor opposes the motion and argues that he is current on post-petition mortgage payments and the movant is adequately protected. Debtor is going to keep making mortgage payments and to work on an APO with movant.

APPEARANCE REQUIRED

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

**Debtor(s):**

Arturo Romero

Represented By  
Kevin Tang

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12962 Christopher Eric Traendly**

**Chapter 7**

**#21.00** Motion for relief from stay

CLEAR INVESTMENT LLC

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 11/6/17

Ch: 7

Service: Proper. No opposition filed.

Movant: Creditor Clear Inv., LLC

Property Address: 15227 Otsego Dr., Sherman Oaks, CA 91403

Type of Property: Residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 7/3/17

UD Judgment: n/a (UD trial continued to 12/4/17)

Movant alleges cause for extraordinary relief due to multiple bankruptcies affecting the subject property.

Disposition: GRANT under 11 U.S.C. 362(d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (relief binding and effective against any debtor for 180 days); and **10** (relief binding and effective for two years in any case purporting to affect the subject property).

DENY relief requested in paragraph **4** (annulment of stay), as Movant has not alleged grounds for such relief; DENY relief requested in paragraph **8** (*in rem* relief under 362(d)(4)), as Movant is not a secured creditor and is thus not

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT...** Christopher Eric Traendly  
eligible to request such relief

**Chapter 7**

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT  
HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Christopher Eric Traendly	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13157 Ruben Lvovich Gukasov**

**Chapter 7**

**#21.01 Motion to vacate dismissal**

Docket 25

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ruben Lvovich Gukasov

Represented By  
Alfred O Anyia

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 10, 2018

Hearing Room 302

11:00 AM

1:17-13157 Ruben Lvovich Gukasov

Chapter 7

#22.00 Motion for relief from stay

STEARNS BANK NATIONAL ASSOCIATION

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 11/27/17

Chapter: 7

Service: Proper. No opposition filed.

Property: Two (2) 2006 Refrigeration Utility trailers with carrier

Property Value: \$7,850 per trailer (per Movant's evidence, Truckpaper.com)

Amount Owed: \$52,526

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$51,111 (judgment obtained for unpaid balance)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ruben Lvovich Gukasov

Represented By  
Alfred O Anyia

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Ruben Lvovich Gukasov**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13270 Alexander Panov**

**Chapter 7**

**#23.00** Motion for relief from stay

ALLY BANK

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 12/6/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 2011 Chevrolet Camaro

Property Value: \$12,550 (per Movant's evidence, NADA Guide)

Amount Owed: \$15,986

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,641 (approx. 4 payments of \$340.93)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alexander Panov

Represented By

James Geoffrey Beirne

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Alexander Panov**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:11-13182 Nicholas Stephen Kahrilas**

**Chapter 7**

Adv#: 1:13-01120 Miller v. Kahrilas

**#24.00** Pre-Trial Conference re: Notice of removal of First Amended Complaint for: (1) Breach of contract; (2) Fraud; (3) Determination of non-dischargeability under 11 USC 523(a)(2); and (4) Determination of Non-dischargeability under 11 USC 523(a)(3)

fr. 8/7/13, 12/18/13, 4/30/14, 6/11/14; 7/30/14, 10/1/14, 12/3/14, 1/21/15, 3/4/15, 6/3/15, 7/22/15, 9/2/15, 10/21/15, 12/16/15; 2/24/16, 3/30/16, 5/25/16, 7/27/16; 9/28/16, 11/30/16 2/1/17; 3/29/17; 12/6/17

Docket 1

**Courtroom Deputy:**

H.D.

**Tentative Ruling:**

**Party Information**

**Attorney(s):**

Nicholas Barton

Represented By  
Todd J Cleary

Todd J Cleary

Represented By  
Todd J Cleary

**Debtor(s):**

Nicholas Stephen Kahrilas

Represented By  
John D Monte

**Defendant(s):**

Nicholas Stephen Kahrilas

Represented By  
Todd J Cleary



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Nicholas Stephen Kahrilas**

**Chapter 7**

**Joint Debtor(s):**

Laura Rae Kahrilas

Represented By  
John D Monte

**Plaintiff(s):**

Robert L. Miller

Represented By  
Ian Landsberg

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

Nancy J Zamora (TR)

Represented By  
Kyra E Andrassy

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

Adv#: 1:15-01005 EHRENBURG v. Youseffia

**#25.00** Pre-trial conference re complaint for  
1 - Nondischargeability under  
11 USC 523(a)(2)(A) and 11 USC 523 (a)(6)  
  
fr. 4/1/15, 6/3/15; 7/1/15; 1/27/16, 3/30/16,  
4/26/16

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having reviewed Defendant's unilateral status report, filed Jan. 7, 2018, and finding no objection filed, this status conference is continued to March 7, 2018, at 11:00 a.m. Defendant to give notice of continued status conference.

Parties are to file a status report informing the Court of the status of performance under the Settlement on or before February 28, 2018.

APPEARANCES WAIVED 1/10/18.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Defendant(s):**

Joseph Youseffia

Pro Se

**Plaintiff(s):**

HOWARD M EHRENBURG

Represented By  
Sanaz S Bereliani

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Joseph Youseffia  
US Trustee(s):**

**Chapter 11**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12015 Ludo Gust Mensch**

**Chapter 11**

Adv#: 1:15-01215 van der Velde et al v. Mensch et al

**#26.00** Status Conference re: Amended Complaint for Declaration of Nondischargeability, for Allowance of Claim, and for Money Judgment

fr. 11/18/15, 12/2/15; 2/24/16, 3/2/16; 3/9/16, 5/11/16, 6/8/16, 12/7/16; 2/8/17, 4/26/17, 7/12/17; 10/18/17

Docket 19

**Courtroom Deputy:**

Holding Date

**Tentative Ruling:**

In light of the terms contained within the Stipulation Regarding Settlement and Entry of Judgment (doc. 62), the Court finds cause to continue this adversary status conference to **March 21, 2018 at 11:00 a.m.**

Parties are to file a joint status report informing the Court of the status of performance under the Stipulation on or before March 14, 2018.

APPEARANCES WAIVED ON 1/10/18.

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

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Defendant(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, January 10, 2018**

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**CONT...**      **Ludo Gust Mensch**  
Mensch Company Inc.

**Chapter 11**

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**Plaintiff(s):**

Nadine van der Velde

Represented By  
Kenneth S Grossbart  
Kurt Ramlo  
Sharice B. Marootian

Scott Kraft

Represented By  
Kenneth S Grossbart  
Kurt Ramlo  
Sharice B. Marootian

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, January 10, 2018**

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11:00 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#27.00** Motion for Order Disallowing Claim  
#7 by Nadine Van Der Velde and Scott Kraft

fr. 12/2/15, 12/3/15, 2/24/16, 3/2/16; 3/9/16,  
5/5/16, 6/8/16, 12/7/16; 2/8/17, 4/26/17, 7/12/17; 10/18/17; 12/6/17

Docket 38

**Courtroom Deputy:**

settled, H.D.

**Tentative Ruling:**

In light of the terms contained within the Stipulation Regarding Settlement and Entry of Judgment (doc. 62), the Court finds cause to continue the hearing on this Objection to **March 21, 2018 at 11:00 a.m.**

APPEARANCES WAIVED ON 1/10/18.

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

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, January 10, 2018**

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11:00 AM

**1:17-10482 Rodolfo Rosales**

**Chapter 13**

Adv#: 1:17-01028 Rosales et al v. New Penn Financial LLC dba Shellpoint Mortgage Ser

**#28.00** Pre-Trial Conferce re: First Amended Complaint for  
1) Violation of Californina Homeowner Bill of Rights  
2) Wrongful Foreclosure;  
3) Negligence;  
4) Judgment to Cancel TDUS; 5) Quiet Title; 6) Declaratory Relief  
7) Unlawful Business Practices

fr. 6/14/17, 8/2/17

Docket 16

**\*\*\* VACATED \*\*\* REASON: Bankruptcy dismissed 9/28/17 (doc. 66) -  
hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rodolfo Rosales

Represented By  
Kevin T Simon

**Defendant(s):**

New Penn Financial LLC dba

Pro Se

MTC FINANCIAL, INC., DBA

Pro Se

Duke Partners II, LLC

Pro Se

The Bank of New York Mellon

Pro Se

**Joint Debtor(s):**

Rosa Maria Hinojosa

Represented By  
Kevin T Simon

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, January 10, 2018**

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11:00 AM

**CONT... Rodolfo Rosales**

**Chapter 13**

**Plaintiff(s):**

Rodolfo Rosales

Represented By  
Matthew D Resnik  
Matthew D Resnik

Rosa Maria Hinojosa

Represented By  
Matthew D Resnik  
Matthew D Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, January 10, 2018**

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11:00 AM

**1:17-11870 Neil D Gitnick**

**Chapter 7**

Adv#: 1:17-01083 Vargas et al v. Gitnick et al

**#29.00** Order to Show Cause Why Adversary Complaint  
Should Not Be Dismissed For Failure To Prosecute

Docket 0

**\*\*\* VACATED \*\*\* REASON: Vacated per Court's order, doc. 18 - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Neil D Gitnick

Represented By  
James R Selth

**Defendant(s):**

Neil D Gitnick

Represented By  
James R Selth  
Elaine Nguyen

Anita Marton

Represented By  
James R Selth

**Joint Debtor(s):**

Anita Marton

Represented By  
James R Selth

**Plaintiff(s):**

Patricia Vargas

Represented By  
Jay W Smith

Ana Contreras

Represented By  
Jay W Smith

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, January 10, 2018**

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11:00 AM

**CONT... Neil D Gitnick**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, January 10, 2018**

**Hearing Room 302**

11:00 AM

**1:13-10487 Robert Carey**

**Chapter 7**

**#30.00 Motion to Avoid Lien Judicial lien with Omni Bank**

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Robert Carey ("Debtor") filed this voluntary chapter 7 bankruptcy on January 24, 2013. A discharge was entered on May 13, 2013 and the case was closed on October 3, 2014. Debtor brought a motion to reopen this case on September 27, 2017 (Doc. No. 52) for purposes of filing a lien avoidance motion against Omni Bank ("Creditor"). The motion to reopen was granted on October 25, 2017. (Doc. No. 56) Debtor then filed the instant Motion to Avoid Lien under 11 U.S.C. § 533(f) (the "Motion"). (Doc No. 58)

Debtor attached as Exhibit 1 to the Motion an Abstract of Judgment—Civil and Small Claims by Omni Bank against Debtor on December 7, 2012. The abstract of judgment was recorded in Los Angeles County on December 26, 2012.

Under California law, recordation of an abstract of money judgment with a county recorder's office creates a lien against any property in the county in which the abstract of judgment is recorded. C.C.P. 397.340(a). The lien also attaches to any property in the county in which the abstract of judgment was recorded acquired after the judgment lien was created. C.C.P. 397.340(b). Such a lien continues for 10 years from the date of the entry of judgment.

Debtor at no point owned property to which the abstract of judgment could attach, but now appears to be seeking financing to purchase a home. This case raises the issue of whether an abstract of judgment recorded before debtor filed bankruptcy, which never attached to any property, could become a lien on any property acquired after the debt is discharged in bankruptcy. The issue has been considered previously by a bankruptcy court in the Eastern District of California. In re Thomas, 102 B.R. 199 (Bankr. E.D. Cal. 1989). The facts in Thomas are very similar to the facts here. In Thomas, the creditor obtained a judgment against the debtors and recorded an abstract of judgment thereon in Sutter County. Id. at 200. The debtors subsequently filed chapter 7 bankruptcy and received a

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**CONT... Robert Carey**

**Chapter 7**

discharge. Id. The debtors never owned any property in Sutter County prior to the bankruptcy, and the judgment was discharged. Id. Post-bankruptcy, debtors purchased a home in Sutter County. Id. The Thomas court was faced with the question of whether creditor had a valid lien against the proceeds of a sale of the property. The creditor argued that it had a valid lien on debtors' after acquired property which had neither been discharged or avoided under the bankruptcy code. Id. The creditor argued further that, while it was enjoined by the discharge injunction from enforcing the lien, it was not required to release the debtors from the lien absent an order of the bankruptcy court. Id. at 200-01. The Thomas court rejected creditor's argument, stating that the argument was "based upon the false premise that a 'lien' actually exists." Id. at 201.

The California courts have long recognized the maxim that a lien cannot survive (much less be created in the first place) absent the existence of an enforceable underlying obligation. (*Gostin v. State Farm Insurance Co.*, 224 Cal.App.2d 319, 325, 36 Cal.Rptr. 596 (citing *East Bay Municipal Utility District v. Garrison*, 191 Cal. 680, 692, 218 P. 43; *Pacific Finance Corporation v. Hendley*, 119 Cal.App. 697, 704, 7 P.2d 391)). Furthermore, as was noted above, a lien cannot exist in the absence of an underlying attachable "res".

Id. at 201. Based upon its analysis, the court ordered that the lien was void and expunged of the record. Id. at 202. The Thomas court noted that this result is consistent with the definition of "lien" under the California Code of Civil Procedure: "[a] lien is a charge imposed upon specific property, by which it is made security for the performance of an act." C.C.P. § 1180 (emphasis added).

The conclusion reached by the Thomas court has been cited favorably in similar situations:

The parties do not dispute that IFS owned no real property in Los Angeles County on the date of recordation. IFS still owns no real property. Moreover, under California law a lien cannot exist absent attachable property. . . . Here, IFS did not own any real property in Los Angeles County on the date of recordation or at any time from that date through the petition date. IFS still owns no real property. Thus, DC Media's recordation of the abstract of judgment did not create or perfect a lien, or otherwise affect IFS' property or an interest in IFS' real property—because IFS owned

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**CONT...**

**Robert Carey**  
no real property.

**Chapter 7**

In re Imagine Fulfillment Servs., LLC, 489 B.R. 136, 152–53 (Bankr. C.D. Cal. 2013). See In re Baker, 217 B.R. 609, 613 (Bankr. N.D. Cal. 1998) ("This Court views the *Thomas* court's logic as unassailable. . . . For a lien to exist, both the property and the obligation must exist at the same time. A lien may not 'survive' bankruptcy unless it first exists.")

A debtor may avoid a lien under 522(f)(1)(A) if: "(1) there was a fixing of a lien on an interest of the debtor in property; (2) such lien impairs an exemption to which the debtor would have been entitled; and (3) such lien is a judicial lien." In re Pederson, 230 B.R. 158, 160 (B.A.P. 9th Cir. 1999).

Because there is no valid lien to be avoided, Debtor is not entitled to the protections of 522(f). The Court recognizes that Debtor is trying to ensure that no encumbrance results from a pre-petition recorded abstract of judgment; such a result would have the absurd consequence of creating an unenforceable lien on property acquired post-petition, but only in the specific counties which the creditor recorded the abstract of judgment. Addressing a similar dilemma, an Idaho bankruptcy court offered the following:

Thus, while the Code provides no mechanism for the Court to preemptively order that no lien for a prepetition debt ever attach to Debtors' after-acquired property, such an order appears unnecessary. In this case, there are no judgment liens because there is no real property; Debtors' personal liability has been discharged, and future efforts to collect on the judgments are prohibited by the discharge injunction. Should a creditor make such collection efforts against after-acquired property, that creditor could be subject to sanctions. *Zilog, Inc. v. Corning (In re Zilog, Inc.)*, 450 F.3d 996, 1007 (9th Cir.2006).

In re Davis, No. 07-00622, 2007 WL 2710403, at \*3 (Bankr. D. Idaho Sept. 13, 2007).

For the foregoing reasons, the Motion is DENIED.

<b>Party Information</b>
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**Debtor(s):**

Robert Carey

Represented By  
Steven M Gluck

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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11:00 AM

**CONT... Robert Carey**

**Chapter 7**

**Movant(s):**

Robert Carey

Represented By  
Steven M Gluck  
Steven M Gluck

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, January 10, 2018**

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11:00 AM

**1:17-12405 Sharay Lo Sann Moreland**

**Chapter 7**

**#31.00** Trustee's Motion for Order Approving Sale  
of Litigation Rights, Subject to Overbid

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed.  
Motion GRANTED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Sharay Lo Sann Moreland	Pro Se
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**Movant(s):**

Nancy J Zamora (TR)	Pro Se
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**Trustee(s):**

Nancy J Zamora (TR)	Pro Se
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**Wednesday, January 10, 2018**

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1:00 PM

**1:16-12214 Mahshid Loghmani**

**Chapter 7**

Adv#: 1:16-01150 Tessie Cleveland Community Services Corp. v. Loghmani et al

**#32.00** Motion For Summary Judgment or, in the  
alternative, Partial Summary Judgment

Docket 33

**\*\*\* VACATED \*\*\* REASON: Reassigned to Judge Kaufman (ad. doc. 38)  
- hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mahshid Loghmani

Represented By  
Allan D Sarver

**Defendant(s):**

Mohsen Loghmani

Pro Se

Mashid Loghmani

Pro Se

**Joint Debtor(s):**

Mohsen Loghmani

Represented By  
Allan D Sarver

**Movant(s):**

Tessie Cleveland Community

Represented By  
Bruce M Cohen  
Michael E Thompson

**Plaintiff(s):**

Tessie Cleveland Community

Represented By  
Bruce M Cohen



**United States Bankruptcy Court  
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**CONT... Mahshid Loghmani**

Michael E Thompson

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**1:16-12214 Mahshid Loghmani**

**Chapter 7**

Adv#: 1:16-01150 Tessie Cleveland Community Services Corp. v. Loghmani et al

**#33.00** Status Conference re: First Amended Complaint

fr. 3/22/17; 8/23/17; 10/18/17

Docket 30

**\*\*\* VACATED \*\*\* REASON: Reassigned to Judge Kaufman (ad. doc. 38)  
- hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Mahshid Loghmani

Represented By  
Allan D Sarver

**Defendant(s):**

Mohsen Loghmani

Pro Se

Mashid Loghmani

Pro Se

**Joint Debtor(s):**

Mohsen Loghmani

Represented By  
Allan D Sarver

**Plaintiff(s):**

Tessie Cleveland Community

Represented By  
Bruce M Cohen  
Michael E Thompson

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**CONT... Mahshid Loghmani**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, January 10, 2018**

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1:00 PM

**1:17-10148 Jose Matias Maranon**

**Chapter 7**

Adv#: 1:17-01037 State Compensation Insurance Fund v. Maranon

**#34.00** Motion to Dismiss First Amended Complaint  
to Determine Dischargeability of Debt under  
11 U.S.C. Sec. 523(a)(2)

fr. 12/6/17, 12/13/17

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

State Compensation Insurance Fund ("Plaintiff") is a California state agency authorized to provide workers' compensation insurance to California employers. Plaintiff issued a worker's compensation insurance policy, Policy No. 9095289-14 (the "Policy"), to J & J General Contractors ("J&J"), a business solely owned by Jose Matias Maranon ("Debtor"), for April 8, 2014 to April 8, 2015 (the "Policy Contract").

Plaintiff alleges in the FAC that J&J was to pay a premium for the Policy, and perform all other duties and obligations set forth in the Policy (i.e. submitting complete and accurate employee classifications, payroll reports, and other business records for audit at the end of each policy year). Between June 3, 2015 and June 11, 2015, Plaintiff conducted an audit of Debtor's payroll. Plaintiff alleges that it determined that Debtor, doing business as J&J, had underreported his payroll by approximately \$223,185, and had failed to report payroll for unlicensed sub-contractors he had hired. As a result, Debtor owed Plaintiff \$43,343.09 in past premiums. See First Amended Complaint (the "FAC"), 10:1-12:10. Furthermore, when Debtor was applying for the Policy, Plaintiff alleges that Debtor falsely represented that he did not use subcontractors, to procure a lower policy premium. See FAC, 4:4-11; Ex. B.

Plaintiff requests that Debtor's debt of \$43,343.09 be non-dischargeable due to his misrepresentations of payroll reports and withholdings of employee cards and other documents. Plaintiff further requests that the Court award it reasonable attorney's fees to the fullest extent allowed by the law.

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CONT...

**Jose Matias Maranon**

**Chapter 7**

In response, Debtor filed a Motion to Dismiss the FAC under Fed R.Civ P. 12 (b)(6) (the "MTD"). Debtor asserts that Plaintiff failed to assert sufficient facts in support of its claim that Debtor acted with the intent to defraud when he entered into the Policy – that is, that Debtor intentionally misrepresented his estimated business payroll.

Plaintiff opposes the Motion (the "Opposition"), arguing the FAC is sufficiently pled and that the MTD should be denied. Plaintiff requests leave to file a second amended complaint in the event that the Court finds merit in the MTD.

**Standard**

A motion to dismiss under Civil Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008) (*quoting* Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990)).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff, and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, and unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

"While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, 550 U.S. at 555 (citations omitted). "In practice, a complaint . . . must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Id. at 562 (emphasis added) (*quoting* Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1106 (7th Cir. 1984)).

In Ashcroft v. Iqbal, 556 U.S. 662 (2009), the Supreme Court elaborated on the Twombly standard: 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. . . . A claim has facial plausibility when the plaintiff pleads factual content

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CONT...

**Jose Matias Maranon**

**Chapter 7**

that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. . . Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. Id. at 663 (citations and internal quotation marks omitted). In light of that standard, the Supreme Court invited courts considering a motion to dismiss to use a two pronged approach. First, "begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." Iqbal at 680-1. After those pleadings are excised, all that is left to consider are the factual allegations in the "complaint to determine if they plausibly suggest an entitlement to relief." Id. Courts should assume the veracity of well-plead factual allegations. Id. "If there are two alternative explanations, one advanced by the defendant and the other advanced by plaintiff, both of which are plausible, plaintiff's complaint survives a motion to dismiss under Rule 12(b)(6)." Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011); see also Moss v. United States Secret Serv., 2013 U.S. App. LEXIS 4121 (9th Cir. Feb. 26, 2013).

Federal Rule of Civil Procedure 9(b) imposes heightened pleading requirements for claims of fraud. See Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud," but can allege generally "[m]alice, intent, knowledge, and other conditions of a person's mind." Twombly, 550 U.S. at 559. The particularity requirement "has been interpreted to mean the pleader must state the time, place and specific content of the false representations as well as the identities of the parties to the misrepresentation." In re MannKind Sec. Actions, 2011 U.S. Dist. LEXIS 145253, 19-20 (C.D. Cal. Dec. 16, 2011).

"Averments of fraud must be accompanied by the who, what, when, where and how of the misconduct charged." Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal quotations omitted) and Walling v. Beverly Enterprises, 476 F.2d 393, 397 (9th Cir. 1973). "Rule 9(b) ensures that allegations of fraud are 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." Semegen v. Weidner, 780 F.2d 727, 731 (9th Cir. 1985). "It also prevents the filing of a complaint as a pretext for the discovery of unknown wrongs and protects potential defendants - - especially professionals whose reputations in their fields of expertise are most sensitive to slander - - from the harm that comes from being charged with the commission of fraudulent acts." Id.

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CONT... Jose Matias Maranon  
Analysis

Chapter 7

As noted above, the FAC must contain "either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Twombly, 550 U.S. at 562. This pleading requirement is heightened by Federal Rule of Civil Procedure 9(b) when there is a claim of fraud. Here, after amending the original complaint, the particularity requirement of Fed. R. Civ. P. 9(b) satisfied. Plaintiff alleged that Debtor committed fraud by underreporting his payroll, failing to properly account for unlicensed subcontractors, and failing to provide required documentation. FAC ¶¶ 16-21. Debtor again argues that the mere fact that he underreported his payroll is insufficient to support the allegation of fraud where the Policy seemingly contemplates occasional underreporting by providing for an audit and reassessment, resulting in a final premium. The allegations in the FAC, however, are very specific as to Debtor's statement at the inception of the Policy that he did not employ subcontractors, and all of the specific details of the instances when Plaintiff alleges that Debtor employed unreported subcontractors. Id. at ¶¶ 22-27.

According to the Policy, Debtor was to provide Plaintiff with copies of records upon request. FAC ¶14F. While Debtor contends that Plaintiff fails to specify in the FAC the "time, place or content of any of Defendant's alleged fraudulent conduct," a review of the FAC shows Debtor is incorrect. Plaintiff has identified when and how many requests were made for Debtor to turn over documentation. Id. at ¶¶ 28-33. Plaintiff's allegations regarding Debtor's alleged fraudulent acts are sufficiently pled to satisfy the particularity requirement of Fed. R. Civ. P. 9(b)

Plaintiff also amended its allegations that Debtor "knowingly and intentionally under reported his payroll and failed to provide employee time cards/alleged independent contractor's 1099 forms, with the intent to deceive Plaintiff and wrongfully reduce the premiums it owed to Plaintiff." FAC ¶¶28-33. Plaintiff clarified that the factual allegations contained in paragraphs 28-33 of the FAC support a claim for relief under § 523(a)(2)(B), while the allegations contained in paragraphs 22-27 of the FAC support a claim for relief under § 523(a)(2)(A). As such, Plaintiff's allegations in the FAC meet "the material elements necessary to sustain recovery under" either 11 U.S.C. § 523(a)(2)(A) or (B). Twombly, 550 U.S. at 555 (citations omitted)(*quoting Car Carriers, Inc.*, 745 F.2d at 1106.

Motion to Dismiss FAC is DENIED.

**Party Information**

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**CONT... Jose Matias Maranon**

**Chapter 7**

**Debtor(s):**

Jose Matias Maranon

Represented By  
Geoffrey G Melkonian

**Defendant(s):**

Jose Matias Maranon

Represented By  
Geoffrey G Melkonian

**Plaintiff(s):**

State Compensation Insurance Fund

Represented By  
Rhett Johnson

**Trustee(s):**

David Seror (TR)

Pro Se



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1:00 PM

**1:17-10148 Jose Matias Maranon**

**Chapter 7**

Adv#: 1:17-01037 State Compensation Insurance Fund v. Maranon

**#35.00** Status Conference Re:  
Complaint to Determine Dischargeability of Debt  
Under 11 U.S.C. Sec. 523(a)(2)

fr. 6/21/17, 7/26/17, 8/2/17, 11/8/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

1:00 PM

**CONT... Jose Matias Maranon**

**Chapter 7**

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

Jose Matias Maranon

Represented By  
Geoffrey G Melkonian

**Defendant(s):**

Jose Matias Maranon

Pro Se

**Plaintiff(s):**

State Compensation Insurance Fund

Represented By  
Rhett Johnson

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 10, 2018**

**Hearing Room 302**

1:00 PM

**1:17-13157 Ruben Lvovich Gukasov**

**Chapter 7**

**#36.00** Motion to vacate dismissal

Docket 25

**\*\*\* VACATED \*\*\* REASON: Moved to 11:00 a.m.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ruben Lvovich Gukasov

Represented By  
Alfred O Anyia

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, January 11, 2018**

**Hearing Room 302**

10:00 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#1.00** Motion RE: Objection to Claim  
# 4 by Claimant U.S. Bank National Association,  
as Trustee for Harborview Mortgage Loan Trust 2005-16,  
Mortgage Loan Pass-Through Certificates, Series 2005-16,  
as serviced by Nationstar Mortgage LLC

fr. 7/12/17, 8/2/17; 9/27/17; 11/07/17

Docket 82

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Farideh Warda

Represented By  
M Jonathan Hayes  
Roksana D. Moradi

**Movant(s):**

Farideh Warda

Represented By  
M Jonathan Hayes  
Roksana D. Moradi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, January 11, 2018**

**Hearing Room 302**

10:00 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#2.00** Motion RE: Objection to Claim Number 9 by  
Claimant City of Los Angeles - HCIDLA.

Docket 143

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Farideh Warda

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12453 Anthony Richard La Grasta**

**Chapter 7**

**#1.00 Pro se Reaffirmation Agreement Between Debtor and  
AmeriCredit Financial Services, Inc. dba Gm Financial**

Docket 14

**Tentative Ruling:**

Petition date: 9/14/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? No.

Discharge?: No

Property: 2009 Chevrolet Traverse

Debtor's valuation of property (Sch. B): \$6,000

Amount to be reaffirmed: \$7,897.58

APR: 12.9%

Contract terms: \$323.42 for 49 months, with any remaining balance due at the end of the contract)

Monthly Income (Schedule I): \$2,190

Monthly expenses: (Schedule J): \$2,194

Disposable income: <\$4.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor has already included the payment on this debt on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until Feb. 20, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Anthony Richard La Grasta**

**Chapter 7**

**Debtor(s):**

Anthony Richard La Grasta                      Pro Se

**Trustee(s):**

David Seror (TR)                                      Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12542 Sheila J. Rogers**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor  
and American Honda Finance Corporation**

Docket 17

**Tentative Ruling:**

Petition date: 9/22/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2009 Honda CRV

Debtor's valuation of property (Sch. B): not valued (LEASE)

Amount to be reaffirmed: \$661.13

APR: 0%

Contract terms: \$330.56 per month for 2 months

Monthly Income (Schedule I): \$2,223.43

Monthly expenses: (Schedule J): \$2,327

Disposable income: <\$103.57>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that this payment is provided for on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until Feb. 26, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Sheila J. Rogers**

**Chapter 7**

**Debtor(s):**

Sheila J. Rogers

Represented By  
Janet A Lawson

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12580 Bertha Ledesma**

**Chapter 7**

**#3.00 Pro se Reaffirmation Agreement Between Debtor  
and American Honda Finance Corporation**

Docket 17

**Tentative Ruling:**

Petition date: 9/26/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Honda Accord

Debtor's valuation of property (Sch. B): \$18,000

Amount to be reaffirmed: \$15,050

APR: 0.9%

Contract terms: \$306.83 per month for 50 months

Monthly Income (Schedule I): \$3,034

Monthly expenses: (Schedule J): \$3,823

Disposable income: <\$788.67>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains she no longer has dependents, so her expenses have decreased. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 22, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Bertha Ledesma**

**Chapter 7**

**Debtor(s):**

Bertha Ledesma

Represented By  
Carlo Reyes

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12626 Alejandro Rodriguez**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between  
Debtor and Veros Credit**

fr. 12/19/17

Docket 9

**Tentative Ruling:**

Petition date: 9/29/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2011 Toyota Camry

Debtor's valuation of property (Sch. B): \$3,098

Amount to be reaffirmed: \$4,732.28

APR: 21.99%

Contract terms: \$291.54 per month for 19 months

Monthly Income (Schedule I): \$3,929

Monthly expenses: (Schedule J): \$3,913

Disposable income: \$16.13

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

This payment is provided for in Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until January 20, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Alejandro Rodriguez**

**Chapter 7**

**Party Information**

**Debtor(s):**

Alejandro Rodriguez

Represented By  
R Grace Rodriguez

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#5.00 Reaffirmation Agreement Between Debtor  
and Toyota Motor Credit Corporation**

Docket 23

**Tentative Ruling:**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Toyota Tundra

Debtor's valuation of property (Sch. B): \$38,200

Amount to be reaffirmed: \$33,790

APR: 1.9%

Contract terms: \$852.80 per month for 49 months

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor says he is seeking to reduce expenses and family/friends will provide financial assistance, if needed

Debtor has a right to rescind agreement anytime prior to discharge, or until February 15, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#6.00 Reaffirmation Agreement Between Debtor  
and Santander Consumer USA Inc., dba Chrysler Capital**

Docket 15

**Tentative Ruling:**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Range Rover

Debtor's valuation of property (Sch. B): \$23,095

Amount to be reaffirmed: \$24,109

APR: 10.39%

Contract terms: \$471.50 per month until May 2023

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor says he is seeking to reduce expenses and family/friends will provide financial assistance, if needed

Debtor has a right to rescind agreement anytime prior to discharge, or until January 24, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#7.00** Reaffirmation Agreement with  
Wells Fargo Dealer Services

fr. 12/19/17

Docket 12

**Tentative Ruling:**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2010 Honda Fit

Debtor's valuation of property (Sch. B): \$4,860

Amount to be reaffirmed: \$4,872

APR: 11.9%

Contract terms: \$309.61 per month for 17 months

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor says he shares title with his daughter and she makes these payments.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 14, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

**Party Information**

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#8.00 Pro se Reaffirmation Agreement Between  
Debtor and American Honda Finance Corporation**

Docket 18

**Tentative Ruling:**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2014 Honda Accord

Debtor's valuation of property (Sch. B): \$12,625

Amount to be reaffirmed: \$16,526

APR: 17.30%

Contract terms: \$444.96 per month for 53 months

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor says he shares title with his brother-in-law and he makes these payments.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 28, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12770 Anjenette Solano**

**Chapter 7**

**#9.00 Pro se Reaffirmation Agreement Between  
Debtor and Cab West, LLC (2017 Ford Escape)**

Docket 10

**Tentative Ruling:**

Petition date: 10/16/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Ford Escape

Debtor's valuation of property (Sch. B): \$27,625

Amount to be reaffirmed: \$11,285 (LEASE)

APR: n/a

Contract terms: \$331.93 per month for 34 months

Monthly Income (Schedule I): \$2,077.54

Monthly expenses: (Schedule J): \$3,298.95

Disposable income: <\$1,221.41>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that her expenses are now lower after having filed bankruptcy. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 25, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 16, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Anjenette Solano**

**Chapter 7**

**Debtor(s):**

Anjenette Solano

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10026 Fernando R Ochoa**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fernando R Ochoa

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:00 AM

**1:17-13393 Jeffery Scott**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jeffery Scott

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10031 Bagrat Ogannes**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bagrat Ogannes

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10010 Ha Min Chi**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ha Min Chi

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10004 Cynthia Deniese Sanders**

**Chapter 13**

**#0.05** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cynthia Deniese Sanders	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#1.00** Fifth Interim Application for Compensation and Reimbursement of Expenses of Michael Jay Berger

Period: 1/6/2017 to 9/15/2017  
Fees: \$13234 Expenses: \$314.50

fr. 10/18/17

Docket 128

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtors stated they were dismissing case upon approval of the settlement.

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

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**Movant(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#2.00 Status and Case Management Conference**

fr. 11/19/15, 5/5/16, 7/28/16, 12/7/16; 2/8/17,  
4/26/17, 7/12/17; 10/18/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The debtors represented that no disclosure would be filed because they were going to dismiss case. When will that motion be filed?

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

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10783 Harlequins Web, LLC**

**Chapter 11**

**#3.00** Motion for relief from stay

SECURED CREDITORS COUNTY OF  
VENTURA

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: March 17, 2016

Chapter: 11

Service: Proper. No opposition filed.

Property: 21 La Cam Rd., Newbury Park, CA 91320, Ventura County Assessor's  
Parcel Nos. 1) 668-0-070-195, 2) 668-0-070-205; 3) 668-0-070-215.

Property Value: \$ 1,500,000 (per debtor's schedules)

Amount Owed: \$ 285,552.42 (per RFS motion)

This case was dismissed on August 22, 2016 on Debtor's own motion. Movant's motion to reopen the case was granted on December 15, 2017. The Motion alleges and is not disputed that the bankruptcy was part of a thirty year scheme to delay, hinder, or defraud creditors due to 1) the transfer of all or part ownership of the property without the consent of Movant and 2) multiple bankruptcies affecting the property. Debtor has filed two previous bankruptcies since 2015, 16-bk-10783-MT and 15-bk-11086-DS, and Movant lists seven other prior cases affecting the properties filed by other entities. Debtor and Debtor's sole shareholder, John Harry Byrd, have repeatedly filed bankruptcies in order to avoid tax sales on the vacant lots. \$285,552.42 is owed in back taxes.

No opposition has been filed.

Disposition: GRANT relief requested in paragraph **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT  
HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Harlequins Web, LLC**

**Chapter 11**

MOVANT TO LODGE ORDER WITHIN 7 DAYS. MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

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

**Debtor(s):**

Harlequins Web, LLC

Represented By  
Robert Reganyan

**Movant(s):**

VENTURA COUNTY TAX

Represented By  
Linda K Ash  
Andrew Gschwind

County Of Ventura

Represented By  
Linda K Ash  
Andrew Gschwind



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11968 Paul Vincent Wojdak**

**Chapter 11**

**#4.00** U.S. Trustee Motion to dismiss or convert Under 11 U.S.C. § 1112(b)  
With An Order Directing Payment Of Quarterly Fees And For  
Judgment Thereon

Docket 70

**\*\*\* VACATED \*\*\* REASON: Stip, order case dismissed 12/15/17 (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Paul Vincent Wojdak

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10212 Ferdinand Holgado**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 3/22/17, 8/16/17, 11/8/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No status report was timely filed.

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

**Debtor(s):**

Ferdinand Holgado

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#6.00** Final Hearing on Use of Cash Collateral

fr. 9/6/17; 11/15/17

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Given stipulations re plan, is this agreement continuing also?

<b>Party Information</b>
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**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#7.00 Hearing on First Amended Disclosure Statement**

fr. 9/27/17; 11/15/17

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#8.00 Scheduling and Case Management Conference**

fr. 5/31/17; 11/8/17; 11/15/17

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor should propose a solicitation/plan confirmation schedule with potential hearing dates on March 7, 21 or 28 at 9:30 am

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

**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 17, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#9.00 Amended Disclosure Statement

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtors state in **Class 6(b)** that there they will pay "\$15 per month according to Disclosure Statement, \$60 quarterly per Chapter 11 plan." **These numbers are not consistent. \$15 per month is \$45 per quarter.**

Nationstar filed a limited objection to approval of the Amended Disclosure Statement due to Debtors attaching an incorrect copy of the stipulation to plan treatment entered into between Debtors and Nationstar. Doc. No. 108. Debtors and Nationstar filed a stipulation to plan treatment (Doc. No. 92) which was rejected by the court due to noticing the hearing for the incorrect date. An amended stipulation was filed on December 12 (Doc. No. 99) and approved by the court (Doc. No. 102). Debtors attached a copy of the unapproved stipulation (Doc. No. 92) to the disclosure statement, rather than the amended stipulation (Doc. No. 99). Nationstar requests that Debtors be required to modify or amend the Disclosure statement to attach the amended stipulation. Nationstar also requests that Debtors amend the Plan to reference the correct docket number for the amended stipulation. Alternatively, Nationstar requests that the disclosure statement be conditionally approved subject to Debtors making the requested changes.

The plan should be amended to reflect the correct amount to be paid to unsecured creditors—\$15 per month (\$45 per quarter), or \$60 per quarter.

**NO FEES WILL BE APPROVED FOR AMENDED DISCLOSURE STATEMENT BECAUSE THEY ARE, ONCE AGAIN, DUE TO SLOPPY WORK BY DEBTOR'S COUNSEL.**

**THE STIPULATIONS REACHED WITH CREDITORS MUST BE INCORPORATED INTO THE PLAN SO THE TERMS ARE CLEAR TO ALL.**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

The disclosure statement will be APPROVED subject to modification of the plan that is sent out incorporating the proper terms of the stipulated treatment of Nationstar and proper math on the payments to unsecured creditors.

Debtor's counsel should propose a solicitation / confirmation schedule with a hearing date of March 21 or 28 at 9:30 am

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

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle J Lindsey

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle J Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 17, 2018

Hearing Room 302

9:30 AM

**1:17-10881 Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

**#10.00** Application for Compensation for AOE Law & Associates,  
Debtor's Attorney, Period: 4/4/2017 to 11/1/2017, Fee: \$12,015.00,  
Expenses: \$409.80.

fr. 11/29/17

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This will be continued until the confirmation hearing, so will not be heard on 1/17. All fees will be reviewed at the final fee hearing when that gets set. Debtors must personally appear at the final fee hearing.

**Previous Tentative:**

No fees will be approved in this case until after the plan is confirmed. **This hearing is continued to January 18, 2018 at 9:30 a.m.**, to trail approval of disclosure statement and plan confirmation. Debtor to give notice of continued hearing. NO APPEARANCE REQUIRED ON 11/29/17.

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle J Lindsey

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Emeterio Rodriguez and Leticia Rodriguez**

Clarissa D Cu

Crystle J Lindsey

**Chapter 11**

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 17, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#11.00 Motion for Setting Property Value

fr. 7/26/17, 9/6/17, 9/27/17; 11/15/17

Docket 39

\*\*\* VACATED \*\*\* REASON: Resolved per stipulation (doc. 99) - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

**Movant(s):**

Emeterio Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

Leticia Rodriguez

Represented By  
Anthony Obahi Egbase  
Edith Walters

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10881 Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

**#12.00 Scheduling and Case Management Conference**

fr. 5/31/17; 9/27/17; 11/15/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The Disclosure Statement, Chapter 11 Plan of Reorganization (the"Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than : \_\_\_\_\_

Ballots to be returned and objections to confirmation to be filed no later than: \_\_\_\_\_

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than: \_\_\_\_\_

Confirmation hearing to be held on: \_\_\_\_\_

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#13.00 Disclosure Statement**

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Under § 1125(b), "the court may approve a disclosure statement without a valuation of the debtor or an appraisal of the debtor's assets." Whether a valuation issue is sufficient to deny a disclosure statement under § 1125(b) is a case by case determination which turns on whether the valuation provided in the disclosure statement provides adequate information. See In re Reilly, 71 B.R. 132, 135 (Bankr. D. Mont. 1987). Because this is a single asset real estate bankruptcy, the value of the property is of chief importance in determining whether a hypothetical reasonable investor would vote for or against the plan. The age of the debtor's valuation and the discrepancy between it and the lenders BPO cause me to conclude that a proper valuation hearing would be better for all creditors before any disclosure statement is approved.

The declaration of Mr. Zilberstein should also be more detailed. What would his tax exposure be to distribute so many of Oakdale's funds? What has been the historical relationship between Oakdale, any other LLCs and this debtor? Is there any explicit or implied agreement to pay Oakdale or him back?

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#14.00 Scheduling and Case Management Conference**

fr. 11/1/17, 10/25/17

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor indicated in its chapter 11 petition that it is a Single Asset Real Estate case under 101(51B). Under § 362(d)(3) the following dates apply:

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#15.00** Scheduling and Case Management Conference

fr. 1/10/18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

claim bar date: March 30 -SUBMIT ORDER BY Jan. 22

disclosure statement filing deadline: April 15

disclosure statement hearing: June 6, 2018 at 9:30 am

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

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

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#16.00** Motion to dismiss or convert case with  
an order directing payment of quarterly  
fees and for judgment thereon

Docket 13

**\*\*\* VACATED \*\*\* REASON: Ntc. w/d filed 1/16/18 (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor seems to be making progress toward meeting the Trustee's requirements. If the US Trustee amenable to a continuance to allow Debtor to come into compliance, US Trustee may stipulate to continue. If no agreement, then APPEARANCE REQUIRED

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#17.00 Scheduling and Case Management Conference**

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

claim bar date: April 4 - submit claims bar date order on LOU by January 26

Objections to claims deadline: May 15

disclosure statement filing deadline: April 24

disclosure statement hearing: June 13 at 9:30

**DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE INITIAL STATUS CONFERENCE**

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12547 Joseph Peaks Durant**

**Chapter 7**

**#17.01** Motion for relief from stay

US BANK NA

fr. 1/10/18

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from 1/10/18 so that the parties could talk. Discharge was entered in this case on 1/8/18. What is the status of this Motion?  
APPEARANCE REQUIRED.

1-10-18 TENTATIVE BELOW

Petition Date: 9/22/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 17552 Gledhill St., Northridge, CA 91325

Property Value: \$799,000 (per debtor's schedules)

Amount Owed: \$1,394,637

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$157,539 (approx. 58 payments of \$2,719)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Joseph Peaks Durant**

**Chapter 7**

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Joseph Peaks Durant

Represented By  
Dominic Afzali

**Movant(s):**

U.S. Bank NA, Successor Trustee

Represented By  
Nichole Glowin

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 17, 2018

Hearing Room 302

11:00 AM

1:14-10332 Robert Richard Loski and Sheila Faith Loski

Chapter 13

#18.00 Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 1/22/14

Chapter 13 plan confirmed: 7/3/14

Service: Proper. No opposition filed.

Property: 18169 Andrea Circle North #1, Northridge, CA 91325

Property Value: \$420,000 (per Order Granting Mtn. to Avoid Lien, doc. 29)

Amount Owed: \$438,347

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$50,989 (approx. 33 payments of between \$1,458.77 and \$1,877, less suspense account balance of <\$19>)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Robert Richard Loski

Represented By  
Gregory M Shanfeld

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Robert Richard Loski and Sheila Faith Loski**

**Chapter 13**

**Joint Debtor(s):**

Sheila Faith Loski

Represented By  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11823 Karapet Dermendjian and Anait Dermendjian**

**Chapter 13**

**#19.00** Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 12/13/17

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from Dec. 13, 2017, so that the parties could discuss the terms of an APO. Nothing filed since the last hearing. What is the status of this motion?

APPEARANCE REQUIRED

**12/13/17 Tentative**

Petition Date: 05/22/2015

Chapter: 13

Service: Proper. No opposition filed.

Property: 12479 Debby Street, Los Angeles, CA 91606-3106

Property Value: 440,000.00 (per debtor's schedules)

Amount Owed: \$436,391.69 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$3,441.37 (2 payments behind)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Karapet Dermendjian and Anait Dermendjian Chapter 13**

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)C(2)(C)); and **13** (if relief from stay is not granted, adequate protection shall be ordered).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Karapet Dermendjian

Represented By  
Aris Artounians

**Joint Debtor(s):**

Anait Dermendjian

Represented By  
Aris Artounians

**Movant(s):**

The Bank of New York Mellon f/k/a

Represented By  
Mark D Estle

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10194 Heliodoro Navarro**

**Chapter 13**

**#20.00** Motion for relief from stay

AMERICAN BEAUTY VILLAGE OWNERS ASSOCIATION

fr. 12/13/17

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from Dec. 13, 2017, so that Movant had an opportunity to withdraw this Motion based on the evidence presented at the hearing. Nothing further filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

**12/13/17 Tentative below**

Petition Date: 01/21/2016

Chapter: 13 (plan confirmed on 10/07/2016)

Service: Proper. No opposition filed.

Property: 26873 Claudette Street, Canyon Country, CA 91351

Property Value: \$268,416.00 (per debtor's schedules)

Amount Owed: \$3,126.00 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Heliodoro Navarro**

**Chapter 13**

Post-Petition Delinquency: \$2,021.00

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (Co-debtor stay annulled); and 12 (Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)C(2)(C)).NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS. MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

**Party Information**

**Debtor(s):**

Heliodoro Navarro

Represented By  
Daniel F Jimenez

**Movant(s):**

American Beauty Village Owners

Represented By  
Neil B Katz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, January 17, 2018

Hearing Room 302

11:00 AM

1:17-12292 Mary J Hilyard

Chapter 13

#21.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 31

\*\*\* VACATED \*\*\* REASON: Vol. dismissed by Movant (doc. 34) - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary J Hilyard

Represented By  
Dana M Douglas

**Movant(s):**

The Bank of New York Mellon FKA

Represented By  
Mark D Estle

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12313 Igor Gary Deck**

**Chapter 13**

**#22.00** Motion for relief from stay

US BANK TRUST NA

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 8/31/17

Chapter 13 plan confirmed: 12/18/17

Service: Proper. No opposition filed.

Property: 18823 Erwin St., Tarzana, CA 91355

Property Value: \$800,000 (per debtor's schedules)

Amount Owed: \$436,400

Equity Cushion: 45.5%

Equity: \$363,600

Post-Petition Delinquency: \$4,884.81 (three pre-confirmation payments of \$2,328.27, less suspense account balance of \$2,100)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay). While Movant alleges cause for relief because post-petition payments are delinquent, there is sufficient equity here that the parties should be able to work out an APO.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Igor Gary Deck

Represented By  
Joshua L Sternberg

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San Fernando Valley  
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**CONT... Igor Gary Deck**

**Chapter 13**

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee

Represented By  
Christina J O

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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11:00 AM

1:17-13216 Robert Kleshon Blackburn

Chapter 7

#23.00 Motion for relief from stay

DAIMLER TRUST

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 11/30/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Mercedes Benz E350W

Property Value: \$30,000 (per debtor's schedules - LEASE)

Amount Owed: \$55,240

Equity Cushion: n/a

Equity: n/a

Delinquency: \$3,430.56 (approx. 3 payments of \$1,057.64)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Robert Kleshon Blackburn

Represented By  
Floyd Aragon

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**CONT... Robert Kleshon Blackburn**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**1:17-13396 Mindy Ellen Goldberg**

**Chapter 7**

**#24.00** 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:**

On December 26, 2017, Debtor filed this chapter 7 case. Debtor had 1 previous bankruptcy case that was dismissed within the previous year (the "First Filing"). The First Filing, 17-12136-MB, was a chapter 7 that was filed on 8/14/17 and dismissed on 8/29/17 for failure to file required documents.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to file required documents because Debtor's previous counsel for the First Filing did not respond to notices from the Court about filer errors that needed to be corrected. Debtor claims that there has been a substantial change in her financial or personal affairs because she now has competent counsel who will assist Debtor in making sure is compliant with her duties as a debtor, and thus the presumption of bad faith under 11 U.S.C. 362(c)(3)(C)(i) does not arise.

Service proper. No opposition filed.

Will current counsel be making any arrangements with prior counsel for a return of all or part of the \$1500 fee collected for previous skeletal and incomplete filing?

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

**Party Information**

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**CONT... Mindy Ellen Goldberg**

**Chapter 7**

**Debtor(s):**

Mindy Ellen Goldberg

Represented By  
Jeffrey J Hagen

**Movant(s):**

Mindy Ellen Goldberg

Represented By  
Jeffrey J Hagen

**Trustee(s):**

Diane C Weil (TR)

Pro Se



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**1:16-11141 Hope H. Landeros**

**Chapter 13**

**#24.01** Motion for relief from stay

HSBC BANK USA, TRUSTEE  
FOR OPTEUM MORTGAGE ACCEPTANCE

fr. 11/16/16, 11/30/16; 1/25/17; 3/29/17, 8/2/17; 8/23/17;  
10/18/17, 1/3/18

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**10/18/17 Tentative**

Petition Date: 4/15/16

Ch: 13

Service: Proper. Opposition filed.

Property: 12530 Herrick Ave., Sylmar (Los Angeles), CA 91342

Property Value: \$374,000 (per debtor's schedules)

Amount Owed: \$319,516.55

Equity Cushion: 6.5%

Equity: \$54,483.45.

Post-Petition Delinquency: \$8,865.60 (5 payments of \$1,773.12)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

At the August 23 hearing, parties continued this matter to engage in settlement negotiations with regard to the adversary action and this RFS motion. What is the

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**CONT...**     **Hope H. Landeros**  
status of those discussions?

**Chapter 13**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:16-11141 Hope H. Landeros**

**Chapter 13**

Adv#: 1:16-01155 Landeros v. HSBC BANK USA, NATIONAL ASSOCIATION et al

**#24.02** Motion To Vacate Order Dismissing Adversary  
Complaint Against HSBC BANK USA, N.A.

fr. 8/23/17; 10/18/17, 1/3/18

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Defendant(s):**

HSBC BANK USA, NATIONAL

Represented By  
Lovee D Sarenas

Sylvia Villapando

Pro Se

Frank Villapando

Pro Se

**Movant(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Plaintiff(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

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**CONT... Hope H. Landeros**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:16-11141 Hope H. Landeros**

**Chapter 13**

Adv#: 1:16-01155 Landeros v. HSBC BANK USA, NATIONAL ASSOCIATION et al

**#24.03** Status Conference re: Complaint

fr. 1/25/17; 3/29/17, 8/2/17; 8/23/17, 11/29/17,  
1/3/18

Docket 1

**Courtroom Deputy:**

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Defendant(s):**

HSBC BANK USA, NATIONAL

Pro Se

Sylvia Villapando

Pro Se

Frank Villapando

Pro Se

**Plaintiff(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:17-11888 ALLIANCE FUNDING GROUP INC.

Chapter 7

#25.00 Objection to Claim Number 1 by  
Claimant Omstar Energy

Docket 33

\*\*\* VACATED \*\*\* REASON: Voluntary dism of motion filed 1/14/18 jr

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

ALLIANCE FUNDING GROUP

Represented By  
Ruben Fuentes

**Trustee(s):**

David Seror (TR)

Represented By  
Reagan E Boyce

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11:00 AM

**1:17-12650 Evangeline A. Romero**

**Chapter 7**

**#26.00** Motion For Sanctions/Disgorgement of  
Compensation Pursuant to 11 USC section 329

Docket 17

**\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal (Doc. #24). If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Evangeline A. Romero

Represented By  
Walter Scott

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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11:00 AM

**1:17-13280 Davit Mnatsakanyan**

**Chapter 7**

**#26.01 Debtor's Motion to Vacate Dismissal**

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Motion GRANTED. Movant to lodge order within 7 days.

NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Davit Mnatsakanyan

Represented By  
Anita Khachikyan

**Movant(s):**

Davit Mnatsakanyan

Represented By  
Anita Khachikyan

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



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11:00 AM

1:17-12976 Christel Maria Reyes and George Edward Reyes

Chapter 13

#26.02 U.S. Trustee's Motion to Amend Order Dismissing Case to Include a Finding of Bad Faith and a Two-Year Bar to Re-Filing

fr. 1/9/18

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

On 11/27/17, Debtors' *pro se* chapter 13 was dismissed for failure to file all required case commencement documents (the "Dismissal Order"). On December 12, 2017, US Trustee moved to amend the Dismissal Order to include a two year bar to re-filing. US Trustee argues that Debtors' pattern of repeat filing of improperly prosecuted cases (this case is Debtors' ninth case filed since 2011) demonstrates their bad faith that has caused unreasonable delay that is prejudicial to creditors.

Service proper. No opposition filed.

Motion GRANTED. UST to lodge order in 7 days. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Christel Maria Reyes Pro Se

**Joint Debtor(s):**

George Edward Reyes Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

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11:00 AM

**1:14-12054 Toi F Cook**

**Chapter 7**

**#27.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 69

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 1/17/18.

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

**Debtor(s):**

Toi F Cook

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Monserrat Morales

**United States Bankruptcy Court  
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11:00 AM

**1:15-10101 David Brent Joseph**

**Chapter 7**

**#28.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 139

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 1/17/18.

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

**Debtor(s):**

David Brent Joseph

Represented By  
Todd J Roberts

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
John D Ott

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11:00 AM

**1:16-13077 David Saghian**

**Chapter 7**

**#29.00** Trustee's Motion for Approval of Settlement  
Agreement with David Saghian

Docket 51

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The settlement is reasonable and a proper exercise of the Trustee's business judgment. No opposition filed.

Motion GRANTED. No Appearance required

**Party Information**

**Debtor(s):**

David Saghian

Represented By  
Edmond Nassirzadeh

**Movant(s):**

Diane C Weil (TR)

Represented By  
Michael G D'Alba  
John N Tedford

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Michael G D'Alba  
John N Tedford

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11:30 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#30.00** Status Conference re: Chapter 7 Involuntary Petition

fr. 12/6/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mainstream Advertising, a

Pro Se

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**1:17-12107 Rima Aboudaher**

**Chapter 7**

Adv#: 1:17-01090 Solimani v. Aboudaher

**#31.00** Motion to Dismiss Adversary Proceeding

Docket 5

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

A motion to dismiss under Civil Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008) (*quoting* Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990)).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff, and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, and unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

"While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, 550 U.S. at 555 (citations omitted). "In practice, a complaint . . . must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Id. at 562 (emphasis added) (*quoting* Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1106 (7th Cir. 1984)).

In Ashcroft v. Iqbal, 556 U.S. 662 (2009), the Supreme Court elaborated on the Twombly standard: 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. . . . A claim has facial plausibility when the plaintiff pleads factual content

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CONT...

**Rima Aboudaher**

**Chapter 7**

that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. . . . Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice. Id. at 678 (citations and internal quotation marks omitted). In light of that standard, the Supreme Court invited courts considering a motion to dismiss to use a two pronged approach. First, "begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." Id. at 679. After those pleadings are excised, all that is left to consider are the factual allegations in the "complaint to determine if they plausibly suggest an entitlement to relief." Id. at 681. Courts should assume the veracity of well-plead factual allegations. Id. at 679. "If there are two alternative explanations, one advanced by the defendant and the other advanced by plaintiff, both of which are plausible, plaintiff's complaint survives a motion to dismiss under Rule 12(b)(6)." Starr v. Baca, 652 F.3d 1202, 1216 (9th Cir. 2011); see also Moss v. United States Secret Serv., 2013 U.S. App. LEXIS 4121 (9th Cir. Feb. 26, 2013).

Moreover, Federal Rule of Civil Procedure 9(b) imposes heightened pleading requirements for claims of fraud. See Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud," but can allege generally "[m]alice, intent, knowledge, and other conditions of a person's mind." Twombly, 550 U.S. at 559. The particularity requirement "has been interpreted to mean the pleader must state the time, place and specific content of the false representations as well as the identities of the parties to the misrepresentation." In re MannKind Sec. Actions, 2011 U.S. Dist. LEXIS 145253, 19-20 (C.D. Cal. Dec. 16, 2011).

"Averments of fraud must be accompanied by the who, what, when, where and how of the misconduct charged." Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal quotations omitted) and Walling v. Beverly Enterprises, 476 F.2d 393, 397 (9th Cir. 1973). "Rule 9(b) ensures that allegations of fraud are 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." Semegeen v. Weidner, 780 F.2d 727, 731 (9th Cir. 1985).

**Discussion**

**DENIAL OF DISCHARGE UNDER §727(a)**

The provisions denying a discharge to a debtor are generally construed

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**Chapter 7**

liberally in favor of the debtor and strictly against the creditor. Courts have noted that "a total bar to discharge is an extreme penalty." The reasons for denial of a discharge must be real and substantial rather than technical and conjectural. However, "[w]hile the law favors discharges in bankruptcy; it will not ordinarily tolerate the [debtor's] intentional departure from honest business practices where there is a reasonable likelihood of prejudice." See COLLIER ON BANKRUPTCY, ¶ 727.01 (Alan N. Resnick & Henry J. Sommer eds., 16th ed.).

Those objecting to discharge "bear[] the burden of proving by a preponderance of the evidence that [the debtor's] discharge should be denied. Khalil v. Developers Sur. & Indem. Co. (In re Khalil), 379 B.R. 163, 172 (B.A.P. 9th Cir. 2007), *aff'd*, 578 F.3d 1167, 1168 (9th Cir. 2009) (expressly adopting the BAP's statement of applicable law). "In keeping with the 'fresh start' purposes behind the Bankruptcy Code, courts should construe § 727 liberally in favor of debtors and strictly against the parties objecting to discharge." Bernard v. Sheaffer (In re Bernard), 96 F.3d 1279, 1281 (9th Cir. 1996). This does not alter the burden on the objector, but rather means that "actual, rather than constructive, intent is required" on the part of the debtor. Retz v. Samson (In re Retz), 606 F.3d 1189, 1196 (9th Cir. 2010), quoting In re Khalil, 379 B.R. at 172.

**11 U.S.C. § 727(a)(2)**

The Bankruptcy code provides for situations when the Court shall not grant a discharge. This is covered in §727(a). In relevant part:

- (2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed--
  - (A) property of the debtor, within one year before the date of the filing of the petition; or
  - (B) property of the estate, after the date of the filing of the petition.

11 U.S.C. §727(a)(2). The 9th Circuit Bankruptcy Appellate Panel has specifically articulated the elements necessary to for the moving party to show that a §727(a)(2) claim has merit. The burden of proof is on the creditor to show that: (1) the debtor transferred or concealed property; (2) the property belonged to the debtor; (3) the transfer occurred within one year of the bankruptcy filing; and (4) the debtor executed the transfer with the intent to hinder, delay or defraud a creditor. In re Aubrey, 111 B.R. 268, 273 (9th Cir. B.A.P. 1990).



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**Section 727(a)(3) - Failure to Keep or Preserve Books or Records**

Section 727(a)(3) provides for denial of a debtor's discharge if the debtor "has concealed, 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 was justified under all of the circumstances of the case." 11 U.S.C. § 727(a)(3).

The [Debtor] must present sufficient written evidence which will enable his creditors reasonably to ascertain his present financial condition and to follow his business transactions for a reasonable period in the past. In re Cox, 904 F.2d 1399, 1400 (9th Cir. 1990). In some cases, a failure to produce proper records will not justify a denial of discharge when the missing information can be reconstructed from records kept by others. See COLLIER ON BANKRUPTCY, ¶ 727.03 (Alan N. Resnick & Henry J. Sommer eds., 16th ed).

**11 U.S.C. § 727(a)(4)**

Under §727(a)(4), a debtor may not be granted a discharge if:

- (4) the debtor knowingly and fraudulently, in or in connection with the case--
- (A) made a false oath or account;
  - (B) presented or used a false claim;
  - (C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or
  - (D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs.

11 U.S.C. §727(a)(4).

Thus, the code here reflects the overall twofold purpose of bankruptcy: 1) to secure the equitable distribution of the bankrupt's estate among his creditors and 2) to relieve the honest debtor from the weight of indebtedness and provide an opportunity for him to have a fresh start. In re Devers, 759 F.2d 751, 754 (9th Cir. 1985). The fundamental purpose of § 727(a)(4)(A) is to insure that the trustee and creditors have accurate information without having to conduct costly investigations. In re Wills, 243 B.R. 58, 63 (B.A.P. 9th Cir. 1999).

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**11 U.S.C. §727(a)(5)**

Section 727(a)(5) is broadly drawn and gives the bankruptcy court broad power to decline to grant a discharge in bankruptcy when the debtor does not adequately explain a shortage, loss, or disappearance of assets." Aoki v. Atto Corp. (In re Aoki), 323 B.R. 803, 817 (B.A.P. 1st Cir. 2005). See In re D'Agnes, 86 F.3d 732, 734 (7th Cir.1996)(*citing* First Fed. Life Ins. Co. v. Martin ( In re Martin), 698 F.2d 883, 886 (7th Cir.1983)).

The objecting party bears the initial burden of proof under § 727(a)(5). Once the objecting party has met this initial burden by producing evidence establishing the basis for the objection, it then shifts to the debtor to provide a satisfactory explanation for the disposition of the assets. Chalik v. Moorefield (In re Chalik), 748 F.2d 616, 619 (11th Cir.1984); Aoki, 323 B.R. at 817.

Section 727(a)(5) does not require that the loss or other disposition of the asset be proper; it requires only that the explanation satisfactorily describe or account for the disposition. See Rawlings v. Tapp (In re Tapp), 339 B.R. 420, 427 (Bankr.W.D.Ky.2006), Peoples State Bank of Mazeppa, Mn. v. Drenckhahn (In re Drenckhahn), 77 B.R. 697, 709 (Bankr.D.Minn.1987)(*both citing* Great Am. Ins. Co. v. Nye (In re Nye), 64 B.R. 759, 762 (Bankr.E.D.N.C.1986)). However, vague, indefinite, and uncorroborated explanations are unsatisfactory. Bell v. Stuerke (In re Stuerke), 61 B.R. 623, 626 (B.A.P. 9th Cir. 1986); Aoki, 323 B.R. at 817.

Whether a debtor satisfactorily explains a loss of assets is a question of fact. Stuerke, 61 B.R. at 626; Chalik, 748 F.2d at 619. The bankruptcy court has a great deal of discretion in determining whether an explanation is satisfactory so as to defeat the objection. Aoki, 323 B.R. at 817. See D'Agnes, 86 F.3d at 734 (*citing* Martin, 698 F.2d at 886)(same).

Here, the Motion to Dismiss the First Amended Complaint (the "FAC") is granted with leave to amend because, as it stands, the factual allegations under each cause of action are insufficient to meet the applicable pleading standards under Fed. R. Civ. P. 12(b)(6) and 9(b). A review of the FAC shows that Plaintiff's factual allegations are more akin to a breach of contract action. As these causes of action sound in fraud, Plaintiff cannot rest on mere recitations of the elements of the causes of action, and must instead explain which of the alleged facts support each cause of action. While Plaintiff may rely allege on general allegations regarding fraudulent intent, the heightened pleading standard requires that Plaintiff "must state with particularity the circumstances constituting fraud," *i.e.*, "the who, what, when, where and how of the misconduct charged." Twombly, 550 U.S. at 559; Vess v.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

1:00 PM

**CONT... Rima Aboudaher**

**Chapter 7**

Ciba-Geigy Corp. USA, 317 F.3d 1097 at 1106.

Motion GRANTED. Defendant to lodge order within 7 days.

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

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan

**Defendant(s):**

Rima Aboudaher

Represented By  
Sanaz S Bereliani

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 17, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12107 Rima Aboudaher**

**Chapter 7**

Adv#: 1:17-01090 Solimani v. Aboudaher

**#32.00** Status Conference re: Complaint

fr. 1/3/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan

**Defendant(s):**

Rima Aboudaher

Pro Se

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10117 Sabrina Pirnejad**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sabrina Pirnejad	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10116 Ivan Santana**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ivan Santana

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10060 Anthony James Damon**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 7

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Anthony James Damon	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#53.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17

Docket 100

**Tentative Ruling:**

This matter has now been continued for six months. What progress has been made toward resolving this claim?

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#54.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17;l 7/25/17, 9/26/17, 11/28/17

Docket 89

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-12702 Brenton Haggin and Gisa Haggin-Seeholzer**

**Chapter 13**

**#55.00** Trustee's Motion to Dismiss Case Due to  
Expiration of the Plan

Docket 44

**Tentative Ruling:**

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

**Debtor(s):**

Brenton Haggin

Represented By  
Elena Steers

**Joint Debtor(s):**

Gisa Haggin-Seeholzer

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-16719 Jose Ricardo Eduardo and Cecilia Isabel Eduardo**

**Chapter 13**

**#56.00** Trustee's Motion to Dismiss Case for Failure  
to Make Plan Payments

fr. 7/25/17, 8/22/17, 9/26/17, 11/28/17

Docket 43

**Tentative Ruling:**

An order granting the motion to modify was entered on December 15, 2017. Does trustee intend to withdraw this motion?

APPEARANCE REQUIRED

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

**Debtor(s):**

Jose Ricardo Eduardo

Represented By  
George C Panagiotou

**Joint Debtor(s):**

Cecilia Isabel Eduardo

Represented By  
George C Panagiotou

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-16719 Jose Ricardo Eduardo and Cecilia Isabel Eduardo**

**Chapter 13**

**#57.00** Trustee's Motion to Dismiss Case  
Due to Expiration of the Plan

fr. 11/28/17

Docket 50

**Tentative Ruling:**

An order granting the motion to modify was entered on December 15, 2017. Does trustee intend to withdraw this motion?

APPEARANCE REQUIRED

**11/28/17 Tentative**

Debtor filed a motion to modify on November 15, to which trustee responded with conditional approval on November 17. See Docs. No. 52, 54. What is the status of this motion?

APPEARANCE REQUIRED

An order granting the motion to modify was entered on December 15, 2017. Does trustee intend to withdraw this motion?

APPEARANCE REQUIRED

**11/28/17 Tentative**

Debtor filed a motion to modify on November 15, to which trustee responded with conditional approval on November 17. See Docs. No. 52, 54. What is the status of this motion?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Jose Ricardo Eduardo

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Jose Ricardo Eduardo and Cecilia Isabel Eduardo**  
George C Panagiotou

**Chapter 13**

**Joint Debtor(s):**

Cecilia Isabel Eduardo

Represented By  
George C Panagiotou

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#58.00** Trustee's Motion to Dismiss Case

fr. 11/28/17

Docket 100

**Tentative Ruling:**

Nothing new has been filed. What is the status of Debtor's attempt to sell property?

APPEARANCE REQUIRED

**11/28/17 Tentative**

Trustee moves to dismiss due to expiration of the plan and failure to pay remaining balance of \$14,100. Debtor opposes the motion on the grounds that debtor is prepared to make the final payment with funds from the proceeds from the sale of her house. The house was listed in the past week, and debtor will file a motion to sell once a buyer is found. See Doc. No. 101.

**Party Information**

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#59.00** Trustee's Motion to Dismiss Case .

Docket 73

**Tentative Ruling:**

On December 5, 2017, chapter 13 trustee Elizabeth Rojas ("Trustee") filed a motion to dismiss this case due to expiration of the plan under § 1307(c)(8) (the "Motion") stating that Debtor's plan has a remaining unpaid balance of \$19,350. Doc. No. 73.

Debtor filed an opposition explaining that the Franchise Tax Board ("FTB") filed a proof of claim for \$17,237.17 ("Claim #8") on September 21, 2015. FTB's claim is based upon Debtor's tax liability for the years 2012 and 2013, for which Debtor failed to file tax returns. No objection to Claim #8 was ever filed. According to Debtor, Trustee has already disbursed \$9,646.38 to the FTB.

Nonetheless, Debtor claims that her tax liability is significantly lower than Claim #8 states. Debtor is seeking to clear up the issue with the FTB. After contacting the FTB, Debtor was informed that she needed to mail copies of the tax returns for those years to the FTB and wait several months for the FTB to process them. Debtor attaches to her opposition a letter sent to the FTB dated January 16, 2018. Debtor asks that the court continue this matter to allow her time to resolve the FTB claim. Debtor suggests tendering the Trustee \$11,759.21 to pay the remainder of all claims except the priority claim of FTB. Debtor provides no authority for this suggestion and it seems to undermine the purpose of bankruptcy's priority scheme. See § 507(a).

Dismissal of a chapter 13 case at the final stage is not taken lightly. Debtor's counsel should have noticed this claim when it was filed in 2015 and addressed the issue. Mr. Aver agreed, under the Rights and Responsibilities Agreement filed as docket number 14, to "[m]onitor all incoming case information throughout the case for accuracy and completeness. Contact the trustee promptly regarding any discrepancies" and to "[f]ile objections to improper or invalid claims, when appropriate." This plan has been doomed to fail for over two years and Mr. Aver did nothing, even after reviewing the case for the purpose of opposing a relief from stay

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**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Elizabeth Maybalian**

**Chapter 13**

and a separate trustee's motion to dismiss.

The Court is open to a continuance to allow Debtor a chance to straighten out the claim with FTB.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, January 23, 2018

Hearing Room 302

11:00 AM

**1:12-19569 David A Panthen and Kandice M Deem**

**Chapter 13**

**#60.00** Motion for an Order To Avoid and Discharge the Lien on Debtors' Personal Residence held by JPMorgan Chase Bank N.A. [After Completion of Chapter 13]

Docket 82

**Tentative Ruling:**

As Debtor has properly filed the Declaration after Chapter 13 Plan Completion or Discharge re: Debtor's Motion to Avoid Junior Lien on Principal Residence (mandatory form 4003-2.4.DEC.AFTERDISCH) and the Motion has already been granted, no further hearing is required on the Motion to Avoid Junior Lien. Debtor should lodge the required order for the Court's consideration.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

David A Panthen

Represented By  
Sharon C Hughes

**Joint Debtor(s):**

Kandice M Deem

Represented By  
Sharon C Hughes

**Movant(s):**

David A Panthen

Represented By  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes

Kandice M Deem

Represented By  
Sharon C Hughes  
Sharon C Hughes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... David A Panthen and Kandice M Deem**

**Chapter 13**

Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes  
Sharon C Hughes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:12-20647 Irma J Inda and Fernando Inda**

**Chapter 13**

**#61.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/27/16, 11/15/16, 2/28/17, 3/28/17; 7/25/17,  
9/26/17, 11/28/17

Docket 100

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Irma J Inda

Represented By  
R Grace Rodriguez

**Joint Debtor(s):**

Fernando Inda

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14037 Arthur Geoffrey Abeyesinhe and Debra Louise Abeyesinhe**

**Chapter 13**

**#62.00 Motion to Dismiss Case for  
Failure to Make Plan Payments**

Docket 92

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Arthur Geoffrey Abeyesinhe

Represented By  
Molly L Froschauer  
Gregory M Shanfeld

**Joint Debtor(s):**

Debra Louise Abeyesinhe

Represented By  
Molly L Froschauer  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:13-16670 Amir Sharifi**

**Chapter 13**

**#63.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/24/17

Docket 110

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Amir Sharifi

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:13-16735 Peter Clayton Purcell**

**Chapter 13**

**#64.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 7/25/17, 9/26/17, 11/28/17

Docket 135

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Peter Clayton Purcell

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:14-10693 Jane Onssy Anis Shaw**

**Chapter 13**

**#65.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 7/25/17, 9/26/17, 11/28/17

Docket 103

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jane Onssy Anis Shaw

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#66.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17

Docket 47

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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San Fernando Valley  
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**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10973 Dewi A. Cashion**

**Chapter 13**

**#67.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 11/28/17

Docket 40

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Dewi A. Cashion

Represented By  
Larry D Simons

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11072 Humberto Delgadillo Garcia**

**Chapter 13**

**#68.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/24/17

Docket 84

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Humberto Delgadillo Garcia

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13072 Ana Elsa Maza and Ricardo Salvador Maza, Sr.**

**Chapter 13**

**#69.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 11/28/17

Docket 51

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ana Elsa Maza

Represented By  
Eric A Jimenez

**Joint Debtor(s):**

Ricardo Salvador Maza Sr.

Represented By  
Eric A Jimenez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13493 Ronny Bess and Jeannie Renat Bess**

**Chapter 13**

**#70.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr. 11/28/17

Docket 88

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ronny Bess

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Jeannie Renat Bess

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-14195 Gary Leslie Margolis and Yvette Alejandrino Margolis**

**Chapter 13**

**#71.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr.11/28/17

Docket 41

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Gary Leslie Margolis

Represented By  
Gregory M Shanfeld

**Joint Debtor(s):**

Yvette Alejandrino Margolis

Represented By  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11085 Narkell Hobbs-James**

**Chapter 13**

**#72.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 7/25/17, 8/22/17, 9/26/17, 11/28/17

Docket 34

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Narkell Hobbs-James

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12160 Hernan Alberto Orantes and Maria Del Rocio Sanchez**

**Chapter 13**

**#73.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr.11/28/17

Docket 44

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hernan Alberto Orantes

Represented By  
Eric Bensamochan

**Joint Debtor(s):**

Maria Del Rocio Sanchez

Represented By  
Eric Bensamochan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12785 Emma Corina Sosa**

**Chapter 13**

**#74.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17

Docket 36

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Emma Corina Sosa

Represented By  
Giovanni Orantes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12984 Andre Fitzgerald Hayes**

**Chapter 13**

**#75.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr. 11/28/17

Docket 42

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Andre Fitzgerald Hayes

Represented By  
Nicholas M Wajda

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12998 Cesar Guzman and Martha Guzman**

**Chapter 13**

**#76.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr. 11/28/17

Docket 31

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Cesar Guzman

Represented By  
Leonard Pena

**Joint Debtor(s):**

Martha Guzman

Represented By  
Leonard Pena

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13053 Pablo Arreola**

**Chapter 13**

#77.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17

Docket 39

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Pablo Arreola

Represented By  
Eric Bensamochan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13523 Suresh V. Kumar and Savitha Suresh Kumar**

**Chapter 13**

**#78.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/24/17, 11/29/17

Docket 30

**Tentative Ruling:**

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

**Debtor(s):**

Suresh V. Kumar

Represented By  
Kevin T Simon

**Joint Debtor(s):**

Savitha Suresh Kumar

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10117 Gregory A Harris**

**Chapter 13**

**#79.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 74

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory A Harris

Represented By  
Brad Weil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#80.00** Motion to Avoid Lien JUNIOR LIEN with  
Internal Revenue Service

Docket 58

**Tentative Ruling:**

Service: Improper.

Property Address: 19000 Strathem St., Reseda, CA 91335

First trust deed: \$ 410,836.23 (Wells Fargo)

Second position lien: \$ 12,017.46 (German Moran)

Third position lien: \$ 6,611.19 (Capital One Bank)

Fourth position lien: \$ 5,785.07 (CACH, LLC)

Fifth position lien: \$1,599.20 (Portfolio Recover Associates)

Sixth position lien (**TO BE AVOIDED**): \$ 80,495.26 (Department of U.S. Treasury)

Seventh position lien: \$ 6,212.63 (CACH, LLC)

Eighth position lien: \$ 51,493.76 (State of California)

Ninth position lien: \$ 20,208.36 (State of California)

Fair market value per appraisal: \$470,000

Opposition was untimely filed by the Internal Revenue Service ("IRS"). The IRS alleges that service was improper under Rules 7004(b)(4) and 9014. The IRS further challenges the valuation of \$470,000, and points to the valuation of \$655,000 on [Zillow.com](http://Zillow.com) as of May 2017. The IRS requests additional time to obtain a formal valuation of the Property.

The IRS further argues that Debtor may only avoid a lien under § 506(d) where the

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San Fernando Valley  
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11:00 AM

**CONT... Hovanes Antoine Osmanian and Violet Khachikyan Chapter 13**

underlying claim is invalid. In re Blendheim, 803 F.3d 477, 489 (9th Cir. 2015); see Dewsnap v. Timm, 502 U.S. 410 (1992). Because the Debtor has not objected to the claim under § 502, the claim is deemed allowed under § 502(a).

In order to avoid prejudice to the Debtor and allow a full reply to the IRS's late-filed opposition, as well as to allow the IRS time to conduct an appraisal, this hearing will be continued to February 27, 2018 at 11:00 a.m.

NO APPEARANCE REQUIRED

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

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#81.00** Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board

Docket 60

**Tentative Ruling:**

Because this motion will be affected by the result of any appraisal conducted for calendar number 80, this hearing will be continued to February 27, 2018.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#82.00** Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board

Docket 61

**Tentative Ruling:**

Because this motion will be affected by the result of any appraisal conducted for calendar number 80, this hearing will be continued to February 27, 2018.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, January 23, 2018

Hearing Room 302

11:00 AM

1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 13

#83.00 Motion RE: Objection to Claim  
# 3 by Claimant Ally Financial

Docket 49

**Tentative Ruling:**

**Service:** Proper

**Objection:** Debtors object to Ally Financial's secured claim for \$42,056.39 on the grounds that the vehicle securing the claim was surrendered to Ally Financial and was sold for \$27,100 on July 14, 2017. Debtors' Objection to Claim attached a letter dated July 28, 2017 from Ally Financial advising Debtors of a deficiency balance of \$14,041.47. Debtors allege that they have requested that Ally Financial amend its proof of claim to reflect a balance of \$14,041.47 as an unsecured claim. Ally Financial has not amended its claim, nor has it filed an opposition to this objection.

- Claim #3-1:
  - Filed 5/5/17 (Secured)
  - Description: 2015 DODGE 3500 VIN: 3C63RPAL1FG661231

Disposition: SUSTAINED. NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**Movant(s):**

Hovanes Antoine Osmanian

Represented By

Richard Mark Garber

Richard Mark Garber

Richard Mark Garber

Richard Mark Garber

Violet Khachikyan Osmanian

Represented By

Richard Mark Garber

Richard Mark Garber

Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, January 23, 2018

Hearing Room 302

11:00 AM

1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan

Chapter 13

#84.00 Motion RE: Objection to Claim  
# 17 by Claimant Toyota Lease Trust.

Docket 50

**Tentative Ruling:**

**Service:** Proper

**Objection:** Toyota Lease Trust ("Toyota") filed a secured claim for \$2,993.10 on August 1, 2017. Debtor objects to this claim on the grounds that Debtors leased the vehicle, and as such it was never subject to a secured claim. Furthermore, the lease expired in September, 2017. Debtors believe that they made all payments required under the lease, and the vehicle was returned to Toyota. Debtor seeks to disallow the claim in its entirety. No opposition has been filed.

- Claim #17-1:
  - Filed 8/1/17 (Secured)
  - Description: 2015 LEXUS RC350, JTHHE5BC0F5009624

Disposition: SUSTAINED. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Movant(s):**

Hovanes Antoine Osmanian

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

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11:00 AM

CONT...

**Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

Richard Mark Garber  
Richard Mark Garber  
Richard Mark Garber  
Richard Mark Garber

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber  
Richard Mark Garber  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11331 Nurit Petri**

**Chapter 13**

**#85.00** Motion to Convert Case From Chapter 13 to 11

Docket 59

**Tentative Ruling:**

Debtor filed this motion to convert the case from chapter 13 to chapter 11 pursuant to § 1307(d) on November 30, 2017. No opposition has been filed.

The motion is GRANTED. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Nurit Petri

Represented By  
Matthew D Resnik  
Roksana D. Moradi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, January 23, 2018

Hearing Room 302

11:00 AM

1:17-11635 Makedon Makarian

Chapter 13

#86.00 Motion RE: Objection to Claim  
#1 by Claimant U.S. Bank Trust, N.A

Docket 29

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 2/14/18 at 11:00  
a.m. - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Movant(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman**

**Chapter 13**

**#87.00** Motion RE: Objection to Claim Number 3 by  
Claimant Murphy Bank.

Docket 27

**Tentative Ruling:**

**Service:** Improper

**Objection:** On December 26, 2017, Debtors filed two objections to claims. Despite failing to provide 30 days notice as required under LBR 3007-1(b)(1), claimant Murphy Bank responded to the Objections.

Debtors object to claim numbers 3 and 4 filed by Murphy Bank on the grounds that they do not attach any proof of personal liability on the part of these Dana and Elaine Lieberman ("Debtors"). The proofs of claim each attach a UCC Financing Statement evidencing a lien on equipment of Bent Up Cycles, Inc. ("BUC"). The proofs of claim do not include a note or other proof of Murphy Bank's claim against Debtors. According to Debtors' schedules, BUC is 100% owned by one or both of the debtors with a nominal value of \$1.

On January 3, 2018, Murphy Bank timely filed a response to the Objection to Claim, stating that it inadvertently did not attach a copy of the original promissory note to the claims, but attaches the promissory note to the response.

- Claim #3-1:
  - Filed: 8/31/17 \$3,575.81 (Secured)
  - Description: UCC financing statement
- Claim #4-1:
  - Filed: 8/31/17 \$148,509.94 (Secured)
  - Description: UCC financing statement



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Hearing Room 302

11:00 AM

CONT... **Dana Alexander Lieberman and Elaine Michelle Lieberman** Chapter 13

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "*prima facie* evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See *also* Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014. Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see *also* Ashford v. Consolidated Pioneer Mort. (In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623. "If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

The promissory note contained in Murphy Bank's response to the objection contains a provision that a guaranty had been executed by debtor Dana Lieberman. The promissory note also contains a cross-collateralization provision. Even if claim number 3 and 4 are not duplicative, it would appear that all debt owed to Murphy Bank by Dana Lieberman would be secured by either financing statement. Debtor has not filed any reply. If Debtors would like to pursue this objection after the production of the promissory note, an evidentiary hearing may be necessary.

Disposition: APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Dana Alexander Lieberman

Represented By  
Richard Mark Garber

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Dana Alexander Lieberman and Elaine Michelle Lieberman**

**Chapter 13**

**Joint Debtor(s):**

Elaine Michelle Lieberman

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12246 Dana Alexander Lieberman and Elaine Michelle Lieberman**

**Chapter 13**

**#88.00** Motion RE: Objection to Claim Number 4 by  
Claimant Murphy Bank.

Docket 28

**Tentative Ruling:**

See calendar #87

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Dana Alexander Lieberman

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Elaine Michelle Lieberman

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12292 Mary J Hilyard**

**Chapter 13**

**#89.00** Objection to Homestead Exemption

Docket 0

**Tentative Ruling:**

The Chapter 13 Trustee Objects to Debtor's claim of exemption in 100% of an unknown value of Debtor's 2016 tax refund.

Debtor's response to Objection to Confirmation (Doc. No. 28) states that resolution of this issue is likely to require further amendment to the chapter 13 plan.

What is the status of the mortgage modification that Debtor was pursuing as of the November confirmation hearing?

APPEARANCE REQUIRED

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

**Debtor(s):**

Mary J Hilyard

Represented By  
Dana M Douglas

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12310 Dilip Vasant Ghotikar**

**Chapter 13**

**#90.00** Application for Compensation for Supplemental  
Fees for Barry E Borowitz  
Period: 8/30/2017 to 10/30/2017,  
Fee: \$1,398.00, Expenses: \$.

Docket 21

**Tentative Ruling:**

This matter will be heard on February 27, 2018, along with the Motion to Withdraw  
as Counsel filed by M. Erik Clark.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Dilip Vasant Ghotikar

Represented By  
Michael E Clark  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12354 Sharon Azoulay**

**Chapter 13**

**#91.00** Objection to Homestead Exemption

Docket 19

**Tentative Ruling:**

Debtor has claimed a \$5,000 exemption in Sharon Skin Rejuvenation under C.C.P. § 704.120. On November 14, 2017, Chapter 13 trustee Elizabeth Rojas ("Trustee") filed and objection to the claimed exemption on the grounds that C.C.P. § 704.120 provides an exemption for contributions to the Unemployment Compensation Disability Fund and Debtor has provided no evidence that the funds qualify for exemption under the statute.

On November 22, 2017, Debtor filed a response, stating that the Trustee's objection is moot as Debtor filed an amended schedule C on November 20. The amended schedule C claims a \$0 exemption in the same property and under the same code section. Will the trustee be withdrawing this objection?

APPEARANCE REQUIRED

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

**Debtor(s):**

Sharon Azoulay

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12517 Fary Talei**

**Chapter 13**

**#92.00** Objection to Homestead Exemption

Docket 35

**Tentative Ruling:**

Debtor has claimed a \$77,480 homestead exemption under C.C.P. § 704.730. On November 14, 2017, Trustee filed this objection to Debtor's homestead exemption on the grounds that Debtor has not shown that he is entitled to a homestead exemption in excess of \$75,000. According to Debtor's schedule J, Debtor is single with no dependents.

No response has been filed.

OBJECTION SUSTAINED. Absent evidence of entitlement to a greater exemption, Debtor's exemption is limited to \$75,000. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Fary Talei

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, January 23, 2018

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#93.00 Motion RE: Objection to Claim Number 9  
by Claimant American Express Bank FSB

Docket 68

**Tentative Ruling:**

**Service:** Proper

**Objection:** Debtor objects to this debt as unenforceable under § 502(b)(1) and § 558 due to the availability of a statute of limitations defense on this 8.5 year old debt. Claimant failed to respond.

- Claim #9-1:
  - Filed: 11/29/17 \$22,573.25 unsecured
  - Description: No description

Disposition: The objection is SUSTAINED. Claim number 9 by American Express Bank, FSB c/o Becket and Lee, LLP is disallowed in full. NO APPEARANCE REQUIRED

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

**Debtor(s):**

Richard Khatibi

Represented By  
Kevin T Simon

**Movant(s):**

Richard Khatibi

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#94.00** Objection to Homestead Exemption

Docket 19

**Tentative Ruling:**

An amended schedule C was filed on November 29, 2017. The objection is DENIED as moot.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By  
Barry E Borowitz

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12778 Maria A Ramos**

**Chapter 13**

**#95.00** Motion for Order Vacating Dismissal

Docket 24

**Tentative Ruling:**

MOTION GRANTED. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Maria A Ramos

Represented By  
David S Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13238 Melanya Adamian**

**Chapter 13**

**#96.00** Motion for Relief from Stay

Docket 11

**Tentative Ruling:**

Petition Date: 12/1/17

Chapter: 7

Service: Proper on shortened time. Opposition may be made at hearing.

Property: 3520 Ridgeford Dr., Westlake Village, CA 91361

Property Value: not listed on Debtor's blank schedules

Amount Owed: \$981,114.48

Equity Cushion: unk.

Equity: unk.

Delinquency: \$981,114.48 (loan matured prepetition)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); and **10** (relief binding & effective for 180 days against any debtor).

DENY relief requested in paragraph **11**, as such injunctive relief requires an adversary proceeding under FRBP 7001.

APPEARANCE REQUIRED DUE TO SHORTENED TIME  
RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Melanya Adamian**

**Chapter 13**

**Party Information**

**Debtor(s):**

Melanya Adamian

Pro Se

**Movant(s):**

AMF Holdings, LLC

Represented By  
Abigail V O'Brient

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

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

Docket 69

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Movant(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

**#98.00** Motion to Sell Property of the Estate Free  
and Clear of Liens under Section 363(f)

Docket 68

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Movant(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

9:30 AM

**1:09-21040 John Cooper**

**Chapter 11**

**#1.00 Post Confirmation Status Conference**

fr. 8/30/10,12/1/10, 2/10/11, 4/27/11, 7/14/11, 9/1/11,  
9/28/11, 11/9/11, 2/2/12, 4/12/12, 6/21/12, 8/30/12,  
11/1/11,12/20/12, 2/7/13, 3/21/13,11/21/13, 12/5/13,  
2/27/14, 10/23/14, 2/19/15; 9/10/15; 3/31/16, 11/10/16,  
1/5/17, 2/9/17, 8/16/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 2/14/18 at 9:30  
a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Cooper

Represented By  
Michael D Kwasigroch

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, January 24, 2018

Hearing Room 302

9:30 AM

1:14-12002 Freedom Films, LLC

Chapter 11

#2.00 Post Confirmation Status Conference

fr. 7/3/14, 10/23/14, 1/22/15, 2/12/15,  
4/2/15, 5/28/15; 7/30/15; 10/22/15; 3/31/16;  
6/16/16, 10/6/16, 7/27/17

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to August 1, 2018 at 9:30 am

**Tentative Ruling:**

Having considered the post-confirmation status report and finding good cause, this status conference is continued to **August 1, 2018 at 9:30 a.m.**

Debtor to give notice of continued status conference.  
APPEARANCES WAIVED ON 1/24/18

**Party Information**

**Debtor(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes

**Movant(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

9:30 AM

**1:15-14124 Ignacio Ramirez**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 2/4/16; 6/16/16, 7/28/16, 9/29/16, 11/17/16,  
1/12/17, 4/26/17, 7/26/17; 10/18/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 2/14/18 at 9:30  
a.m. - jc**

**Tentative Ruling:**

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

**Debtor(s):**

Ignacio Ramirez

Represented By  
Anthony Obehi Egbase

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#4.00** Status Conference re: Complaint for damages,  
declaratory and injunctive relief for violation of  
11 u.s.c. section 524

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 2/14/18 at  
11:00a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Pro Se

Leo Fasen

Pro Se

Vincent J Quigg

Pro Se

Michael Waldren

Pro Se

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10062 Joshua Ross Allen**

**Chapter 7**

Adv#: 1:16-01133 Kutasi et al v. Allen et al

**#5.00** Status Conference re: Complaint to Except debt  
from Discharge pursuant to 11 U.S.C. section 523(a)(2)(A)  
523(a)(4) and 523(a)(6)

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/14/18 per order #27. If**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joshua Ross Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Joshua Ross Allen

Pro Se

Amy Jill Allen

Pro Se

**Joint Debtor(s):**

Amy Jill Allen

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Joshua Ross Allen**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10068 David B. Allen**

**Chapter 13**

Adv#: 1:16-01134 Kutasi et al v. Allen

**#6.00** Status Conference re: Complaint

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/14/17 per Order #44. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

David B. Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

David B. Allen

Pro Se

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

Adv#: 1:17-01004 Ballout v. Sarieddine

**#7.00** Pre-Trial Conference re: First Amended Complaint

fr. 6/28/17, 7/5/17

Docket 19

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/14/18 per order #26. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Defendant(s):**

Mike Sarieddine

Represented By  
Daniel J King  
Daniel J King

**Plaintiff(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12915 Miguel A Aguilar**

**Chapter 7**

**#8.00** Order to show cause re: Dismissal for non-payment of  
Installment Filing Fees

Docket 0

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/14/18 per order #14. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Miguel A Aguilar

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, January 30, 2018**

**Hearing Room 302**

10:00 AM

**1:17-13386 Mary F Kimball**

**Chapter 13**

**#1.00** Emergency motion to vacate dismissal and  
reinstate chapter 13 case

Docket 28

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mary F Kimball

Represented By  
Leslie Richards

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#1.00** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 2/14/18 @11am (eg)**

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

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By  
Donna R Dishbak  
Donna R Dishbak

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, January 31, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

**#2.00** Pre-Trial Conference re: Complaint

fr. 4/26/17, 5/24/17, 7/26/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 4/25/18 @11am (eg)**

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Pro Se

Does 1-100

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, February 05, 2018**

**Hearing Room 302**

9:45 AM

**1:18-10152 Michael Anthony Warren**

**Chapter 13**

**#0.01** Order setting Hearing re: Debtor's Motion to Dismiss Case and  
Expunge Record of Filing

Docket 10

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

**Debtor(s):**

Michael Anthony Warren Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, February 05, 2018**

**Hearing Room 302**

9:45 AM

**1:18-10152 Michael Anthony Warren**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refileing

fr. 2/7/18

Docket 7

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

**Debtor(s):**

Michael Anthony Warren

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, February 05, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#1.00** Motion to 1) Determine the Value of Real Property Located at 3655 Elm Ave, Long Beach 90807 as Collateral for First Note and Deed of Trust of Temple Beth Shalom-Long Beach; 2) to Determine the Extent of Secured Claim of the First Note & Deed of Trust; and 3) Avoid Junior Liens

fr. 11/29/17; 12/6/17

Docket 29

**\*\*\* VACATED \*\*\* REASON: Order granting continuance of hearing to 3/1/18 @10am (eg)**

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**Movant(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 06, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#1.00** Trial re: Ch. 7 Involuntary Petition  
1) Subject to bona fide dispute; and  
2) Paying debts as come due

fr. 12/6/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/15/18 per MT instruction at  
hearing on 1/17/18**

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

**Debtor(s):**

Mainstream Advertising, a

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

9:00 AM

1:18-10152 Michael Anthony Warren

Chapter 13

#0.01 Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 7

\*\*\* VACATED \*\*\* REASON: Moved to 2/5/18 at 9:45 a.m. lf

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Michael Anthony Warren Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10174 Pavel Kostruba**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Pavel Kostruba

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10207 Gloria Rodriguez**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Gloria Rodriguez	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

9:30 AM

1:10-19870 Melissa Mosich Miller

Chapter 11

#1.00 Motion by JP Morgan to Convert Case From  
Chapter 11 to 7 or in the Alternative to Dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14,  
10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16;  
6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17,  
4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/14/17

Docket 210

**Tentative Ruling:**

What is the status of the APO with Chase?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#2.00** Status and Case Management Conference  
fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#3.00 Amended Disclosure Statement**

fr. 12/6/17

Docket 162

**Tentative Ruling:**

This will be continued 4 weeks until March 7 at 9:30 based on the status report. Debtor should give notice.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17

Docket 1

**Tentative Ruling:**

This will be continued 4 weeks until March 7 at 9:30 based on the status report. Debtor should give notice.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:14-15360 Oracle Transportation Solutions, Inc.**

**Chapter 11**

**#5.00 Post Confirmation Status Conference**

fr. 8/13/15, 9/17/15, 12/10/15; 8/18/16, 9/29/16,  
12/8/16; 3/16/17, 3/22/17, 7/26/17; 11/15/17

Docket 1

**Tentative Ruling:**

The request to continue this status conference is denied.

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

**Debtor(s):**

Oracle Transportation Solutions, Inc.

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12066 Muntaser A. Ammari**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17; 4/12/17  
11/15/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order entered cont. to 3/28/18 @ 9:30am  
(eg)**

**Tentative Ruling:**

Based on the settlement, closing of sale and status report, this status conference will be continued to February 7, 2018 at 9:30 am to allow the debtor to either formulate a plan and disclosure or move to dismiss the case. Debtor should notice the continuance

**Party Information**

**Debtor(s):**

Muntaser A. Ammari

Represented By  
Mark S Horoupian  
Mark S Horoupian  
Mark S Horoupian  
Jason Balitzer  
Jason Balitzer  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12603 Rade Raicevic**

**Chapter 11**

**#7.00 Status and Case Management Conference**

fr. 11/17/16; 3/2/17, 3/8/17; 3/29/17, 4/26/17,  
5/31/17, 7/26/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Discharge entered and case closed on  
12/22/17 -CT**

**Tentative Ruling:**

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

**Debtor(s):**

Rade Raicevic

Represented By  
Mark J Markus



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12920 Bang T Phan**

**Chapter 11**

**#8.00 Scheduling and Case Management Conference**

fr. 12/1/16; 4/27/17, 4/26/17; 5/10/17, 7/26/17

Docket 1

**Tentative Ruling:**

This is continued to March 28 at 9:30 am. Debtor to give notice of continued status conference.

APPEARANCE WAIVED on February 7, 2018.

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

**Debtor(s):**

Bang T Phan

Represented By  
John K Rounds

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#9.00 Scheduling and Case Management Conference**

fr. 10/18/17; 11/15/17; 12/6/17

Docket 1

**Tentative Ruling:**

Having considered the status report, for good cause appearing, the status conference is continued to **March 1, 2018 at 9:30 a.m.**

Debtor to give notice of continued status conference.

APPEARANCE WAIVED on February 7, 2018.

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

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

10:00 AM

1:14-12042 Akop Gasparyan

Chapter 7

#9.01 Motion to Avoid Lien Judicial Lien  
with Midland Funding, LLC

Docket 139

**Tentative Ruling:**

Service: Proper

Property Address: 3708 Alomar Dr., Sherman Oaks, CA 91723 ("Property"). On June 12, 2012, Midland Funding, LLC recorded an abstract of judgment in Los Angeles County, attached to the motion as Exhibit 4.

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

Wells Fargo: \$ 56,995.73

KFT Enterprises No. 2, LP: \$163,026.83

**Midland Funding, LLC: \$4,839.19**

Exemption claimed: \$175,000

Total liens plus claimed exemption: \$3,079,378.15

SUBTRACT FMV of property (per Debtor): <\$1,700,000>

**Total amount of judicial liens that may be avoided: \$1,379,378.15**

See In re Pike, 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999). An appraisal was submitted in opposition to this motion by Donna Fuller et al ("Creditors"). The appraiser, John Dart, states that on or about March 11, 2013, more than a year pre-petition, he conducted an exterior-only inspection of the Property for Prospect Mortgage, LLC for purposes of a refinance transaction. Dart's first appraisal valued the property at \$2,718,000. Doc. 157 p.2. On January 22, 2018, Mr. Dart conducted a second appraisal of the Property and estimated that, as of the petition date, April 18, 2014, the Property's value was \$2,600,000.

Creditors also argue that Debtor provides no evidence of entitlement to an enhanced homestead exemption of \$175,000, and contends that Debtor is entitled to a homestead exemption of only \$75,000 under Cal. Civ. Code 704.730(a)(1).

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Chapter 7

Assuming that the creditor's valuation and exemption amount are correct, the calculation under § 522(f) would be:

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

Wells Fargo: \$ 56,995.73

KFT Enterprises No. 2, LP: \$163,026.83

**Midland Funding, LLC: \$4,839.19 (to be avoided)**

Exemption: \$75,000

Total liens plus exemption: \$3,405,375.75

SUBTRACT FMV of property (per creditor): <\$2,600,000>

**Total amount of judicial liens that may be avoided: \$379,378.15**

Regardless of which valuation or exemption is used, Midland Funding's judicial lien impairs an exemption to which the Debtor is entitled.

The motion is therefore GRANTED.

**Party Information**

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

**Movant(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan  
Vahe Khojayan  
Vahe Khojayan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Ervin Cohen & Jessup LLP

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1:14-12042 Akop Gasparyan

Chapter 7

#9.02 Motion to Avoid Lien Judicial Lien  
with KFT Enterprises No. 2

Docket 141

**Tentative Ruling:**

Service: Proper

Property Address: 3708 Alomar Dr., Sherman Oaks, CA 91723 ("Property"). On December 23, 2009, KFT Enterprises No. 2, LP ("KFT Enterprises") recorded an abstract of judgment in Los Angeles County, attached to the motion as Exhibit 4.

Following the avoidance of the junior judicial lien of Midland funding, LLC, lien avoidance under § 522(f) would be calculated as follows.

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

Wells Fargo: \$ 56,995.73

**KFT Enterprises No. 2, LP: \$163,026.83 (to be avoided)**

Exemption claimed: \$175,000

Total liens plus claimed exemption: \$3,074,538.96

SUBTRACT FMV of property (per Debtor): <\$1,700,000>

**Total amount of judicial liens that may be avoided: \$1,374,538.96**

See In re Pike, 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999). An appraisal was submitted in opposition to this motion by Donna Fuller et al ("Creditors"). The appraiser, John Dart, states that on or about March 11, 2013, more than a year pre-petition, he conducted an exterior-only inspection of the Property for Prospect Mortgage, LLC for purposes of a refinance transaction. Dart's first appraisal valued the property at \$2,718,000. Doc. 157 p.2. On January 22, 2018, Mr. Dart conducted a second appraisal of the Property and estimated that, as of the petition date, April 18, 2014, the Property's value was \$2,600,000.

Creditors also argue that Debtor provides no evidence of entitlement to an enhanced homestead exemption of \$175,000, and contends that Debtor is

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Chapter 7

entitled to a homestead exemption of only \$75,000 under Cal. Civ. Code 704.730(a)(1).

Assuming that the Creditors' valuation and exemption amount are correct, the calculation under § 522(f) would be:

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

Wells Fargo: \$ 56,995.73

**KFT Enterprises No. 2, LP: \$163,026.83 (to be avoided)**

Exemption: \$75,000

Total liens plus claimed exemption: \$2,974,538.96

SUBTRACT FMV of property (per creditor): <\$2,600,000>

**Total amount of judicial liens that may be avoided: \$374,538.96**

It appears that all parties agree that, regardless of which valuation or exemption is used, KFT Enterprises' judicial lien impairs an exemption to which the Debtor is entitled.

The motion is GRANTED.

**Party Information**

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

**Movant(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan  
Vahe Khojayan  
Vahe Khojayan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Ervin Cohen & Jessup LLP

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1:14-12042 Akop Gasparyan

Chapter 7

#9.03 Motion to Avoid Lien Judicial Lien  
with Wells Fargo Bank N.A.

Docket 140

**Tentative Ruling:**

Service: Proper

Property Address: 3708 Alomar Dr., Sherman Oaks, CA 91723 ("Property"). On October 19, 2009, Wells Fargo Bank recorded an abstract of judgment in Los Angeles County, attached to the motion as Exhibit 4.

Following the avoidance of the junior judicial liens of Midland funding, LLC, and KFT Enterprises, lien avoidance under § 522(f) would be calculated as follows.

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

**Wells Fargo: \$ 56,995.73 (To be avoided)**

Exemption claimed: \$175,000

Total liens plus claimed exemption: \$2,911,512

SUBTRACT FMV of property (per Debtor): <\$1,700,000>

**Total amount of judicial liens that may be avoided: \$1,211,512.13**

See In re Pike, 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999). An appraisal was submitted in opposition to this motion by Donna Fuller et al ("Creditors"). The appraiser, John Dart, states that on or about March 11, 2013, more than a year pre-petition, he conducted an exterior-only inspection of the Property for Prospect Mortgage, LLC for purposes of a refinance transaction. Dart's first appraisal valued the property at \$2,718,000. Doc. 157 p.2. On January 22, 2018, Mr. Dart conducted a second appraisal of the Property and estimated that, as of the petition date, April 18, 2014, the Property's value was \$2,600,000.

Creditors also argue that Debtor provides no evidence of entitlement to an enhanced homestead exemption of \$175,000, and contends that Debtor is entitled to a homestead exemption of only \$75,000 under Cal. Civ. Code

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704.730(a)(1).

Chapter 7

Assuming that the Creditors' valuation and exemption amount are correct, the calculation under § 522(f) would be:

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

Donna Fuller: \$ 1,111,200.40

**Wells Fargo: \$ 56,995.73 (To be avoided)**

Exemption: \$75,000

Total liens plus claimed exemption: \$2,811,512.13

SUBTRACT FMV of property (per creditor): <\$2,600,000>

**Total amount of judicial liens that may be avoided: \$211,512.13**

It appears that all parties agree that, regardless of which valuation or exemption is used, Wells Fargo Bank's judicial lien impairs an exemption to which the Debtor is entitled.

The motion is GRANTED.

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

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

**Movant(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan  
Vahe Khojayan  
Vahe Khojayan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Ervin Cohen & Jessup LLP



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**1:14-12042 Akop Gasparyan**

**Chapter 7**

**#9.04** Motion to Avoid Lien Judicial Lien with Donna Fuller, Lucy Kapetanich, Valerie Kerr, Lisa McGrath, April Wyman & Kathleen McTeague

Docket 142

**Tentative Ruling:**

Service: Proper

Property Address: 3708 Alomar Dr., Sherman Oaks, CA 91723 (the "Alomar Property"). On April 3, 2008, judgement creditors Donna Fuller, Lucy Kapetanich, Valerie Kerr, Lisa McGrath, April Wyman, and Kathleen McTeague (collectively, "Creditors") recorded an abstract of judgment in Los Angeles County, attached to the motion as Exhibit 4. A chapter 7 voluntary petition was filed in this case was filed on April 18, 2014. On June 24, 2014, Creditors entered into a stipulation with the chapter 7 trustee providing for payment of proceeds from the sale of the Alomar Property and the Verdugo Property, which would otherwise be payable to the Creditors, would be paid to 1) the trustee, 2) the trustee's attorneys, and 3) the bankruptcy estate.

Creditors timely filed a secured proof of claim for \$1,111,200.40 on July 30, 2014 (Claim 7-1). On September 18, 2014, Debtor entered into an agreement with the chapter 7 trustee to abandon the Alomar Property and debtor's liquor license in exchange for paying \$65,000 into the estate.

Debtor argues that, upon discovering that assets would be administered to unsecured creditors, Creditors subsequently amended their proof of claim on June 26, 2017 asserting an *unsecured* claim.

As a threshold matter, the Court will address Debtor's judicial estoppel argument. Debtor argues that the Court should apply judicial estoppel to bar Creditors from asserting a security interest in the Alomar Property. Effectively, Debtor asks the Court to apply an equitable doctrine to strip a lien lawfully attached to property under California state law—otherwise, that by entering into the carve-out Agreement, Creditors "essentially waived their secured interest" in the Alomar Property.

In their response, Creditors state that they amended their claim to unsecured after being told to do so by the attorney for the chapter 7 trustee, Ori Blumenfeld. Mr.

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**Akop Gasparyan**

**Chapter 7**

Blumenfeld, via email, stated that Creditors do "not have a security interest in any of the funds recovered, as they came from litigation recoveries or settlements." A declaration to that effect and a copy of the email are attached to Debtor's response.

Judicial estoppel is a "flexible equitable doctrine" which, among other applications, "estops a party from gaining an advantage by taking one position and then seeking another advantage from an inconsistent position." In re An-Tze Cheng, 308 B.R. 448, 452 (B.A.P. 9th Cir. 2004), aff'd and remanded sub nom. In re Cheng, 160 F. App'x 644 (9th Cir. 2005). Furthermore, "[j]udicial estoppel should be reserved for compelling situations." Id. at 456. Midland Funding and Wells Fargo both filed unsecured claims and will receive estate funds according to the Trustee's Final Report despite similarly holding a judicial lien against the Alomar Property. There is no appearance of any wrongdoing on the part of the Creditors. Creditors effectively agreed for purposes of this bankruptcy to be treated as unsecured creditors in order to collect what they could from the sale of the properties. Even if such conduct was inequitable, Debtor has provided no authority for the Court's authority to strip a lien under the theory of judicial estoppel. Nor is the Debtor correct in stating that Creditors "waived" their lien in signing the carve-out agreement. Judicial estoppel is not applicable.

Following the avoidance of the junior judicial liens of Midland funding, LLC, KFT Enterprises, and Wells Fargo, lien avoidance under § 522(f) would be calculated as follows.

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

**Donna Fuller: \$ 1,111,200.40 (To be avoided)**

Exemption claimed: \$175,000

Total liens plus claimed exemption: \$2,854,516.40

SUBTRACT FMV of property (per Debtor): <\$1,700,000>

**Total amount of judicial liens that may be avoided: \$1,154,516**

See In re Pike, 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999). An appraisal was submitted in opposition to this motion by Creditors. The appraiser, John Dart, states that on or about March 11, 2013, more than a year pre-petition, he conducted an exterior-only inspection of the Property for Prospect Mortgage, LLC for purposes of a refinance transaction. Dart's first appraisal valued the property at \$2,718,000. Doc. 157 p.2. On January 22, 2018, Mr. Dart conducted a second appraisal of the Property and estimated that, as of the petition date, April 18, 2014, the Property's value was \$2,600,000. However, Mr. Dart also states that the appraisal is based upon the

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"extraordinary assumption" that certain damage, including currently existing water damage, occurred subsequent to April 18, 2014. While Mr. Dart had no evidence of when the damage occurred, large repair estimates "could have a significant impact on this appraisal." In their response, Creditors argue that the higher, \$2,718,000 valuation from the exterior-only inspection should be used for purposes of this 522(f) motion.

Creditors also argue that Debtor provides no evidence of entitlement to an enhanced homestead exemption of \$175,000, and contend that Debtor is entitled to a homestead exemption of only \$75,000 under Cal. Civ. Code 704.730(a)(1). A party in interest may challenge the validity of a claimed exemption for the first time on a lien avoidance motion, even where the deadline for objection under 522(l) has run. In re Morgan, 149 B.R. 147, 151-52 (B.A.P. 9th Cir. 1993).

Assuming that the Creditors' appraisal valuation and exemption amount are correct, the calculation under § 522(f) would be:

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

**Donna Fuller: \$ 1,111,200.40 (To be avoided)**

Exemption: \$75,000

Total liens plus claimed exemption: \$2,754,516.40

SUBTRACT FMV of property (per creditor): <\$2,600,000>

**Total amount of judicial liens that may be avoided: \$154,516.40**

Debtor has not submitted a reply. It appears that there are two remaining issues: 1) the amount of the homestead exemption and 2) the value of the property. Debtor must provide evidence of his entitlement to an enhanced homestead exemption. It seems likely that, even accepting Creditor's exemption amount and appraiser's valuation upon a full inspection, a portion of Creditor's lien may be avoided under § 522(f). It appears that an evidentiary hearing will be necessary. The parties should appear prepared to discuss possible dates and deadlines.

APPEARANCE REQUIRED

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

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

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**CONT... Akop Gasparyan**

**Chapter 7**

**Movant(s):**

Akop Gasparyan

Represented By

Vahe Khojayan

Vahe Khojayan

Vahe Khojayan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By

Peter A Davidson

Ervin Cohen & Jessup LLP

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**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#10.00** Order to show cause why Karen  
Gemilyan should not be held in Civil  
Contempt and for additional Sanctions

Docket 0

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 3/7/18 at 11:00  
a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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11:00 AM

1:15-11823 Karapet Dermendjian and Anait Dermendjian

Chapter 13

#10.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 12/13/17, 1/17/18

Docket 54

**Tentative Ruling:**

At the hearing on 1/17, counsel for Movant appeared and informed the Court that they were close to reaching an adequate protection agreement. Nothin new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Karapet Dermendjian

Represented By  
Aris Artounians

**Joint Debtor(s):**

Anait Dermendjian

Represented By  
Aris Artounians

**Movant(s):**

The Bank of New York Mellon f/k/a

Represented By  
Mark D Estle

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:13-12308 Darren Bond

Chapter 13

#11.00 Motion for relief from stay

LOGIX FEDERAL CREDIT UNION

Docket 154

\*\*\* VACATED \*\*\* REASON: Vacated per APO, Doc No. 160 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Darren Bond

Represented By  
Kevin T Simon

**Movant(s):**

Logix Federal Credit Union

Represented By  
Kristi M Wells  
Erica T Loftis  
Jonathan J Damen  
Brett P Ryan  
Jason C Kolbe  
Erin M McCartney

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

1:14-15589 Henry Guzman

Chapter 13

#12.00 Motion for relief from stay

WELLS FARGO BANK NA

Docket 52

**Tentative Ruling:**

Petition Date: 12/19/2014

Chapter: 13

Service: Proper. No opposition filed.

Property: 6519 Kelvin Avenue Winnetka, CA 91306

Property Value: \$450,000 (per debtor's schedules)

Amount Owed: \$480,319.67 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$12,671.82 (6 payments of \$2,111.97)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Movant(s):**

Wells Fargo Bank, National

Represented By  
Keith Labell  
Sean C Ferry



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**CONT... Henry Guzman**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:16-13366 James Joseph Hullihan

Chapter 13

#13.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 7/5/17, 9/6/17; 10/18/17, 11/29/17, 1/3/18

Docket 39

**Tentative Ruling:**

What is the status of Debtor's payments under the amended plan?

APPEARANCE REQUIRED

**1/3/18 Tentative**

At the previous hearing on November 29, 2017, the parties indicated that Debtor was going to make up a \$400 shortage on the amended plan. Nothing new has been filed. What is the status of this motion?

**11/29/17 Tentative**

This hearing was continued from 10/18/17. On 11/14/17, the Court entered an order granting Debtor's MOMOD. Under the modified plan, two payments were suspended, the new monthly payment of \$912 began in Oct. 2017, with the distribution to unsecured creditors remaining at 100%. Nothing further filed with respect to this motion. What is the status of this motion?

APPEARANCE REQUIRED.

**10/18/17 Tentative**

Hearing continued from 09/06. Debtor has filed motion to modify/suspend plan payment on 10/07. No response from the bank. What is the status of this motion?

APPEARANCE REQUIRED.

**9/6/17 Tentative**

Hearing was continued from July 5, 2017 for Movant to workout accounting issues.

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CONT... James Joseph Hullihan

Chapter 13

Nothing new filed. What is the status of this motion?

**7/5/17 Tentative**

Petition Date: 11/25/2016

Chapter: 13 (plan confirmed on 03/09/2017)

Service: Proper. No opposition filed

Property: 11060 Vanda Way, Sun Valley, CA 91352

Property Value: \$ 660,000 (per Debtor's schedule)

Amount Owed: \$ 36,729.27

Equity Cushion: 86.4%

Equity: \$570,470.73

Post-Petition Delinquency: \$4,404.62 ( 3 payments of \$578.76; \$1,637.34 in conventional loan fees; and \$1,031 in attorney's fees and costs)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

James Joseph Hullihan

Represented By  
Charles O Agege

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:17-11751 Mark Conrad Castillo Ochoco and Sheena Jane V Ochoco**

**Chapter 13**

**#14.00** Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

Docket 28

**Tentative Ruling:**

Petition Date: 06/30/2017

Chapter: 13

Service: Proper. Opposition filed.

Property: 8050 Lindley Avenue Reseda, CA 91335

Property Value: \$495,221.00 (per debtor's schedules)

Amount Owed: \$438,087.73 (per RFS motion)

Equity Cushion: 3.5%

Equity: \$17,515.59

Post-Petition Delinquency: \$8,720.43 (3 payments of \$2,857.95; 1 payment of \$2,857.95; less suspense account or partial paid balance \$2,711.37)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specifically, movant requests relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor filed an opposition on the grounds **10** (debtor will be prejudiced if the Nonbankruptcy Action is allowed to continue the nonbankruptcy forum; and **11** (Other; Debtor's attorney will work with creditor to enter into an Adequate Protection Agreement which will resolve the delinquent amount.) Debtor's opposition seems to state that postpetition payments are in fact current.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mark Conrad Castillo Ochoco

Represented By  
Raymond J Bulaon

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**CONT... Mark Conrad Castillo Ochoco and Sheena Jane V Ochoco**

**Chapter 13**

**Joint Debtor(s):**

Sheena Jane V Ochoco

Represented By  
Raymond J Bulaon

**Movant(s):**

PennyMac Loan Services, LLC

Represented By  
Theron S Covey  
Robert P Zahradka

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:17-12517 Fary Talei

Chapter 13

#15.00 Motion for relief from stay

CITIBANK NA

Docket 42

**Tentative Ruling:**

Petition Date: 09/20/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 9038 Orion Ave North Hills, CA 91343

Property Value: \$200,000 (per debtor's schedules)

Amount Owed: \$155,307.85 (per RFS motion)

Equity Cushion: 14.3%

Equity: \$ 28,692.15

Post-Petition Delinquency: \$3,523.87 (1 Payment of \$1,170.78; 1 Payment of \$1,151.82; 1 Payment of \$1,201.27)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Fary Talei

Represented By  
Daniel King

**Movant(s):**

Citibank, N.A.

Represented By  
Robert P Zahradka

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 07, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Fary Talei**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#16.00 Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17

Docket 12

**Tentative Ruling:**

Debtor submits a supplemental response in support of his opposition to the Motion. Debtor asks the Court to direct movant to comply with the Court's order imposing the automatic stay, dated November 8, 2017 (Docket No. 59). The Order imposing the stay allowed the movant to make preparations for a tax sale of three real properties dated March 26, 2018. The Order contained the following provision:

"If by March 23, 2018, the Debtor has complied with all payments under his plan and complied with all bankruptcy court orders, then the Kern County Treasurer/Tax Collector shall remove the Properties from the tax sale and the stay will continue until further order or operation of law. Should the Debtor not be in compliance with all bankruptcy court orders or current on payments, the Kern County Treasurer/Tax Collector is granted relief to sell the properties in the March 26, 2018, tax sale."

Debtor's plan came before this Court for confirmation on January 23, 2018 and was confirmed by the court with certain interlineations. Debtor represents that he is current on plan payments, with the next plan payment due February 21, 2018. The order confirming the plan has not yet been entered, though a proposed order was docketed on February 1, 2018 (Docket No. 80).

What is Kern County's position?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Kevin T Simon



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, February 07, 2018**

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11:00 AM

**CONT... Richard Khatibi**

**Chapter 13**

**Movant(s):**

Kern County Treasurer and Tax

Represented By  
Nicole M Misner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

11:00 AM

**1:17-12821 Boris Blum and Stella Kogan**

**Chapter 7**

**#17.00** Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 25

**Tentative Ruling:**

Petition Date: 10/20/2017

Chapter: 7

Service: Proper. No opposition filed.

Property: 7624 Atherton Lane West Hills, CA 91304

Property Value: \$1,100,000.00 (per debtor's schedules)

Amount Owed: \$1,891,199.21 (per RFS motion)

Equity Cushion: N/A

Equity: \$

Post-Petition Delinquency:

Disposition: DENY under 11 U.S.C. 362(d)(1) and (d)(2) as MOOT. Debtor has received a discharge in this case, and therefore the automatic stay is no longer in effect. 11 U.S.C. §362(c)(2)(C).

DENY under 11 U.S.C. 362(d)(4). The pattern of filings indicated by movant are not sufficient to establish a scheme to hinder, delay, or defraud creditors.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Boris Blum

Represented By  
Andrew S Mansfield

**Joint Debtor(s):**

Stella Kogan

Represented By  
Andrew S Mansfield

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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11:00 AM

**CONT... Boris Blum and Stella Kogan**

**Chapter 7**

**Movant(s):**

The Bank of New York Mellon

Represented By  
Allan P Bareng

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Hearing Room 302**

11:00 AM

**1:17-12947 Arturo Romero**

**Chapter 13**

**#18.00** Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 12/13/17; 1/10/18

Docket 16

**\*\*\* VACATED \*\*\* REASON: Resolved per APO, Doc No. 31 -CT**

**Tentative Ruling:**

**12/13/17 Tentative**

Petition Date: 11/02/2017

Chapter: 13

Service: Proper. Opposition filed.

Property: 12600 San Fernando Road #126, Los Angeles, CA 91342

Property Value: \$457,000.00 (per debtor's schedules)

Amount Owed: \$445,451.97 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting the subject property.

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); 6 (Co-debtor stay annulled); 7 (waiver of the 4001(a)(3) stay); and 9 (relief under 362(d)(4)).

Debtor opposes the motion and argues that he is current on post-petition mortgage payments and the movant is adequately protected. Debtor is going to keep making mortgage payments and to work on an APO with movant.

**APPEARANCE REQUIRED**

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**CONT... Arturo Romero**

**Chapter 13**

**Party Information**

**Debtor(s):**

Arturo Romero

Represented By  
Kevin Tang

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 07, 2018

Hearing Room 302

11:00 AM

1:17-13062 Nicholas Carcamo

Chapter 7

#19.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 7

**Tentative Ruling:**

Petition Date: 11/16/2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle 2013 Toyota Tacoma  
Property Value: \$8,000 (per debtor's schedules)  
Amount Owed: \$ 8,226.73  
Equity Cushion: N/A  
Equity: \$0.00.  
Delinquency Amount: \$1,918.86

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Nicholas Carcamo Pro Se

**Movant(s):**

Toyota Motor Credit Corporation Represented By  
Austin P Nagel

**Trustee(s):**

Amy L Goldman (TR) Pro Se

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Hearing Room 302

11:00 AM

1:17-13270 Alexander Panov

Chapter 7

#20.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 12

**Tentative Ruling:**

Petition Date: 12/06/2017

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle 2008 Toyota Prius

Property Value: \$ 6,200 (per Motion)

Amount Owed: \$ 5,514.41

Equity Cushion: 3% (after 8% cost of sale)

Equity: \$189.59

Delinquency Amount: \$568.92

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alexander Panov

Represented By  
James Geoffrey Beirne

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

David Seror (TR)

Pro Se

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San Fernando Valley  
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**Hearing Room 302**

11:00 AM

**1:17-13326 Rosa Elia Jimenez**

**Chapter 7**

**#21.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 13

**Tentative Ruling:**

Petition Date: 12/15/2017

Chapter: 7

Service: Proper. No opposition filed.

Property: 8157 White Oak Avenue Los Angeles, CA 91335

Property Value: \$620,000 (per debtor's schedules)

Amount Owed: \$809,458.16 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Delinquency Amount: \$407,753.78 (103 months)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is borrower under Cal. Civ. Code 2920.5(c)(2)(C)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Rosa Elia Jimenez

Represented By  
Derik N Lewis

**Movant(s):**

Deutsche Bank National Trust

Represented By  
Darlene C Vigil

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



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Hearing Room 302

11:00 AM

1:17-13402 Mike Anthony Ruiz and Jacqueline Michelle Ruiz

Chapter 7

#22.00 Motion for relief from stay

CIG FINANCIAL LLC

Docket 7

**Tentative Ruling:**

Petition Date: 12/28/2017

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle 2005 Chevrolet Colorado; VIN: 1GCDDT136058240124

Property Value: \$4,500 (per debtor's schedules)

Amount Owed: \$ 10,046.83

Equity Cushion: N/A

Equity: \$0.00.

Delinquency Amount: \$620.68

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** and (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Mike Anthony Ruiz

Represented By  
Navid Kohan

**Joint Debtor(s):**

Jacqueline Michelle Ruiz

Represented By  
Navid Kohan

**Movant(s):**

CIG Financial, LLC

Represented By  
Stephanie A Newport

**United States Bankruptcy Court  
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**CONT... Mike Anthony Ruiz and Jacqueline Michelle Ruiz**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

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Central District of California  
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11:00 AM

**1:13-14536 People of the State Of California, ex rel**

**Chapter 7**

Adv#: 1:13-01231 People of the State Of California, ex rel et al v. Amidon

**#23.00** Status Conference re Complaint for: Non-Dischargeability of Debt Pursuant to 11 USC 523(a)(2), 523(a)(4) and 523(a)(6)

fr. 12/18/13, 1/15/14, 1/29/14, 12/3/14; 10/14/15, 3/15/17;1018/17

Docket 1

**Tentative Ruling:**

Having reviewed the status reports and for good cause appearing, this status conference is continued to June 20, 2018. Debtor to give notice of continued status conference.

APPEARANCES WAIVED on February 7, 2018.

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

**Defendant(s):**

Robert B Amidon

Represented By  
Michael Goch

Robert B Amidon

Represented By  
Michael Goch

**Movant(s):**

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

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**CONT... People of the State Of California, ex rel**

**Chapter 7**

Fire Insurance Exchange

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

**Plaintiff(s):**

Mid Century Insurance Company

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By

**United States Bankruptcy Court  
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**CONT... People of the State Of California, ex rel Chapter 7**

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

**Trustee(s):**

Diane Weil (TR) Pro Se

Diane Weil (TR) Pro Se

**US Trustee(s):**

United States Trustee (SV) Pro Se

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:16-11968 Paul Vincent Wojdak**  
Adv#: 1:16-01139 Olsen v. Wojdak

**Chapter 11**

**#24.00** Pre-trial Conference re Complaint for  
Nondischargeability pursuant to  
11 USC 523(a)(2)(a) and (a)(6); Fraud; Conversion;  
Violation of Penal Code 496; Unfair, Unlawful or  
Fraudulent Business Practice of Act; Financial Elder  
Abuse and Aiding and Abetting

fr. 12/7/16; 1/25/17, 4/5/17, 7/26/17; 10/18/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Default Judgment entered 9/22/17 (eg)**

**Tentative Ruling:**

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

**Debtor(s):**

Paul Vincent Wojdak Pro Se

**Defendant(s):**

Paul Vincent Wojdak Pro Se

**Plaintiff(s):**

Peggy Olsen Represented By  
Ronald P. Slates  
Jesse Yanco

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**1:16-11968 Paul Vincent Wojdak**

**Chapter 11**

Adv#: 1:16-01141 Parker et al v. WOJDAK

**#25.00** Pre-trial Conference re: Complaint to determine debt to be non-dischargeable, [11 u.s.c. section 523(a)(6)

fr. 12/7/16; 10/18/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Moot Main case dismissed 12/15/17 (eg)**

**Tentative Ruling:**

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

**Debtor(s):**

Paul Vincent Wojdak Pro Se

**Defendant(s):**

PAUL VINCENT WOJDAK Pro Se

**Plaintiff(s):**

Donald Parker Represented By  
Leslie R Horowitz

Donald C Parker Separate Property Pro Se

**United States Bankruptcy Court  
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Hearing Room 302

11:00 AM

1:17-12434 Robin DiMaggio

Chapter 7

Adv#: 1:17-01099 Dachev et al v. DiMaggio

#26.00 Status Conference re: Complaint for 1) Denial of Debtor's Discharge, 2) Determination that debt is Non-Dischargeable

Docket 1

\*\*\* VACATED \*\*\* REASON: Reassigned to Judge Kaufman (eg)

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Robin DiMaggio

Represented By  
Moises S Bardavid

**Defendant(s):**

Robin DiMaggio

Pro Se

**Plaintiff(s):**

Krasimir Dachev

Represented By  
Matthew A Lesnick

Peace for You Peace for Me

Represented By  
Matthew A Lesnick

Svilosa AD

Represented By  
Matthew A Lesnick

**Trustee(s):**

David Seror (TR)

Pro Se



**United States Bankruptcy Court  
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1:00 PM

1:16-10062 Joshua Ross Allen

Chapter 7

Adv#: 1:16-01133 Kutasi et al v. Allen et al

#27.00 Motion for Partial Summary Adjudication

Docket 22

**Tentative Ruling:**

In or about April 2014, Plaintiffs John Kutasi ("Kutasi") as owner and president of West Valley Collections Services, Inc. ("WVCS") (collectively, "Plaintiffs") and Josh Allen and his brother, David Allen (individually as "Josh" and "David," collectively as "Defendants") agreed to join their businesses. Prior to the agreement, Josh and David state that they had been in the merchant services business for more than 17 years. The business was to operate under a newly formed entity, Open Payment Systems, LLC, a Nevada limited liability company ("OPS").

On or about May 22, 2014, Agoura and West Valley entered into an Operating Agreement for OPS (the "OPS Agreement"). The OPS Agreement reflects that the members of OPS are Agoura Partners, LLC ("Agoura") and WVCS and that Kutasi, Josh and David would be the managers of OPS. Complaint, Ex. 1. Josh and David are the sole members and managers of Agoura. The parties dispute the facts about the circumstances regarding the funding provided for in the OPS Agreement.

Plaintiffs contend that Defendants signed a promissory note for a portion of the capitalization of OPS, evincing their intent to pay the note personally (the "OPS Note"). Complaint, Ex. 2. Josh and David allege that they agreed to transfer 33% of the membership interest of OPS to Kutasi and WVCS in exchange for \$300,000. Decl. of David Allen ISO Opposition (the "David Decl."), ¶5; Decl. of Joshua Allen ISO Opposition (the "Josh Decl."), ¶ 5. On or about May 23, 2014, Josh and David allege that the parties verbally agreed that \$100,000 of the consideration of the shares would instead be in the form of a loan, memorialized by the OPS Note, which would be repaid from David and Josh's share of the OPS profits. David Decl., ¶ 6; Josh Decl., ¶ 6; see also Opp. of David Allen to MSJ (the "David Opposition"), 6:16-17. The other \$200,000 payment was reflected in the OPS Agreement. David

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CONT... **Joshua Ross Allen**

Chapter 7

Decl., ¶ 7, Ex. Ex. A, p. 21; Josh Decl., ¶ 7.

Kutasi disputes Defendants' allegation that Kutasi and WVCS agreed that the repayment of the OPS Note was contingent upon OPS's performance and to be paid from OPS's income. The parties engaged in litigation in the California Superior Court, commenced on or about September 2015 (the "State Court Litigation"). During the State Court Litigation, David and Josh returned to Plaintiffs verified responses to Requests for Admission, within which the Defendants explained that they had no intention of personally repaying the OPS Note. Decl. of Jeffrey Gersh ISO MSJ, Ex. 3-6.

On January 11, 2016 Josh filed a voluntary chapter 7 bankruptcy petition with this Court, assigned case number 1:16-bk-10062-MT. On that same date, David filed a chapter 13 bankruptcy petition with this Court, assigned case number 1:16-bk-10068-MT. On September 16, 2016, Plaintiffs filed complaints against Josh and David under various subsections of § 523 (a) to determine dischargeability.

Plaintiffs moved for summary judgment on the § 523(a)(2)(A) claims against Josh and David. Plaintiffs rest their case, in part, on the admissions of David and Joshua, under oath, in the State Court Litigation Requests for Admission and at their 2004 Examinations. Plaintiffs argue that the evidence presented shows that David and Joshua admitted that when they executed the OPS Note, they had no intention of paying it personally. David and Joshua, for their part, contend that they orally agreed with Kutasi to pay the OPS Note from their share of the OPS profits, rather than be personally liable for the note.

## **II. Standard**

Summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. FRCP 56(c) (incorporated by FRBP 7056).

The moving party has the burden of establishing the absence of a

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CONT...

**Joshua Ross Allen**

**Chapter 7**

genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. Id. at 324. The court must view the evidence in the light most favorable to the nonmoving party. Bell v. Cameron Meadows Land Co., 669 F.2d 1278, 1284 (9th Cir.1982). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. Hector v. Wiens, 533 F.2d 429, 432 (9th Cir.1976). The inference drawn from the underlying facts must be viewed in the light most favorable to the party opposing the motion. Valadingham v. Bojorquez, 886 F.2d 1135, 1137 (9th Cir.1989). Where different ultimate inferences may be drawn, summary judgment is inappropriate. Sankovich v. Insurance Co. of N. Am., 638 F.2d 136, 140 (9th Cir.1981).

### **III. Analysis**

#### **A. 11 U.S.C. §523(a)(2)(A)**

To prevail under this section the plaintiff must demonstrate that:

- (1) the debtor made a false representation;
- (2) at the time the debtor knew the representation was false;
- (3) the debtor made the representation deliberately and intentionally with the intention and purpose of deceiving the creditor;
- (4) the creditor justifiably relied on the representation; and
- (5) the creditor sustained loss and damage as a proximate result of the representation having been made.

11 U.S.C. §523(a)(2).

Consistent with effectuating the underlying purposes of the Bankruptcy Code, exceptions to discharge under § 523 are to be narrowly construed. See Snoke v. Riso (In re Riso), 978 F.2d 1151, 1154 (9th Cir.1992). A creditor bears the burden of proof to establish each of the five elements by a preponderance of the evidence. Turtle Rock Meadows Homeowners Ass'n v. Slyman (In re Slyman), 234 F.3d 1081, 1085 (9th Cir.2000).

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CONT...

Joshua Ross Allen

Chapter 7

***Knowingly False and Intent to Deceive***

Plaintiffs contend that Defendants' answers in the RFAs and the 2004 Transcripts establish that the Defendants defrauded Plaintiffs by promising to repay the OPS Note without any intent to repay it. RAF 1-49.

As explained above, Josh and David maintain that the OPS Note of \$100,000 would be repaid from David and Josh's share of the OPS profits. David Decl., ¶ 6; Josh Decl., ¶ 6; see also David Opposition, 6:16-17. Kutasi disputes Defendants' allegation that Kutasi and WVCS agreed that the repayment of the loan was contingent upon OPS's performance and be paid from OPS's income. Kutasi argues that it is not plausible that he would agree to be repaid from the profits of OPS, questioning why Plaintiffs would agree to use their own funds to repay a portion of the funds owed.

Here, Plaintiffs misinterpret Defendants' position. Josh and David do not allege that the OPS Note was to be repaid from the gross profits of OPS. Instead, Josh and David contend that they intended to pay the OPS Note from *their share* of the OPS profits. David Decl., ¶ 6; Josh Decl., ¶ 6. The terms of the OPS Agreement itself lend credence to Defendants' belief. The OPS Agreement provided for WVCS to pay its capital contribution loan from the profits of OPS. Article 3.1 states in relevant part:

Notwithstanding anything to the contrary herein, West Valley Collection Services, Inc., shall be entitled to fund Fifty Percent (50%) of its Capital Contribution by way of a loan to the Company [...] and shall be repaid after the maturity date only from the profits of the Company (if any) pursuant to a payment schedule unanimously agreed upon in writing between the Members [...].

Complaint, Ex. 1, ¶ 3.1.

It is plausible that, given the above-quoted provision in the OPS Agreement, Defendants believed that they would be afforded the same chance to repay the OPS Note from their share of the OPS profits. Indeed, Defendants contend that such provision was bargained for with Kutasi.

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CONT...

**Joshua Ross Allen**

**Chapter 7**

Plaintiffs stretch the Defendants' admissions that they "personally had no intention of paying the Promissory Note" into a broad statement that Josh and David never intended to pay the loan. That is not Defendants' position, and there is sufficient information in the record to make each party's explanation plausible. Here, where different ultimate inferences may be drawn from the parties' differing characterization of the facts, summary judgment is inappropriate. Sankovich v. Insurance Co. of N. Am., 638 F.2d 136, 140 (9th Cir.1981).

***Justifiable Reliance***

The standard for fraud under § 523(a)(2)(A) requires that the standard from tort law be applied to the element of justifiable reliance; that "justification is a matter of the qualities of the particular plaintiff." Field v. Mans, 516 U.S. 59, 70, 71 (1995). Thus, for fraud under §523(a)(2)(A), we inhabit the particular mindset and circumstances of the plaintiff in question to determine whether or not a plaintiff is willfully blind to the potential for fraud presented to them. Heritage Pac. Fin., LLC v. Trejo (In re Trejo), 2011 Bankr. LEXIS 4292, 14 (Bankr. N.D. Cal. Nov. 2, 2011).

Plaintiffs' reliance on Josh and David's alleged representation that they would *personally* repay the OPS Note, on summary judgment, is shaky. In response to Plaintiffs' questions at his 2004 Examination, David explained that neither he nor Josh guaranteed the OPS Note. Decl. of Jeffrey Gersh ISO MSJ, Ex. 8, 4:10-15. Then, David goes on to explain that Kutasi guaranteed the OPS Note because "he had the banking relationship and the finances to be approved for it." Id. By David's explanation, he and Josh were not sufficiently creditworthy to be guarantors on the Loan. Thus, there are questions of material fact as to whether Kutasi was justified in his reliance on Defendants' alleged promise to repay the Loan *personally*, rather than from what would be a more reliable stream of money - the Allen's portion of the OPS profits. Here, Plaintiff has not met his burden on summary judgment. There is questions of material fact about whether Kutasi was justified in relying on Defendants' alleged promise to repay the OPS Note personally.

***Parol Evidence***

**United States Bankruptcy Court  
Central District of California  
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CONT...

**Joshua Ross Allen**

**Chapter 7**

In California, the parol evidence rule provides for certain exceptions, including establishing fraud. Cal.Civ.Proc.Code § 1856(g). Here, Plaintiffs are not seeking to enforce or void the written agreement; instead, they are seeking a judgment of nondischargeability and damages for fraud.

Defendants' cite the California Supreme Court's recent decision in Riverisland Cold Storage, Inc. v. Fresno–Madera Production Credit Assoc., 55 Cal.4th 1169 (Cal. 2013) to support their position that this circumstance falls under an exception to the parol evidence rule. While dropping a short assertion in a footnote that the OPS Note is ambiguous on its face, Defendants also contend that they believe that Plaintiffs fraudulently induced them to sign the OPS Note by agreeing verbally that the OPS Note would be paid from Josh and David's share of the OPS profits. David Decl., ¶ 21, Ex. C, p. 2; Josh Decl., ¶ 21, Ex. C, p. 2; see also David Opposition, 8:27-9:3.

In Riverisland, the California Supreme Court reaffirmed the statutory exception to the parol evidence rule that allows a party to present extrinsic evidence to show that a written agreement was procured by fraud, even if the alleged misrepresentations were inconsistent with the subsequent language contained in the written agreement. Id. at 1174–1183; see also Cal. Code Civ. Proc., § 1856(g). In so doing, the California Supreme Court overruled Bank of America Assn. v. Pendergrass, 4 Cal.2d 258 (Cal. 1935), which held that alleged misrepresentations to induce a party's assent to the contract are inadmissible if the alleged misrepresentations are inconsistent with the provisions of the written contract. The Riverisland court reasoned that Pendergrass was not supported by the plain language of Code of Civil Procedure § 1856 and Pendergrass "failed to account for the fundamental principle that fraud undermines the essential validity of the parties' agreement." Riverisland, 55 Cal. 4th at 1182. The Riverisland court stated: "When fraud is proven, it cannot be maintained that the parties freely entered into an agreement reflecting a meeting of the minds." Id.

Plaintiffs argue that Riverisland is inapplicable here because Defendants did not alleged fraud in their respective Answers to the dischargeability complaints or argued in this forum that Plaintiffs engaged in any promissory fraud. This is not an accurate statement of Defendants' position. In the context of a dischargeability action, Defendants were not

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**Joshua Ross Allen**

**Chapter 7**

required to plead in their respective answers their allegations of fraud against Kutasi as they are not seeking damages and such facts would be no defense to a nondischargeability action.

Further, as for Josh, he did not have standing to bring such claims. Legal claims and causes of action held by a debtor that existed at the time the debtor's bankruptcy case was filed become property of the estate. See 11 U.S.C. § 541(a). See also City & County of San Francisco v. PG & E Corp., 433 F.3d 1115, 1126 (9th Cir.2006); Sierra Switchboard Co. v. Westinghouse Elec. Corp., 789 F.2d 705, 708 (9th Cir.1986). Josh's rights of action to collect damages for such alleged fraud were prepetition assets and, thus, property of his bankruptcy estate. A review of Josh's bankruptcy docket shows that, at the time his answer was filed, this property of the estate has not been abandoned, and only the chapter 7 trustee had the right and ability to sue for recovery. See In re Spirtos v. One San Bernardino Cnty. Superior Ct., 443 F.3d 1172, 1175 (9th Cir.2006) (*citing* Parker v. Wendy's Int'l, Inc., 365 F.3d 1268, 1272 (11th Cir.2004) ("[A] trustee, as the representative of the bankruptcy estate, is the proper party in interest, and is the only party with standing to prosecute causes of action belonging to the estate.")).

For the reasons explained above, the Court finds that Defendants are not barred by the parol evidence rule from introducing evidence at trial to support their theory of the case, e.g., that the repayment terms of the OPS Note agreed to by the parties were that it would be repaid from Josh and David's portion of the OPS profits.

Plaintiff's Motion for Partial Summary Judgment under 11 U.S.C. § 523(a)(2)(A) is DENIED.

**Party Information**

**Debtor(s):**

Joshua Ross Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Joshua Ross Allen

Pro Se

Amy Jill Allen

Pro Se



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**CONT... Joshua Ross Allen**

**Chapter 7**

**Joint Debtor(s):**

Amy Jill Allen

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

David Seror (TR)

Pro Se



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1:16-10068 David B. Allen

Chapter 13

Adv#: 1:16-01134 Kutasi et al v. Allen

#28.00 Motion for Partial Summary Adjudication

Docket 39

**Tentative Ruling:**

See tentative ruling for cal. no. 27

**Party Information**

**Debtor(s):**

David B. Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

David B. Allen

Represented By  
Glenn Ward Calsada  
Jeffrey F Gersh

**Movant(s):**

West Valley Collection Services,

Represented By  
Jeffrey F Gersh  
Glenn Ward Calsada

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh  
Glenn Ward Calsada

West Valley Collection Services,

Represented By  
Jeffrey F Gersh  
Glenn Ward Calsada

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#29.00** Motion RE: Objection to Claim Number 8  
by Claimant Audrey Max Group, Inc.

fr.11/10/16; 1/26/17; 2/1/17; 3/9/17, 7/12/17,  
10/18/17; 11/29/17

Docket 150

**Tentative Ruling:**

The following is the ruling for all 4 claims on calendar:

On January 11, 2016, Osher and Osher, Inc. ("Debtor") filed this voluntary chapter 11 case. On August 17, 2016, proofs of claim were filed by four persons (the "Claimants") represented by the same law firm, Fischbach & Fischbach. Each of the Claimants was already listed in Debtor's amended schedule E/F with the basis of their claim stated as "loan." None of the proofs of claim at issue included a description of the basis of the claim or any supporting documentation.

Lakewood Parkway, LLC ("Lakewood") filed an unsecured proof of claim in the amount of \$145,000 (claim 6-1). Debtor's schedules state the amount of Lakewood's claim as \$140,000.

Jasmin Boodaie filed an unsecured claim for \$9,000 (claim 7-1), which was later amended on October 8, 2017 to a claim for \$2,000 (claim 7-2). Debtor's schedules state the amount of Jasmin Boodaie's claim as \$18,000.

Audrey Max filed an unsecured claim for \$13,500 (claim 8-1). Audrey Max later stated in it the declaration submitted by attorney Jimmy C. Taus that the correct amount of the claim is in fact \$15,000. Doc. No. 293. Debtor's schedules state the amount of \$2,000 owed to Audrey Max Group.

Rak Tov submitted an unsecured claim for \$475,000 (claim 9-1). Debtor's schedules

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**CONT... Osher And Osher, Inc.**

**Chapter 11**

state the amount of \$16,000 owed to Rak Tov Investments, LLC.

On October 11, 2016, Debtor filed objections to the claims of the Claimants. The objections to claims are largely identical. Each objection argues that the claim should be disallowed due to failure to comply with Fed. R. Bankr. Proc. 3001. Rule 3001(c) states that a claim based upon a writing to file a copy of that writing with the proof of claim. Debtor states that it attempted to obtain information to substantiate Claimants' claims by mailing them requests for information. Debtor argues that, without any substantiating information to verify the validity of Claimants' claims, they should be disallowed in their entirety.

On May 19, 2017, Debtor filed motions to compel responses to Debtor's requests for production of documents relating to Claimants' claims against Debtor. On July 12, 2017, a hearing was held on the objections to Claimants claims. Debtor had suspicions that the claims at issue were not being prosecuted by the named creditors, but were being prosecuted by Yoossef Boodaie, the former principal of Debtor and the father of Jasmin Boodaie, one of the Claimants here. The motions to compel included a request for signature samples so that Debtor could determine whether relevant documents were in fact signed by Claimants.

The Court granted Debtor's motions to compel, Doc Nos. 280-283, and entered a scheduling order stating that a supplemental response would be due by August 23, 2017 and a supplemental objection and reply was due by September 13. Doc. No. 277. Claimants filed their supplemental responses on August 23, 2017. On September 15, 2017, parties entered into a stipulation to extend Debtor's time to file a supplemental objection and reply and continue the hearing on the claims objections. The stipulation detailed the progress made by the parties in the discovery process and stated that additional time was required in order to take depositions of the individuals who have provided declarations in support of the Claimants' oppositions before Debtor could complete any supplemental objection and reply. The court approved the stipulation and the hearing on the claims objection was continued to November 29, 2017.

On November 17, 2017, the parties entered into a stipulation to extend the deadline to file supplemental objection and reply papers and continue claim objection hearings and status conference. The stipulation asserted that the Debtor was informed that

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**Osher And Osher, Inc.**

**Chapter 11**

the principals of two of the Claimants, Hedayat Golcheh and Herman Mendel, would not appear for their depositions. Mr. Mendel is apparently ill, though no reason was provided for Mr. Golcheh's failure to appear. The deposition of Mr. Darvish was taken, and the deposition of Jasmin Boodaie has been alleviated due to her filing an amended proof of claim. Debtor states that it has been attempting to reschedule deposition dates for Mr. Mendel and Mr. Golcheh. The stipulation further provided that the hearing on the objections to claim would be continued to February 7, 2018 with the time for Debtor to file a supplemental objection and reply extended to January 24, 2018.

As of January 31, no replies or supplemental objections have been filed. The time for Debtors to file a reply has once again expired. This has taken a ridiculously long time to resolve a fairly straightforward issue. It is time to rule based on the proofs presented.

**Standard**

A proof of claim is deemed allowed, unless a party of interest objects. 11 U.S.C. § 502(a). A proof of claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. Fed. R. Bankr. P 3001-3007; LBR 3007-1.

It is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of claim and its documentation. In re Heath, 331 B.R. 424, 435, 437-38 (B.A.P. 9th Cir. 2005). Section 502 deems a claim allowed and directs that the bankruptcy court "shall" allow claims with limited exceptions (i.e. debtor was wrongly charged for goods or services, specific interest charges or fees were miscalculated or wrongly imposed). See, e.g., id., 331 B.R. at 437-38. "If there is no substantive objection to the claim, the creditor should not be required to provide any further documentation of it." Id. at 436, citing In re Shank, 315 B.R. 799, 813 (Bankr. N.D. Ga. 2004). However, "creditors have an obligation to respond to formal or informal requests for information. That request could even come in the form of a claims objection." In re Heath, 331 B.R. at 436. Any objection that raises a legal or factual ground to disallow the claim will likely prevail over a proof of claim lacking prima facie validity. In re Campbell, 336 B.R. 430 (B.A.P. 9th Cir. 2005).

Statements in a debtor's bankruptcy schedules can constitute admissions under

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**CONT... Osher And Osher, Inc.**

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Fed.R.Evid. 801(d)(2). In re Heath, 331 B.R. at 431; In re Lasky, 364 B.R. 385, 390 (Bankr. C.D. Cal. 2007). Objections to claim "should not be inconsistent with sworn schedules that concede all or some portion of the debt." In re Heath, 331 B.R. at 437 n.6. Debtor retains the ability to amend its schedules, and, given that ability, the BAP has declined to answer the question of whether a debtor's admission in their bankruptcy schedules can be binding in an objection to claim context. In re Campbell, 336 B.R. 430, 436 (B.A.P. 9th Cir. 2005). The Campbell court, however, provided some guidance to courts:

[W]hen a debtor objects to a creditor's proof of claim that does not conform with Rule 3001(c) by including copies of the documentation on which it is based, the bankruptcy court should resolve the issues by reference to the usual burdens of proof associated with claims litigation. In doing so, the bankruptcy court may properly consider as admissions or evidence any information contained in debtor's bankruptcy schedules, and may also consider the creditor's failure to provide relevant documentation.

Id. The Campbell Court ultimately disallowed the claims on the grounds that Debtor's objection relied solely on the alleged lack of prima facie validity of the proofs of claim, which is not a sufficient objection recognized by § 502(b). Id.

**Discussion**

The law of this circuit is clear that a bankruptcy court may not disallow a claim entirely based merely upon lack of prima facie validity. In re Heath, 331 B.R. at 434-35 (discussing and rejecting the minority approach that claims lacking prima facie validity can be disallowed on that basis alone). Debtor cites Hutson v. Coffman, 100 F.2d 640 (9th Cir. 1938), for the proposition that a claimant's failure to provide even a minimal amount of support for a proof of claim justifies the disallowance of the claim, which directly contradicts recent controlling precedent.

The business dealings which form the basis for each of the four claims are undeniably opaque, but the Debtor's schedules admit that Claimants are creditors. Debtor and Creditors have been embroiled in litigation over these claims for over a year and a half, which has mostly been comprised of discovery disputes, and yet Debtor has failed to raise

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**CONT... Osher And Osher, Inc.**

**Chapter 11**

any legally cognizable grounds for the disallowance of Claimants' claims. Furthermore, Debtor failed to timely file any reply or supplemental objection to the claims, or to submit any pleading informing the court of its progress and requesting a continuance. For the foregoing reasons, the claims will be allowed as follows.

***Lakewood Parkway:***

\$140,000 Allowed based on the submission of a check from Lakewood Parkway, LLC to Osher and Osher Inc.

**Rak Tov:**

Claimant Rak Tov's supplemental response attaches as proof of its \$475,000 loan four cashier's checks.

- \$16,000 from Rak Tov Investments, LLC to Osher and Osher, Inc.
- \$23,500 from Republic Metal to Osher and Osher, Inc.
  - Republic Metal is an unknown entity and no explanation has been provided
- \$273,000 from Republic Metal to Osher and Osher, Inc.
- \$123,000 paid from "Replace Cashier's Check 1120414846" to KoI Tov Enterprises, Inc.
  - "KoI Tov Enterprises, Inc." is an unknown entity and no explanation provided.

No testimony of Herman Mendel has been submitted in order to verify the amount of the claim. Only one of the provided cashier's checks was from Rak Tov to Debtor, and the amount is only \$16,000.

Based on the submissions of the creditor, the amount allowed in \$16,000.

**Audrey Max, Inc.:**

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**CONT... Osher And Osher, Inc.**

**Chapter 11**

Claimant Audrey Max's supplemental response attaches two cashier's checks in support of its claim. There are three images, but one of the checks is clearly a duplicate. The supplemental opposition argues that the original attorney failed to attach all three checks, but it is apparent that this attorney is also mistaken.

- \$8,000 from Audrey Max Group, Inc. to Yoossef Boodaie.
- \$3,500 from Audrey Max Group, Inc. to Mensch Enterprises, Inc. (check no. xxx2951)
- A duplicate of check no. xxx2951, above.

The claim is disallowed because nothing links this to the debtor

**Jasmin Boodaie:**

This claim was amended to \$2,000 on 10/8/17. This is supported by the debtor's schedules and the check. For \$9,000 from Jasmin Boodaie to Osher and Osher, Inc.

Claim allowed for \$2,000

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#30.00** Motion RE: Objection to Claim Number 9  
by Claimant Rak Tov Investments, LLC

fr. 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17

Docket 152

**Tentative Ruling:**

see ruling under calendar #29

<b>Party Information</b>
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**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver



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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#31.00** Motion RE: Objection to Claim Number 7  
by Claimant Jasmin Boodaie

fr. 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17

Docket 148

**Tentative Ruling:**

see ruling under calendar #29

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
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1:00 PM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#32.00** Motion RE: Objection to Claim Number 6  
by Claimant Lakewood Parkway

fr. 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17

Docket 146

**Tentative Ruling:**

see ruling under calendar #29

<b>Party Information</b>
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**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#33.00 Scheduling and Case Management Conference**

fr. 11/3/16, 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17

Docket 1

**Tentative Ruling:**

This case needs to be wrapped up soon.

<b>Party Information</b>
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**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
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**Thursday, February 08, 2018**

**Hearing Room 302**

10:00 AM

**1:15-11029 Ronald David Truppa, Jr**

**Chapter 7**

Adv#: 1:15-01103      Joudeh v. Truppa, Jr et al

**#1.00** Evidentiary Hearing for the 523 action - Motion For an Order  
of Attorneys Fees Pursuant To 11 U.S.C. Section  
105 And Inherent Authority  
Of Court

fr. 10/18/17, 12/11/17

Docket 113

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Ronald David Truppa Jr

Represented By  
John W Sullivan

**Defendant(s):**

Ronald David Truppa Jr

Represented By  
John W Sullivan

Santa Catalina Film Festival, a

Represented By  
John W Sullivan

David Seror, not individually but

Pro Se

**Plaintiff(s):**

Tifanie Joudeh

Represented By  
Yoon O Ham  
Michael R Lewis

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Tuesday, February 13, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#1.00** Order to Show Cause Re: Civil Contempt  
Against (A) Mainstream Advertising;  
(B) Danny Bibi; and (C) Sheila Mishkan

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

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**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:09-21040 John Cooper**

**Chapter 11**

**#1.00 Post Confirmation Status Conference**

fr. 8/30/10,12/1/10, 2/10/11, 4/27/11, 7/14/11, 9/1/11,  
9/28/11, 11/9/11, 2/2/12, 4/12/12, 6/21/12, 8/30/12,  
11/1/11,12/20/12, 2/7/13, 3/21/13,11/21/13, 12/5/13,  
2/27/14, 10/23/14, 2/19/15; 9/10/15; 3/31/16, 11/10/16,  
1/5/17, 2/9/17, 8/16/17, 1/24/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case closed 11/2/17 -CT**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

John Cooper

Represented By  
Michael D Kwasigroch

**United States Bankruptcy Court  
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**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14734 Martha J. Castro**

**Chapter 11**

**#2.00 Post-Confirmation Status Conference**

fr. 1/15/15; 3/5/15, 3/26/15, 5/7/15, 8/13/15,  
10/15/15, 11/19/15; 2/11/16; 3/3/16; 5/12/16,  
5/19/16, 11/10/16, 2/9/17, 3/8/17, 6/21/17,  
7/12/17, 11/8/17

Docket 1

**Tentative Ruling:**

Having considered Debtor's post-confirmation status report, the Court finds cause to continue this post-confirmation status conference to May 2, 2018 at 9:30 a.m. Debtor to give notice of continued status conference.  
NO APPEARANCE REQUIRED ON 2/14/18

**Party Information**

**Debtor(s):**

Martha J. Castro

Represented By  
Anthony Egbase

**Movant(s):**

Martha J. Castro

Represented By  
Anthony Egbase

**United States Bankruptcy Court  
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**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:15-14124 Ignacio Ramirez**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 2/4/16; 6/16/16, 7/28/16, 9/29/16, 11/17/16,  
1/12/17, 4/26/17, 7/26/17; 10/18/17, 1/24/18

Docket 1

**Tentative Ruling:**

Having considered Debtor's post-confirmation status report, the Court finds cause to continue this post-confirmation status conference to May 2, 2018 at 9:30 a.m. Debtor to give notice of continued status conference. NO APPEARANCE REQUIRED ON 2/14/18

**Party Information**

**Debtor(s):**

Ignacio Ramirez

Represented By  
Anthony Obehi Egbase



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Central District of California  
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**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: continued to 4/25/18 at 9:30 am**

**Tentative Ruling:**

Based on the status report and the fact that tax returns were filed and agreements reached with creditors, this will be continued to a date when an amended D/S can be filed and heard. This matter is continued to April 25, 2018 at 9:30 am.  
NO Appearance required on Feb. 14

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

**Debtor(s):**

Samuel James Esworthy

Represented By

M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10212 Ferdinand Holgado**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 3/22/17, 8/16/17, 11/8/17, 1/17/18

Docket 1

**Tentative Ruling:**

When does debtor expect to have a reply from Bayview on loan mod app?  
Appearance required.

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

**Debtor(s):**

Ferdinand Holgado

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#6.00** US Trustee's Motion to Dismiss or Convert Case  
with an Order Directing Payment of Quarterly  
Fees and for Judgment Thereon

Docket 17

**\*\*\* VACATED \*\*\* REASON: Trustee filed a withdrawal of motion. If**

**Tentative Ruling:**

Appearance required unless UST withdraws motion.

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

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#7.00** Motion Under 11 USC section 1112(b) To Dismiss  
Or Convert Case With An Order Directing Payment  
Of Quarterly Fees And For Judgment Thereon

Docket 140

**Tentative Ruling:**

To be granted if the settlement check has cleared.

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

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

9:30 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#8.00 Status and Case Management Conference**

fr. 11/19/15, 5/5/16, 7/28/16, 12/7/16; 2/8/17,  
4/26/17, 7/12/17; 10/18/17, 1/17/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:13-12733 Joe Momdjian**

**Chapter 13**

**#9.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

10/18/17, 12/6/17, 1/10/18

Docket 41

**Tentative Ruling:**

Parties stipulated to continue this hearing from January 10, 2018 to continue to discuss terms of an APO. What is the status of this motion?

APPEARANCE REQUIRED

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

**Debtor(s):**

Joe Momdjian

Represented By  
Roland H Kedikian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:15-13317 Mario E Ortiz and Maria E Ortiz

Chapter 13

#10.00 Motion for relief from stay

FOREMAN FINANCIAL INC

Docket 37

**Tentative Ruling:**

Petition Date: 10/02/2015  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: Vehicle 2008 BMW 528i Sedan  
Property Value: \$12,000 (per debtor's schedules)  
Amount Owed: \$21,496.54  
Equity Cushion: N/A  
Equity: \$0.00.  
Post-Petition Delinquency Amount: \$14,248.08

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **5** (co-debtor stay of U.S.C. 1201(a) or 1301(a) is terminated, modified, or annulled as to the co-debtor, on the same terms and conditions as to the debtor)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Mario E Ortiz

Represented By  
Yeznik O Kazandjian

**Joint Debtor(s):**

Maria E Ortiz

Represented By  
Yeznik O Kazandjian

**Movant(s):**

Foreman Financial, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Mario E Ortiz and Maria E Ortiz**

**Chapter 13**

Jonathan David Leventhal

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10194 Heliodoro Navarro**

**Chapter 13**

**#11.00** Motion for relief from stay

AMERICAN BEAUTY VILLAGE OWNERS ASSOCIATION

fr. 12/13/17, 1/17/18

Docket 54

**\*\*\* VACATED \*\*\* REASON: Settled by APO Doc. no 58 -CT**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Heliodoro Navarro

Represented By  
Daniel F Jimenez

**Movant(s):**

American Beauty Village Owners

Represented By  
Neil B Katz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-10479 Felipe Rosas

Chapter 13

#12.00 Motion for relief from stay

U.S. BANK NA

Docket 29

\*\*\* VACATED \*\*\* REASON: Resolved via APO - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Felipe Rosas

Represented By  
Mark M Sharf

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#13.00 Motion for relief from stay

SANTANDER CONSUMER USA INC

Docket 78

\*\*\* VACATED \*\*\* REASON: Resolved per APO, Doc. No 82. -CT

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Movant(s):**

Santander Consumer USA Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

**1:17-11641 John A, Gillett and Pearlene Gillett**

**Chapter 13**

**#14.00** Motion for relief from stay

MERCEDES-BENZ FINANCIAL SERVICES  
USA LLC

Docket 38

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 42) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By  
Julie J Villalobos

**Movant(s):**

Mercedes-Benz Financial Services

Represented By  
Ed J Gezel  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11663 Inception Media Group, LLC**

**Chapter 7**

**#15.00** Motion for relief from stay

CORINTH FILMS INC

Docket 50

**Tentative Ruling:**

Petition Date: 06/23/17

Chapter: 7

Service: Proper. Opposition filed 01/31/18.

Movant: Corinth Films, Inc.

Relief Sought to: Pursue Pending Litigation X Commence Litigation \_\_\_  
Pursue Insurance \_\_\_ Other

Litigation Information

Case Name: Corinth Films, Inc. v. Inception Media Group, LLC

Court/Agency: Supreme Court of The State of New York

Date Filed: October 19, 2015

Judgment Entered: February 22, 2017

Trial Start Date:

Action Description: Breach of contract / enforcement of judgement against nominal defendant

Grounds

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3<sup>rd</sup> Parties X

Nondischargeable \_\_\_

Mandatory Abstention X Non-BK Claims Best Resolved in Non-BK Forum X

Other:

Movant seeks relief under 11 U.S.C. 362(d)(1). Movant seeks specific relief in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and 5 (waiver of the 4001(a)(3) stay).

Movant seeks to continue litigation in New York against Wells Fargo for allegedly mishandling a levy against Debtor's bank account. Movant obtained a judgment

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

CONT... **Inception Media Group, LLC**

Chapter 7

against Debtor in the amount of \$72,975 on December 2, 2016. Movant avers that it is a secured creditor on the basis of obtaining a restraining notice from the Supreme Court of New York, County of New York and serving it upon Wells Fargo. The restraining notice, obtained pursuant to N.Y. C.P.L.R. 5222, serves as an injunction prohibiting the transfer of the judgment debtor's property. Arias v. Gutman, Mintz, Baker & Sonnenfeldt LLP, 875 F.3d 128, 132 (2d Cir. 2017). In response to Movant's restraining notice, Wells Fargo responded that it was holding "\$57,832.02 \$55,379.02" of Debtor's funds, which Movant takes to mean a total of \$113,211.04. In response to an order to show cause Wells Fargo later indicated that it made a mistake, and that there was in fact \$0 in the account. Movant argues that the Court should abstain from hearing the dispute between Movant and Wells Fargo under 28 U.S.C. 1334(c).

Diane Weil, chapter 7 trustee for this case ("Trustee") filed a response. There is clear precedent that a restraining notice obtained under N.Y. C.P.L.R. 5222 does not create a lien. In re Adomah, 340 B.R. 453, 458 (Bankr. S.D.N.Y. 2006), order aff'd, appeal dismissed, 368 B.R. 134 (S.D.N.Y. 2007) ([i]t is emphasized that this case only deals with a restraining notice, which does not operate as a lien or encumbrance on property"); 4A N.Y. Practice § 58:18 (4th ed.) (A restraining notice "establishes neither a lien against the debt or property to which it is directed or priority over any other judgment creditor or lienor, who may subsequently pursue that same debt or property," but "simply enjoins the debtor or third party from transferring the debt or property to which the restraint attaches.").

Nevertheless, Movant's secured status is not the issue. Movant seeks to pursue a claim against a third party in which the estate does not appear to have any interest.

MOTION GRANTED. APPEARANCE REQUIRED

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

**Debtor(s):**

Inception Media Group, LLC

Represented By  
Ian Landsberg

**Movant(s):**

Corinth Films, Inc.

Represented By  
Daren M Schlecter

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Inception Media Group, LLC**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Sonia Singh  
John N Tedford

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-11821 Sergio Estuardo Camey

Chapter 13

#16.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 22

**Tentative Ruling:**

Petition Date: 07/10/2017  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 7252 Capps Avenue, Reseda CA, 91335  
Property Value: \$465,870 (per debtor's schedules)  
Amount Owed: \$293,542.94 (per RFS motion)  
Equity Cushion: 29% (assuming 8% cost of sale)  
Equity: \$21,751.94  
Post-Petition Delinquency: \$5,084.94

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (co-debtor stay is terminated, modified, or annulled as to the co-debtor, on same terms and conditions as to Debtor); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Sergio Estuardo Camey

Represented By  
Donald E Iwuchuku

**Movant(s):**

The Bank of New York Mellon fka

Represented By  
Erin M McCartney



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Sergio Estuardo Camey**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12313 Igor Gary Deck**

**Chapter 13**

**#17.00** Motion for relief from stay

US BANK TRUST NA

fr. 1/17/18

Docket 35

**Tentative Ruling:**

Petition Date: 8/31/17

Chapter: 13

Service: Proper. No opposition filed.

Property: 18823 Erwin St., Tarzana, CA 91355

Property Value: \$800,000 (per debtor's schedules)

Amount Owed: \$436,400

Equity Cushion: 37%

Equity: \$278,44500

Post-Petition Delinquency: \$4,884.81 (three pre-confirmation payments of \$2,328.27, less suspense account balance of \$2,100)

Disposition: GRANT under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay)..

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Igor Gary Deck

Represented By  
Joshua L Sternberg

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee

Represented By  
Christina J O

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Igor Gary Deck**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-12711 Norman Fathi

Chapter 13

#18.00 Motion for relief from stay

THE BANKOF NEW YORK MELLON F/K/A THE  
BANK OF NEW YORK

Docket 20

**Tentative Ruling:**

Petition Date: 10/09/2017  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 26540 Sheldon Avenue, Area of Santa Clarita, CA 91351  
Property Value: \$150,000 (per debtor's schedules)  
Amount Owed: \$635,874.31 (per RFS motion)  
Equity Cushion: N/A  
Equity: \$0.00.  
Post-Petition Delinquency: \$6,022.70

Movant details five prior transfers of fractional interests in the property and six bankruptcy filings by other individuals over the course of the past year. This pattern sufficiently demonstrates a scheme to hinder, delay, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4) (bad faith and secured creditors)); **10** (relief binding & effective for 180 days against any debtor); **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5)

**DENY** relief requested in paragraph **11** (order binding & effective against any debtor) per Fed. R. Bankr. P. 7001(7).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Norman Fathi

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Norman Fathi**

Dana M Douglas

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13115 Debra Ann Tiesi**

**Chapter 13**

**#19.00** Motion for relief from stay

US BANK NA

Docket 23

**Tentative Ruling:**

Petition Date: 11/21/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 5012 Ludgate Drive Calabasas, CA 91301

Property Value: \$785,000.000 (per debtor's schedules)

Amount Owed: \$ (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency:

Movant details a transfer of an interest in the property to Ann Vigneron on March 2, 2017. Subsequently, Debtor filed three bankruptcies, including this case. Ms. Vigneron also filed a chapter 7 bankruptcy on November 20, 2017, in which she failed to list the subject property on her schedule A. These facts indicate a scheme to hinder, delay, or defraud creditors. This case was dismissed with a 180-day bar after debtor failed to appear at an order to show cause on December 21, 2017.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **3** (Movant permitted to engage in loss mitigation activities); **4** (Confirming that there is and was no stay in effect due to two cases pending in the previous year); **7** (waiver of the 4001(a)(3) stay); **8** (designated law enforcement officer may evict any occupant, upon recording of the order in compliance with applicable non-bankruptcy law); **9** ((relief under 362(d)(4) (bad faith)); **10** (relief binding & effective for 180 days against any debtor); **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5)

DENY relief under paragraphs **2** (proceed under non-bankruptcy law) as moot; **5** (the stay is annulled retroactive to bankruptcy petition date) because no stay was in effect; **6** (Co-debtor stay is waived) because there is no co-debtor stay in effect; **11** (order binding & effective against any debtor) per Fed. R. Bankr. P. 7001(7).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Debra Ann Tiesi**

**Chapter 13**

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Debra Ann Tiesi

Represented By  
Corey Phuse

**Movant(s):**

U.S. Bank NA, successor trustee to

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-13270 Alexander Panov

Chapter 7

#20.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 10

**Tentative Ruling:**

Petition Date: 12/06/2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle 2009 Toyota Prius  
Property Value: \$5,000 (per debtor's schedules)  
Amount Owed: \$7,267.03  
Equity Cushion: N/A  
Equity: \$0.00.  
Delinquency Amount: \$851.96

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alexander Panov

Represented By  
James Geoffrey Beirne

**Movant(s):**

TOYOTA MOTOR CREDIT

Represented By  
Mark D Estle

**Trustee(s):**

David Seror (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10251 Jose Luis Gonzalez**

**Chapter 13**

**#21.00** Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

**Tentative Ruling:**

On January 29, 2018, Debtor filed this chapter 13 case. Debtor has two previous bankruptcy cases that were dismissed a short time ago. The first dismissed case, 1:17-bk-12312-MT, was a chapter 13 filed on August 31, 2017 and dismissed on September 6, 2017 for failure to file schedules. The second dismissed case, 1:18-bk-10017-VK, was a chapter 13 filed on January 3, 2018 and dismissed on January 22, 2018 for failure to file a chapter 13 plan. No relief from stay motion was filed in either previous case.

Debtor now moves for an order continuing the automatic stay as to creditor Carrington Mortgage Services LLC, holder of a claim secured against Debtor's property located at 22051 Sagebrook Dr., Chatsworth, CA 91311. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous cases. Debtor contends the previous cases were dismissed due to the mistakes of Debtor's lawyer and previous lawyer in failing to file necessary documents. Because two or more cases of the Debtor were pending within the previous year but were dismissed, no stay went into effect upon the filing of this case. § 362(d)(4)(A)(i). This case is furthermore presumptively not filed in good faith under, but the presumption can be rebutted by clear and convincing evidence to the contrary. § 362(d)(4)(D).

Debtor claims that the presumption of bad faith is overcome as to all creditors because Debtor has obtained new work since the filing of the first case and the dismissals of the first two cases were due to the negligence of the attorneys.

Debtor's schedules indicate significant income and Debtor intends to pay creditors 100% on their claims in this chapter 13. No opposition was filed.

MOTION GRANTED. APPEARANCE REQUIRED.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jose Luis Gonzalez**

**Chapter 13**

**Debtor(s):**

Jose Luis Gonzalez

Represented By  
R Grace Rodriguez

**Movant(s):**

Jose Luis Gonzalez

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12915 Miguel A Aguilar**

**Chapter 7**

**#22.00** Order to show cause re: Dismissal for non-payment of  
Installment Filing Fees

fr. 1/24/17

Docket 10

**\*\*\* VACATED \*\*\* REASON: Payment received 12/29/17 (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Miguel A Aguilar

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#23.00** Status Conference re: Complaint for damages,  
declaratory and injunctive relief for violation of  
11 u.s.c. section 524

fr. 1/24/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Pro Se

Leo Fasen

Pro Se

Vincent J Quigg

Pro Se

Michael Waldren

Pro Se

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01013 David K. Gottlieb, solely in his capacity as chapt v. Jerald Abes aka Jerry

**#24.00** Pre-trial conference re: Complaint

fr. 4/26/17; 12/6/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case closed, judgment entered 10/4/17 -CT**

**Tentative Ruling:**

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

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Does 1-100

Pro Se

Jerald Abes aka Jerry Abes, an

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

**1:16-10062 Joshua Ross Allen**

**Chapter 7**

Adv#: 1:16-01133 Kutasi et al v. Allen et al

**#25.00** Status Conference re: Complaint to Except debt from Discharge pursuant to 11 U.S.C. section 523(a)(2)(A) 523(a)(4) and 523(a)(6)

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Per court's own motion, matter cont. to 3/7/18 @11 am (eg)**

**Tentative Ruling:**

This matter is continued to March 7, 2018 at 11:00 a.m.

NO APPEARANCE REQUIRED on February 14.

**Party Information**

**Debtor(s):**

Joshua Ross Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Joshua Ross Allen

Pro Se

Amy Jill Allen

Pro Se

**Joint Debtor(s):**

Amy Jill Allen

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Joshua Ross Allen**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10068 David B. Allen**

**Chapter 13**

Adv#: 1:16-01134 Kutasi et al v. Allen

**#26.00** Status Conference re: Complaint

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: cont. on court's own motion to 3/7/18  
@11am (eg)**

**Tentative Ruling:**

This matter is continued to March 7, 2018 at 11:00 a.m.

NO APPEARANCE REQUIRED on February 14.

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

**Debtor(s):**

David B. Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

David B. Allen

Pro Se

**Plaintiff(s):**

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

John Kutasi

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

Adv#: 1:17-01004 Ballout v. Sarieddine

**#27.00** Pre-Trial Conference re: First Amended Complaint

fr. 6/28/17, 7/5/17, 1/24/18

Docket 19

**Tentative Ruling:**

Parties should come prepared to discuss the following deadlines:

Exchange of exhibit lists: \_\_\_\_\_

Plaintiff to file and serve witness declaration(s): \_\_\_\_\_

Defendant to file and serve witness declaration(s): \_\_\_\_\_

Parties to file and serve objections to witness declarations and exhibits:  
\_\_\_\_\_

Parties to file and serve Notice of Cross-Examination of Witness:  
\_\_\_\_\_

Hard copies of exhibit books exchanged (if not already done): \_\_\_\_\_

Parties to file and serve trial briefs: \_\_\_\_\_

TRIAL TO BE HELD ON: \_\_\_\_\_

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Kamel M. Ballout**

**Chapter 13**

**Defendant(s):**

Mike Sarieddine

Represented By  
Daniel J King  
Daniel J King

**Plaintiff(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#28.00** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17, 1/31/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

Defendant states that he is planning a motion for summary judgment and possible discovery motions. The parties should be ready to discuss deadlines for both events, and a pretrial conference following that.

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

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By  
Donna R Dishbak  
Donna R Dishbak

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

**1:17-11635 Makedon Makarian**

**Chapter 13**

**#29.00** Motion RE: Objection to Claim  
#1 by Claimant U.S. Bank Trust, N.A

fr. 1/23/18

Docket 29

**\*\*\* VACATED \*\*\* REASON: Objection withdrawn (doc. 48) - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Movant(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#30.00 Chapter 7 Trustee's Motion to 1) Approve Sale of Real Property Free and Clear of All Liens, Interests, Claims, and Encumbrances with Such Liens, Interests, Claims, and Encumbrances to Attach to Proceeds Pursuant to 11 USC sections 363(b) and (f); 2) Approve Overbid Procedures; 3) Determine That Buyer Is Entitled to Protection Pursuant to 11 USC section 363(m)

Docket 2057

**Tentative Ruling:**

No opposition was filed. To be APPROVED subject to overbid at hearing.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Movant(s):**

David Seror (TR)    Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**Trustee(s):**

David Seror (TR)    Represented By  
Richard Burstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT...**

**Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-12962 Christopher Eric Traendly

Chapter 7

#31.00 U.S. Trustee's Motion to Dismiss Case  
with a One-Year Bar to Refiling

Docket 18

**Tentative Ruling:**

The United States Trustee ("Trustee") asks the Court to find that this chapter 7 was filed in bad faith for purposes of forestalling an unlawful detainer action and dismiss Christopher Traendly's ("Debtor") case with a 180 day bar to refiling. This is the third bankruptcy case within a year which has stayed the unlawful detainer action, the first two filed by another individual living at the property.

Trustee's motion details two prior filings affecting the property. On September 14, 2017, the day before trial in the unlawful detainer action, Jean Pauline Hogan filed a skeletal chapter 7 case, 1:17-bk-12466-VK. Clear Investment, LLC ("Clear Investment") was granted relief from stay to pursue the unlawful detainer action. The case was dismissed on October 2, 2017 for failure to file schedules. On October 16, 2017, Ms. Hogan filed a second pro se chapter 7, 1:17-bk-12962. Clear Investment was granted relief from stay to pursue an unlawful detainer action in Ms. Hogan's second case on January 10, 2018.

Christopher Traendly ("Debtor"), appearing pro se, has filed essentially blank schedules. Debtor owes monthly rent from November 2016 at \$2,900 per month, for a total of \$23,200. Debtor failed to list the amount owed to Clear Investment on his schedule E/F, indicating on his form 106Sum (Summary of Assets and Liabilities) that he owed \$0 to secured and unsecured creditors. Debtor has no prior filings and files no opposition to the Trustee's motion. On January 10, 2018 the Court heard a motion for Relief from Stay in this case filed by Clear Investment. The Court granted relief from the stay on January 11, 2018.

Section 707(b) of the Bankruptcy Code allows a court to dismiss a Chapter 7 bankruptcy case when an individual has primarily consumer debt and the court finds that granting relief would be an abuse of the provisions of the chapter. 11 U.S.C. § 707(b)(1); In re Price, 353 F.3d 1135, 1138 (9th Cir. 2004). In considering whether granting relief would be "an abuse of the provisions of this chapter" under § 707(b) (1), Courts consider A) whether the debtor filed the petition in bad faith, or B) the totality of the circumstances of the debtor's financial situation demonstrates abuse.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

CONT... Christopher Eric Traendly

Chapter 7

§ 707(b)(3). Courts consider a number of factors in determining whether a case was filed in bad faith, including:

(1) whether the debtor has a likelihood of sufficient future income to fund a Chapter 11, 12, or 13 plan which would pay a substantial portion of the unsecured claims; (2) whether the debtor's petition was filed as a consequence of illness, disability, unemployment, or some other calamity; (3) whether the schedules suggest the debtor obtained cash advancements and consumer goods on credit exceeding his or her ability to repay them; (4) whether the debtor's proposed family budget is excessive or extravagant; (5) whether the debtor's statement of income and expenses is misrepresentative of the debtor's financial condition; (6) whether the debtor has engaged in eve-of-bankruptcy purchases; (7) whether the debtor has a history of bankruptcy petition filings and case dismissals; (8) whether the debtor intended to invoke the automatic stay for improper purposes, such as for the sole objective of defeating state court litigation; and (9) whether egregious behavior is present.

In re Mitchell, 357 B.R. 142, 154–55 (Bankr. C.D. Cal. 2006). Another important factor is whether Debtor is actually in need of bankruptcy protection. In re Marshall, 298 B.R. 670, 681 (Bankr. C.D. Cal. 2003).

Trustee directs the Court's attention to factor number 7 above, debtor's history of petition filings and case dismissals, due to the failure of any of the three bankruptcy cases to be prosecuted. The Court is hesitant to hold the actions of another individual against the Debtor, though the facts surrounding Ms. Hogan's filings are relevant to this totality of the circumstances determination. More persuasive is Debtor's failure to even attempt to fill out schedules properly in this case. The Court is unable to determine the situation that precipitated Debtor's bankruptcy filing or whether Debtor is actually in need of bankruptcy protection.

Motion is GRANTED. Debtor is dismissed with a 180 day bar to refiling.

**Party Information**

**Debtor(s):**

Christopher Eric Traendly

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Christopher Eric Traendly**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 14, 2018

Hearing Room 302

11:00 AM

1:17-11968 Ovidio A Flores and Silene M Flores Espitia

Chapter 7

#31.01 Motion to Convert Case From Chapter 7 to 13

Docket 48

**Tentative Ruling:**

Conversion to Ch. 13 will be allowed as long as the plan is for 100% and the debtors include \$5,000 payment for fees to the Chapter 7 trustee. The debtors have already stipulated to no discharge in Chapter 7 and are willing to pay creditors 100%.

Has anyone even deposed their former attorney Madaen? His negligence needs to be investigated as well,

APPEARANCE REQUIRED

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

**Debtor(s):**

Ovidio A Flores

Represented By  
David H Chung

**Joint Debtor(s):**

Silene M Flores Espitia

Represented By  
David H Chung

**Movant(s):**

Ovidio A Flores

Represented By  
David H Chung

Silene M Flores Espitia

Represented By  
David H Chung

**Trustee(s):**

Diane C Weil (TR)

Represented By  
John N Tedford  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Ovidio A Flores and Silene M Flores Espitia**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11796 Davide Ghizzoni**

**Chapter 7**

**#32.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 42

**Tentative Ruling:**

No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Davide Ghizzoni

Represented By  
Ginger Marcos

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10282 Marwill Properties LLC**

**Chapter 7**

**#32.01 Order to Show Cause Re Dismissal**

Docket 4

**Tentative Ruling:**

Marwill Properties LLC ("Debtor") filed this voluntary chapter 7 on January 31, 2018. Debtor is a limited liability company not represented by counsel in violation of LBR 9011-2(a). No notice of appearance has been filed by any attorney.

APPEARANCE REQUIRED

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

**Debtor(s):**

Marwill Properties LLC

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#33.00** Motion For Summary Judgment

Docket 11

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/28/18. Doc #19. -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Claudia Maria Ragsdale

Pro Se

**Defendant(s):**

Claudia Maria Ragsdale

Represented By  
William J Smyth

**Plaintiff(s):**

American Contractors Indemnity

Represented By  
R Gibson Pagter Jr.  
Misty A Perry Isaacson

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 14, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#34.00** Status Conference Re Complaint to:  
Determine Dischargeability of debt

fr. 9/27/17, 12/13/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 2/28/18. Doc #19. -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Claudia Maria Ragsdale Pro Se

**Defendant(s):**

Claudia Maria Ragsdale Pro Se

**Plaintiff(s):**

American Contractors Indemnity Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, February 15, 2018**

**Hearing Room 302**

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10:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#1.00 TRIAL Re:**

Chapter 7 Involuntary Petition

fr. 12/6/17, 1/17/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mainstream Advertising, a

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, February 15, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#2.00** EVID HRG re:  
Order to Show Cause Re: Civil Contempt  
Against (A) Mainstream Advertising;  
(B) Danny Bibi; and (C) Sheila Mishkan

fr. 2/13/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12453 Anthony Richard La Grasta**

**Chapter 7**

**#1.00 Pro se Reaffirmation Agreement Between Debtor and  
AmeriCredit Financial Services, Inc. dba Gm Financial**

fr. 1/16/18

Docket 14

**Tentative Ruling:**

This hearing was continued from January 16, 2018, to allow Debtor an opportunity to attempt negotiating a lower payment. What is the status of this matter?  
APPEARANCE REQUIRED

**1-16-18 TENTATIVE BELOW**

Petition date: 9/14/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? No.

Discharge?: No

Property: 2009 Chevrolet Traverse

Debtor's valuation of property (Sch. B): \$6,000

Amount to be reaffirmed: \$7,897.58

APR: 12.9%

Contract terms: \$323.42 for 49 months, with any remaining balance due at the end of the contract)

Monthly Income (Schedule I): \$2,190

Monthly expenses: (Schedule J): \$2,194

Disposable income: <\$4.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Anthony Richard La Grasta**

**Chapter 7**

Debtor has already included the payment on this debt on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until Feb. 20, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

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

**Debtor(s):**

Anthony Richard La Grasta

Pro Se

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12580 Bertha Ledesma**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor and  
Toyota Motor Credit Corporation**

Docket 20

**Tentative Ruling:**

Petition date: September 26, 2017

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Toyota Corolla

Debtor's valuation of property (Sch. B): \$25,000

Amount to be reaffirmed: \$25,749.50

APR: 0.9% fixed

Contract terms: \$399.98 per month for 66 months

Monthly Income (Schedule I): \$3,034.33

Monthly expenses: (Schedule J): \$3,823

Disposable income: <\$788.67>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explained in Sch. B that she is the co-obligor on the note and Crystal Ledesma makes the payments on this vehicle.

Debtor has a right to rescind agreement anytime prior to discharge, or until February 21, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Bertha Ledesma**

**Chapter 7**

**Debtor(s):**

Bertha Ledesma

Represented By  
Carlo Reyes

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#3.00 Reaffirmation Agreement Between Debtor  
and Toyota Motor Credit Corporation**

fr. 1/16/18

Docket 23

**Tentative Ruling:**

This hearing was continued from January 16, 2018, to allow Debtor an opportunity to offer creditor timely payments without reaffirming the debt, or to attempt negotiating a lower payment. What is the status of this matter?  
APPEARANCE REQUIRED

**1-16-18 TENTATIVE BELOW**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Toyota Tundra

Debtor's valuation of property (Sch. B): \$38,200

Amount to be reaffirmed: \$33,790

APR: 1.9%

Contract terms: \$852.80 per month for 49 months

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

Debtor says he is seeking to reduce expenses and family/friends will provide financial assistance, if needed

Debtor has a right to rescind agreement anytime prior to discharge, or until February 15, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

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

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12672 Davey James Short Orinas**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between Debtor  
and Santander Consumer USA Inc., dba Chrysler Capital**

fr. 1/16/18

Docket 15

**Tentative Ruling:**

This hearing was continued from January 16, 2018, to allow Debtor an opportunity to offer creditor timely payments without reaffirming the debt, or to attempt negotiating a lower payment. What is the status of this matter?  
APPEARANCE REQUIRED

**1-16-18 TENTATIVE BELOW**

Petition date: 10/4/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Range Rover

Debtor's valuation of property (Sch. B): \$23,095

Amount to be reaffirmed: \$24,109

APR: 10.39%

Contract terms: \$471.50 per month until May 2023

Monthly Income (Schedule I): \$4,755

Monthly expenses: (Schedule J): \$4,867.15

Disposable income: <\$111.16>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Davey James Short Orinas**

**Chapter 7**

Debtor says he is seeking to reduce expenses and family/friends will provide financial assistance, if needed

Debtor has a right to rescind agreement anytime prior to discharge, or until January 24, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

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

**Debtor(s):**

Davey James Short Orinas

Represented By  
David A Tilem

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12680 Lourdes Barros**

**Chapter 7**

**#5.00 Pro se Reaffirmation Agreement Between Debtor and  
Nissan Motor Acceptance Corporation**

Docket 12

**Tentative Ruling:**

Petition date:

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Nissan Rogue

Debtor's valuation of property (Sch. B): \$7,747

Amount to be reaffirmed: \$3,882.84

APR: 0% (fixed)

Contract terms: \$323.57 per month until October 5, 2018

Monthly Income (Schedule I): \$2,198

Monthly expenses: (Schedule J): \$2,178

Disposable income: \$20

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor listed this payment on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 9, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 20, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Lourdes Barros**

**Chapter 7**

**Debtor(s):**

Lourdes Barros

Represented By  
R Grace Rodriguez

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 21, 2018

Hearing Room 302

11:00 AM

**1:15-13795 Alisa Terkarapetyan**

**Chapter 7**

Adv#: 1:16-01084 Weil, Trustee v. Bursalyan et al

**#1.00** Status Conference re: Complaint

fr. 8/3/16; 11/2/16; 1/25/17, 3/1/17; 4/12/17; 8/23/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont. to 8/22/18 at 11am (eg), per tentative (eg)**

**Tentative Ruling:**

Having considered the status report, for good cause appearing, the status conference is continued to **August 22, 2018 at 11:00 a.m.**

APPEARANCE WAIVED on Feb. 21, 2017.

<b>Party Information</b>
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**Debtor(s):**

Alisa Terkarapetyan	Pro Se
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**Defendant(s):**

Markar Bursalyan	Pro Se
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Haroutun Bursalyan	Pro Se
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Alisa Terkarapetyan	Pro Se
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Alisa Terkarapetyan as a Trustee of	Pro Se
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Markar Bursalyan as a Trustee of the	Pro Se
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**Plaintiff(s):**

Diane C. Weil, Trustee	Represented By Aaron E de Leest
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**Trustee(s):**

Diane Weil (TR)	Represented By Brad Krasnoff
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**United States Bankruptcy Court  
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Courtroom 302 Calendar**

**Wednesday, February 21, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Alisa Terkarapetyan**

**Chapter 7**

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 21, 2018

Hearing Room 302

2:00 PM

1:10-10209 R.J. Financial, Inc.

Chapter 7

#2.00 Motion for Protective Order

fr. 11/4/15; 12/16/15, 2/3/16, 3/30/16; 5/11/16;  
8/17/16, 2/8/16, 11/16/16, 2/8/17, 6/14/17,10/18/17

Docket 619

\*\*\* VACATED \*\*\* REASON: order ent continuing hrg to 6/6/18 at 2:00  
p.m. - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

R.J. Financial, Inc.

Represented By  
Sandford Frey  
Stuart I Koenig  
Marta C Wade

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, February 27, 2018

Hearing Room 302

11:00 AM

**1:12-12702 Brenton Haggin and Gisa Haggin-Seeholzer**

**Chapter 13**

**#35.00** Trustee's Motion to Dismiss Case Due to  
Expiration of the Plan

fr. 1/23/18

Docket 44

**Tentative Ruling:**

**1/23/18 Tentative**

Trustee's MTD claims that the Debtor is \$3,675 in arrears. Debtor filed an opposition on January 16. Debtor's opposition argues that the balance is incorrect and requests that trustee perform a full accounting.

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

**Debtor(s):**

Brenton Haggin

Represented By  
Elena Steers

**Joint Debtor(s):**

Gisa Haggin-Seeholzer

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#36.00 Trustee's Motion to Dismiss Case**

fr. 11/28/17, 1/23/18

Docket 100

**Tentative Ruling:**

It appears that Debtors are making progress toward selling the property.

**1/23/18 Tentative**

Nothing new has been filed. What is the status of Debtor's attempt to sell property?

APPEARANCE REQUIRED

**11/28/17 Tentative**

Trustee moves to dismiss due to expiration of the plan and failure to pay remaining balance of \$14,100. Debtor opposes the motion on the grounds that debtor is prepared to make the final payment with funds from the proceeds from the sale of her house. The house was listed in the past week, and debtor will file a motion to sell once a buyer is found. See Doc. No. 101.

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#37.00 Debtor's Motion to Avoid Junior  
Lien on Principal Residence**

Docket 107

**Tentative Ruling:**

Service: Proper.

Property Address: 8524 Lindley Ave, Northridge, CA 91325

First trust deed: \$419,503.08 (WF)

Second trust deed: \$ 78,987.52 (WF)

Third Trust Deed (**to be avoided**): \$109,522.58 (BNYM)

Fair market value per appraisal: \$415,000 as of August 29, 2012

No opposition filed. Debtor has not shown compliance with In re Chagolla, 544 B.R. 676 (B.A.P. 9th Cir. 2016).

"In order to bring a motion to value and avoid the lien of a junior lienholder under the section of the Bankruptcy Code governing determination of secured status after a debtor has received a discharge or the case is closed, at a minimum, the following must be satisfied: (1) the confirmed plan must call for avoiding the wholly unsecured junior lien and treat any claim as unsecured, (2) the Chapter 13 trustee must treat the claim as unsecured pursuant to the plan, and (3) the creditor must not be sufficiently prejudiced so that it would be inequitable to allow avoidance after entry of discharge or the closing of the case. 11 U.S.C.A. § 506(a)." Id.

While Debtor's second amended plan (Doc. No. 40) provided for the avoidance of a judgment lien held by Equable Ascent Financial, LLC, it did not provide for avoidance of Bank of New York Mellon's junior mortgage. In fact, the plan did not provide any treatment of BNYM's claim. Debtor appears to have forgotten that this lien existed at the time the case was filed. BNYM was not included in Debtor's amended schedules, so it is unclear whether BNYM received notice. Also unclear is the chapter 13 trustee's treatment of the claim. The trustee paid a portion of BNYM's late filed claim, but not until the final two months of the plan and not in the amount it would have received if it had been treated as a general unsecured claim. It is hard to imagine such circumstances satisfying the second requirement under In re Chogalla.

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**Tuesday, February 27, 2018**

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11:00 AM

**CONT... Christine Grimes Shore**  
Motion is DENIED.

**Chapter 13**

APPEARANCE REQUIRED

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Movant(s):**

Christine Grimes Shore

Represented By  
Elena Steers  
Elena Steers  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#38.00** Motion RE: Objection to Claim Number 6 by Claimant  
The Bank of New York Mellon

Docket 105

**Tentative Ruling:**

**Service:** Proper

**Objection:** 502(b)(9) claim untimely filed

- Claim #6-1:
  - Filed: March 29, 2013 for \$109,522.58 (SECURED)
  - Claims bar date: December 26, 2012
  - Description: Fully unsecured junior lienholder secured by debtor's primary residence.

Disposition: GRANTED

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#39.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17, 1/23/18

Docket 47

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12705 Ron Cota and Magnolia Sancho Cota**

**Chapter 13**

**#40.00 Motion for Hardship Discharge**

Docket 28

**Tentative Ruling:**

Debtors move the court for entry of discharge pursuant to § 1328(b). No opposition has been filed. Section 1328(b) allows the Court to grant a "hardship discharge" is if several requirements are met:

**(b)** Subject to subsection (d), at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

**(1)** the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;

**(2)** the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

**(3)** modification of the plan under section 1329 of this title is not practicable.

**(c)** A discharge granted under subsection (b) of this section discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502 of this title, except any debt—

**(1)** provided for under section 1322(b)(5) of this title; or

**(2)** of a kind specified in section 523(a) of this title.

Upon a motion for discharge under §1328(b), Rule 4007(d) requires the Court to take certain actions:

Rule 4007. Determination of Dischargeability of a Debt

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Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, February 27, 2018

Hearing Room 302

11:00 AM

CONT... **Ron Cota and Magnolia Sancho Cota**

**Chapter 13**

**(d) Time for Filing Complaint Under §523(a)(6) in a Chapter 13**

**Individual's Debt Adjustment Case; Notice of Time Fixed.** On motion by a debtor for a discharge under § 1328(b), the court shall enter an order fixing the time to file a complaint to determine the dischargeability of any debt under §523(a)(6) and shall give no less than 30 days' notice of the time fixed to all creditors in the manner provided in Rule 2002. On motion of any party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.

**Circumstances Leading to Hardship Discharge**

As of the petition date in August 2015, Ron Cota earned \$1,300 per month as an Uber driver. Co-debtor Magnolia Sancho Cota has been employed in food service by the Los Angeles Unified School District since the petition date, earning \$1,849 per month. Debtors filed amended schedules I and J showing that, while Ms. Cota's income has not changed, Mr. Cota is not employed. Debtors' monthly expenses now exceed their income by over \$300. The expenses listed on the amended schedule J are modest, including \$800 rental payments. All payments are at or below the IRS National Standards for Allowable Living Expenses. Even at the time of filing, Debtors' combined income was \$33,636.24, far below the median income for a family of their size as calculated on Form 22C-1. Mr. Cota states in his declaration that, with him unable to find employment, he and his wife have been living on a "tight budget." The documents submitted by Debtors indicate that they have been living on an impossible budget. Including the \$370 plan payments, Debtors' monthly expenses exceed their income by over \$670, or roughly 50% of their net income.

The motion and supporting declarations establish that Mr. Cota is no longer able to work as an Uber or Lyft driver because the three cars owned by the couple, a 1988 Toyota Pickup, 1985 Volkswagen Rabbit, and a 2001 Honda Odyssey, are in poor condition and would not pass inspection to drive for Lyft and Uber. Mr. Cota worked for a short time post-petition as a truck driver, but was laid off in June 2017.

The Court finds that the Debtors' failure to complete plan payments were due to circumstances for which Debtors could not justly be held accountable in satisfaction of § 1328(b)(1).

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**CONT... Ron Cota and Magnolia Sancho Cota  
Liquidation Analysis**

**Chapter 13**

Debtor's chapter 13 plan reflects that the amount distributed to nonpriority unsecured creditors in a hypothetical chapter 7 liquidation would be \$0 as all of Debtors' assets are exempt. No objection to the confirmation of Debtors' plan ever contested this liquidation analysis. The liquidation analysis component of § 1328(b)(2) is satisfied.

**Practicability of Modification**

Modification of a chapter 13 plan under § 1329(a) must meet the requirements of §§ 1322(a), 1322(b), and 1322(c). 11 U.S.C. 1329(b). Section 1322 (a)(6) requires that "the debtor will be able to make all payments under the plan and to comply with the plan." This feasibility requirement, as incorporated by § 1329(b), requires that any modification be supported by realities of Debtors' budget. Based upon the evidence before the Court, modification of the plan under § 1329 is not feasible and § 1328(b)(3) is therefore satisfied.

**Prior Discharge**

Debtors previously filed a chapter 7 on June 29, 2010 and received a standard chapter 7 discharge on October 22, 2010. Section 1328(f) states as follows:

**(f)** Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

- (1)** in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or
- (2)** in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.

This case was filed more than four years after the prior case in which Debtors

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**CONT... Ron Cota and Magnolia Sancho Cota**  
received a discharge was filed.

**Chapter 13**

**Personal Financial Management Course**

It does not appear that Debtors have completed a personal financial management course as required by § 1328(g). Debtors will need to complete the course before the Court can enter a discharge under § 1328.

**Conclusion:**

The Court will enter an order pursuant to Rule 4007(d) and continue this matter to March 27, 2018. In that time, Debtors should take action to comply with § 1328(g).

NO APPEARANCE REQUIRED

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

**Debtor(s):**

Ron Cota

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Magnolia Sancho Cota

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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11:00 AM

**1:16-11658 Jorge A. Gomez**

**Chapter 13**

**#40.01** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 78

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jorge A. Gomez

Represented By  
Arsen Pogosov  
Yuri Voronin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#41.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 11/28/17

Docket 48

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#41.01** Order to appear and show cause why attorney Claudia Phillips 1) Should not be sanctioned for failure to represent debtors and 2) Why her clients should not be advised of her absence and 3) Why any further fees should be disbursed to her from any chapter 13 trustee.

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12695 Sonia E Mole**

**Chapter 13**

**#42.00** Application for Payment of Final Fees and/or  
Expenses for former Chapter 7 Trustee Diane C Weil

Period: 1/27/2017 to 2/27/2018  
Fees: \$5,069.50 Expenses: \$0

Docket 54

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Sonia E Mole

Represented By  
Elena Steers  
Edmond Richard McGuire

**Movant(s):**

Diane C Weil (TR)

Represented By  
John N Tedford  
Sonia Singh

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12695 Sonia E Mole**

**Chapter 13**

**#43.00** Application for Payment of Final Fees and/or Expenses for  
Danning, Gill, Diamond & Kollitz, LLP, Trustee's Attorney

Period: 6/20/2017 to 2/27/2018

Fees: \$16,760 Expenses: \$984.70

Docket 55

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Sonia E Mole

Represented By  
Elena Steers  
Edmond Richard McGuire

**Movant(s):**

Danning, Gill, Diamond & Kollitz,

Represented By  
John N Tedford

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13460 Kathy Sophia Brening-Ray**

**Chapter 13**

**#44.00** Motion RE: Objection to Claim Number 4 by  
Claimant HSBC BANK USA, National Association,  
as Trustee for the J.P.MORGAN Alternative Loan Trust

Docket 48

**Tentative Ruling:**

**Service:** Proper

**Objection:**

- Claim #4-1:
  - Filed: April 6, 2017 for \$397,388.67 (SECURED)
  - Description:

Debtor is seeking declaratory relief to determine Debtor's actual mortgage payment and the arrears, if any, owed to HSBC's mortgage loan servicer (Nationstar/Mr. Cooper). Debtor claims that Nationstar incorrectly inflated her interest payments under the Adjustable Rate Rider to the Note and Deed of Trust. Debtor alleges that Cooper was informed of the mistaken mortgage interest calculation approximately a year ago but has taken no action to correct the mortgage payment. Debtor seeks sanctions against HSBC for filing an improper claim using an interest rate of 6.5% rather than a lower rate (between 3% and 3.59%) claimed by Debtor based on the LIBOR Index at the time. Debtor also claims that HSBC improperly charged her for hazard insurance.

HSBC responds that Debtor is incorrect in her understanding of the applicable interest rate under the loan. HSBC claims that the correct interest rate for September 1, 2011 through August 1, 2016 was 6.5%. On August 1, 2016, Debtor's interest rate declined to 3.5% according to HSBC, but payments were increased based upon delinquent interest payments which were added to the unpaid principal balance. HSB alleges that the interest rate on the variable rate loan then changed again post-petition on August 1, 2017. HSBC makes no response as to the allegations that

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11:00 AM

**CONT... Kathy Sophia Brening-Ray**

**Chapter 13**

hazard insurance was improperly charged.

Is Debtor's objection satisfied by HSBC's response, or will an evidentiary hearing be necessary?

APPEARANCE REQUIRED

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

**Debtor(s):**

Kathy Sophia Brening-Ray

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10117 Gregory A Harris**

**Chapter 13**

**#45.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 1/23/18

Docket 74

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Gregory A Harris

Represented By  
Brad Weil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10841 Jorge Osvaldo Ortiz**

**Chapter 13**

**#46.00** Motion to Avoid Lien JUNIOR LIEN with WELLS FARGO BANK, N.A.

Docket 51

**Tentative Ruling:**

Service: IMPROPER under Rule 7004(h). Service on an Insured Depository Institution must be made by certified mail **to an officer of the institution.**

**APPEARANCE IS WAIVED.** Debtor should re-notice the matter after proper service.

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

**Debtor(s):**

Jorge Osvaldo Ortiz

Represented By  
Grace White

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12292 Mary J Hilyard**

**Chapter 13**

**#47.00** Objection to Homestead Exemption

fr. 1/23/18

Docket 0

**Tentative Ruling:**

Trustee did not have an opportunity review the amended schedule C or amended plan which were filed on same day as the previous hearing. Having had time to review the amended schedules, does Trustee intend to withdraw this objection?

**1/23/18 Tentative**

The Chapter 13 Trustee Objects to Debtor's claim of exemption in 100% of an unknown value of Debtor's 2016 tax refund.

Debtor's response to Objection to Confirmation (Doc. No. 28) states that resolution of this issue is likely to require further amendment to the chapter 13 plan.

What is the status of the mortgage modification that Debtor was pursuing as of the November confirmation hearing?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mary J Hilyard

Represented By  
Dana M Douglas

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12310 Dilip Vasant Ghotikar**

**Chapter 13**

**#48.00** Motion to Withdraw as Counsel M. Erick Clark

Docket 28

**Tentative Ruling:**

Debtor and his counsel, M. Erick Clark, have had a dispute over Clark's services, specifically in relation to Mr. Clark filing a supplemental fee application for \$1,398 for work done on a motion to extend the automatic stay under § 362(c)(3). Debtor states that Mr. Clark did not consult nor inform him of any additional services—meaning, presumably, the motion to impose the automatic stay.

The Rights and Responsibilities Agreement ("RARA") filed as document number 13 in this case and signed by Debtor requires Mr. Clark to provide certain services. One of the required services which is listed, but not covered the \$7,000 RARA fee, is "15. Prepare, file, and serve any other motion that may be necessary to appropriately represent the Debtor in the Case, including, but not limited to, motions to impose or extend the automatic stay."

Clark's reply to Debtor's objection states that a motion to continue the automatic stay was contemplated at the time the case was filed due to the dismissal of Debtor's prior chapter 13 case, 14-10770-VK. Indeed, the chapter 13 plan filed on August 30, the same day the petition was filed in this case, provides for \$2,000 in estimated fees for "anticipated supplemental attorney's fee for a Motion to Extend the Stay is listed herein to best estimate the amount of the plan payment going forward. Debtor and his attorney understand that this fee will not be paid unless the Court approves an application for supplemental fee." The plan bears an electronic signature for Debtor.

It appears that Debtor agreed to the filing of the motion to extend before the case was even filed.

Clark provides case law to support the motion to withdraw due to conflicts regarding attorney fees. Debtor has filed no opposition to the motion to withdraw.

The motion to withdraw is GRANTED. Mr. Clark's supplemental fee application is

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**CONT... Dilip Vasant Ghotikar**  
APPROVED.

**Chapter 13**

APPEARANCE REQUIRED

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

**Debtor(s):**

Dilip Vasant Ghotikar

Represented By  
Michael E Clark  
Barry E Borowitz

**Movant(s):**

Dilip Vasant Ghotikar

Represented By  
Michael E Clark  
Michael E Clark  
Barry E Borowitz  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12310 Dilip Vasant Ghotikar**

**Chapter 13**

**#49.00** Application for Compensation for Supplemental  
Fees for Barry E Borowitz  
Period: 8/30/2017 to 10/30/2017,  
Fee: \$1,398.00, Expenses: \$

fr. 1/23/18

Docket 21

**Tentative Ruling:**

See Calendar Number 48.

<b>Party Information</b>
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**Debtor(s):**

Dilip Vasant Ghotikar

Represented By  
Michael E Clark  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12363 Janice Marie Semien**

**Chapter 13**

**#50.00 Trustee's Objection to Homestead Exemption**

Docket 29

**Tentative Ruling:**

Trustee objects to Debtor's exemption because Debtor claims homestead exemption under both C.C.P § 703 and § 704. California offers debtors a choice from two different, mutually exclusive exemption schemes. In re Geisenheimer, 530 B.R. 747, 749 (Bankr. E.D. Cal. 2015). Under California law, debtors may elect either the set of special exemptions under §703.140(b) available only to debtors in bankruptcy ("special bankruptcy exemptions") or the set of regular exemptions under sections 704.010-704.995 available to judgment debtors generally outside of bankruptcy ("regular exemptions"), but they may not elect both. In re Geisenheimer, 530 B.R. at 750 (citing Cal. Civ. Proc. Code §703.140(a), stating that the exemptions provided by subdivision (b) may be elected in lieu of all other exemptions provided by this chapter).

Trustee also objects to Debtor's attempt to exempt \$325.00 of equity in a checking account under §706.050 because §706.050 provides for the amount of employee earnings exempt under a wage levy and Debtor has not provided any evidence that these funds were employee earnings under a wage garnishment. In addition, as stated above, the Debtor must either use §703 or §704 code sections for exemptions.

Trustee also objects to Debtor's attempt to exempt an unknown amount of equity in her Pfizer Pension. The Debtors must state the dollar amount of the exemption amount claimed. Schwab v. Reilly, 560 U.S. 770, 790 (2010) (holding that a party can object to an exemption on the basis of an unstated amount to test the value of that exemption).

On February 12, 2018, Debtor filed an Opposition to Chapter 13 Trustee's Notice of Objection and Objection to Debtor's Claim of Homestead Exemptions (Doc. No. 32), filing Amended schedules A, B, and C to remove claimed exemptions under C.C.P. §

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**CONT...**      **Janice Marie Semien**  
703.

**Chapter 13**

Additionally, Debtor amended claimed exemptions of \$25.00 cash and \$300.00 checking account balance as exempt under C.C.P. §704.070. Debtor has withdrawn the claimed exemption of an unknown exemption amount in the Pfizer Pension account.

It appears that the objections are moot, will the Trustee withdraw objections?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Janice Marie Semien

Represented By  
Vernon R Yancy

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12579 Natalia V Altun**

**Chapter 7**

**#50.01 Debtor's Motion to Convert  
Case From Chapter 7 to 13**

Docket 12

**Tentative Ruling:**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Natalia V Altun	Pro Se
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**Movant(s):**

Natalia V Altun	Pro Se
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**Trustee(s):**

David Seror (TR)	Pro Se
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12732 Miriam Claudia Munoz**

**Chapter 13**

**#51.00** Trustee's Objection to Homestead Exemption

Docket 34

**\*\*\* VACATED \*\*\* REASON: Case dismissed, see doc. No. 38 -CT**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Miriam Claudia Munoz

Represented By  
Scott Kosner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12768 Nicholas Peter Mascis**

**Chapter 13**

**#52.00** Objection to Homestead Exemption.

Docket 18

**Tentative Ruling:**

The Trustee objects to the Debtor's attempt to exempt \$2,475 of cash in a personal savings account under C.C.P. §704.070 (pre-petition wages). The Debtor has provided no evidence that the funds in the personal accounts were in fact paid earnings as defined as above or if the funds are subject to an enforcement of a money judgement or levy. Further, the Debtor has not provided any evidence as to the origin of the funds, or if the funds were subject to any earnings withholding orders.

On January 23, 2018 around noon, Debtor filed an Amended Schedule C, removing the \$2,475 cash amount in a personal savings account. That same day, around 4:30 p.m., Trustee filed an amended objection with no apparent changes which attached the original, unamended schedule C. Did the Trustee see the amended schedule C? This issue appears to be moot, will trustee withdraw the objection?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Nicholas Peter Mascis

Represented By  
David S Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12812 Robert Marasigan Artificio**

**Chapter 13**

**#53.00** Trustee's Objection to Homestead Exemption

Docket 30

**\*\*\* VACATED \*\*\* REASON: Case dismissed 1/25/18**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Robert Marasigan Artificio

Represented By  
Carlo Reyes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Central District of California  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12885 Karen Marcy Santos Pham**

**Chapter 13**

**#54.00** Motion RE: Objection to Claim Number 1 by Claimant Idefonza Rivera.

Docket 24

**Tentative Ruling:**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Karen Marcy Santos Pham

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12903 Gary Anthony Radford and Joelle Catherine Radford**

**Chapter 13**

**#55.00 Trustee's Objection to Homestead Exemption**

Docket 19

**Tentative Ruling:**

The Trustee objects to the Debtors' attempt to exempt \$1,800 in a tax refund under C.C.P. §704.070 (pre-petition wages). The Debtors have not provided a tax year for the tax refund of \$1,800. The Trustee objects to the Debtors' attempt to exempt this equity as the Debtors have not provided any evidence that they are entitled to this exemption. Furthermore, the Trustee objects to this attempt to exempt refunds on the grounds that such refunds actually constitute future income which must be contributed to the Debtors' Chapter 13 plan.

As of February 15, Debtor has filed no response.

OBJECTION SUSTAINED.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Gary Anthony Radford

Represented By  
David H Chung

**Joint Debtor(s):**

Joelle Catherine Radford

Represented By  
David H Chung

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, February 27, 2018**

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11:00 AM

**1:17-13018 Michael Kewley**

**Chapter 13**

**#56.00 Motion to Dismiss Case**

Docket 37

**Tentative Ruling:**

Secured creditor William Bigelson as trustee for the William Bigelson CPA 401(k) Profit Sharing Plan ("Creditor") filed this motion to dismiss the case under §1307(c) for cause due to bad faith. Creditor holds a note secured by a deed of trust on debtor's residence located at 23625 Summit Dr., Calabasas, CA 91302 (the "Property"). A foreclosure sale was scheduled for November 3, 2017. The motion alleges that debtor attempted to prevent the foreclosure sale by recording a deed of trust in favor of an entity called "7 Anvil Trust," which Debtor allegedly told Creditor was in chapter 13 bankruptcy. It was later clarified that the case was filed by an individual, Robert Dorian aka 7 Anvil. The Robert Dorian case was dismissed on November 13, 2017 for failure to file papers. This case was filed on November 12, 2017. Creditor attaches a copy of the deed of trust as evidence of the transfer of the Property.

Debtor failed to file an opposition to this motion. The uncontroverted statements by Creditor indicate bad faith in filing this case sufficient to warrant dismissal under § 1307(c). Motion GRANTED.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Michael Kewley

Represented By  
Jerry Rulsky

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Central District of California  
San Fernando Valley  
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**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13102 Richard C Barrett**

**Chapter 13**

**#57.00** Motion For Order Compelling Attorney To File Disclosure  
Of Compensation Pursuant To 11 U.S.C. § 329

Docket 22

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 2/21/18 - jc**

**Tentative Ruling:**

This chapter 13 case was filed as an emergency filing on November 20, 2017. On December 4, 2017, the final day for filing schedules, Debtor filed a Motion to Extend Time to File Schedules or Provide Required Information, and/or Plan. The Court granted the order, extending the time to file schedules to December 18, 2017. Debtor failed to file any further documents, and the case was dismissed on January 9, 2018.

The United States Trustee brings this motion to compel Debtor's attorney, Robert S. Altagen, to file a disclosure of compensation statement pursuant to § 329 and Rule 2016. Section 329 provides as follows:

§ 329. Debtor's transactions with attorneys

(a) Any attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation.

(b) If such compensation exceeds the reasonable value of any such services, the court may cancel any such agreement, or order the return of any such payment, to the extent excessive, to--

(1) the estate, if the property transferred--

(A) would have been property of the estate; or

(B) was to be paid by or on behalf of the debtor under a plan under chapter 11,

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11:00 AM

**CONT... Richard C Barrett**

**Chapter 13**

12, or 13 of this title [11 USCS §§ 1101 et seq., 1201 et seq., or 1301 et seq.]; or

(2) the entity that made such payment.

Mr. Altagen subsequently filed a disclosure of compensation form dated February 8, 2018, indicating that he received \$1,500 in compensation, including the \$310 filing fee. Mr. Altagen provides substantially no reason for why Debtor's documents were not timely filed.

Rule 2017(a) requires the court to determine, upon notice and a hearing, "whether any payments of money or transfer of property by the debtor . . . to an attorney for services rendered or to be rendered is excessive."

The Trustee reserved the right in its motion to request disgorgement of the fees. Does the trustee intend to seek disgorgement of the attorney fees based upon the compensation disclosure?

APPEARANCE REQUIRED

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

**Debtor(s):**

Richard C Barrett

Represented By  
Robert S Altagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13386 Mary F Kimball**

**Chapter 13**

**#58.00** Motion For Order Compelling Attorney To File Disclosure  
Of Compensation Pursuant To 11 U.S.C. § 329

Docket 23

**Tentative Ruling:**

The United States Trustee ("Trustee") brings this motion as a result of a string of cases filed by attorney Leslie Richards, including three previous cases filed by this debtor in 2017, in which no disclosure of compensation was filed as required by 11 U.S.C. § 329(b) and FRBP 2016. Trustee seeks disgorgement of any fees paid, if appropriate under the circumstances.

Richards filed a compensation disclosure in this case on January 28 as docket number 35. The disclosure was flagged with a filer error due to Debtor's name being signed using an improper electronic signature. The disclosure states that Debtor's signature could not be obtained because Debtor is out of the country until February 20, 2018. The Disclosure states that Richards agreed to accept \$3,000 for the case, but has not received any payments to date.

In a previous hearing, on a motion to vacate dismissal brought by Debtor, Richards admitted that she did not file this case, and that it was filed without her knowledge by her paralegal, Mr. Hill.

The motion compelling disclosure of compensation is GRANTED with no ruling on disgorgement.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mary F Kimball

Represented By  
Leslie Richards

**United States Bankruptcy Court  
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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Mary F Kimball**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Courtroom 302 Calendar**

**Tuesday, February 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10114 Calina Guadalupe Salgado**

**Chapter 13**

**#59.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 18

**Tentative Ruling:**

On January 11, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 17-12361-MT, was filed on September 2, 2017 and dismissed on December 1, 2017 for failure to appear at a confirmation hearing. Debtor has moved to vacate the dismissal, but does not appear to have lodged an order for the Court's consideration.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case.

No opposition was filed. The Court finds that the instant case was filed in good faith under § 362(c)(3)(B) as to all creditors.

MOTION GRANTED. No Appearance required. Movant to lodge order.

**Party Information**

**Debtor(s):**

Calina Guadalupe Salgado

Represented By  
Anthony P Cara

**Movant(s):**

Calina Guadalupe Salgado

Represented By  
Anthony P Cara  
Anthony P Cara

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**CONT... Calina Guadalupe Salgado**

**Chapter 13**

United States Bankruptcy Court  
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Tuesday, February 27, 2018

Hearing Room 302

11:00 AM

1:17-12711 Norman Fathi

Chapter 13

#60.00 Motion for Order Determining  
Value of Collateral

Docket 26

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to April 24, 2018 at  
11 a.m. (doc. 31) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Movant(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Wednesday, February 28, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10265   Melania Adamian**

**Chapter 13**

**#1.00**   Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket       0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melania Adamian

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Wednesday, February 28, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10307 Katie Sulamita Coreas**

**Chapter 13**

**#2.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Katie Sulamita Coreas

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Hearing Room 302**

9:00 AM

**1:18-10317 Ronald Love**

**Chapter 13**

**#3.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ronald Love

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**Wednesday, February 28, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#4.00** Application to Employ Stephen L. Burton as Attorney  
for Chapter 11 Debtor

Docket 90

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The Court is inclined to APPROVE the Application if Counsel agrees to (1) be employed under §§ 327 & 330; and (2) a 50% holdback in any drawdown on the post-petition retainer until a plan is confirmed. Counsel may also be required to file monthly fee statements if there is any drawdown on the post-petition retainer.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

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**Wednesday, February 28, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 9/8/16; 1/19/17; 1/26/17, 7/12/17; 9/27/17,  
11/29/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Michael Jay Berger

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**Wednesday, February 28, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#6.00 Scheduling and Case Management Conference**

fr. 11/1/17, 10/25/17, 1/17/18

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

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Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

1:13-12733 Joe Momdjian

Chapter 13

#6.01 Motion for relief from stay

WELLS FARGO BANK, N.A.

10/18/17, 12/6/17, 1/10/18, 2/14/18

Docket 41

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Parties stipulated to continue this hearing from February 14, 2018 to continue to discuss terms of an APO. What is the status of this motion?

APPEARANCE REQUIRED

**2/21/18 Tentative**

Parties stipulated to continue this hearing from February 14, 2018 to continue to discuss terms of an APO. What is the status of this motion?

APPEARANCE REQUIRED

**2/14/18 Tentative**

Parties stipulated to continue this hearing from January 10, 2018 to continue to discuss terms of an APO. What is the status of this motion?

APPEARANCE REQUIRED

**1/10/18 Tentative**

This hearing was continued by stipulation from Dec. 6, 2017, so that the parties could continue discussing the terms of an APO. Nothing filed since the stipulation. What is the status of this motion?

APPEARANCE REQUIRED

**10/18/17 Tentative**

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**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Joe Momdjian**

**Chapter 13**

Petition Date: 04/22/13  
Chapter: 13 (Plan confirmed on 07/31/13)  
Service: Proper. Opposition filed.  
Property: 5214 Woodman Ave. Sherman Oaks, CA 91402-5828  
Property Value: \$580,000.00 (per debtor's schedules)  
Amount Owed: \$ 453,820.20 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$15,409.49 (4 payments of \$2,824.12; 2 payments of \$2,803.13)

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **12** (Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)C(2)(C)); and **13** (if relief from stay is not granted, adequate protection shall be ordered).

Debtor opposes the motion and arguing that the real property worth \$1,000,000.00 and thus movant has a sufficient equity cushion to provide adequate protection.

**APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.**

**MOVANT TO LODGE ORDER WITHIN 7 DAYS.**Petition Date: 04/22/13

Chapter: 13 (Plan confirmed on 07/31/13)

Service: Proper. Opposition filed.

Property: 5214 Woodman Ave. Sherman Oaks, CA 91402-5828

Property Value: \$580,000.00 (per debtor's schedules)

Amount Owed: \$453,820.20 (per RFS motion)

Equity Cushion: 14%

Equity: \$126,179.80

Post-Petition Delinquency: \$15,409.49 (4 payments of \$2,824.12; 2 payments of \$2,803.13)

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)C(2)(C)).

Debtor opposes the motion and argues that the real property is worth \$1,000,000.00 and thus movant has a sufficient equity cushion to provide adequate protection.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Joe Momdjian**

**Chapter 13**

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Joe Momdjian

Represented By  
Roland H Kedikian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:11-17625 Nathaniel Hall**

**Chapter 13**

**#7.00 Motion For Relief From Stay**

**WELLS FARGO BANK NA**

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 06/22/2011

Chapter: 13

Service: Proper. No opposition filed.

Property: 11355 Camaloa Avenue, Sylmar, CA 91342

Property Value: \$360,000 (per debtor's schedules)

Amount Owed: \$451,736.81 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$100,764.08 (2 payments of \$2,216.80; 1 payment of \$2,144.63; 3 payments of \$2,140.72; 9 payments of \$2,278.67; 3 payments of \$2,278.65; 4 payments of \$2,426.94; 12 payments of \$2,507.68; 2 payments of \$2,425.16; 1 payment of \$3,222.00; 4 payments of \$3,226.17; less suspense account or partial paid balance of \$357.21)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

DENY relief under paragraph **6** (Co-debtor stay is waived) because there is no co-debtor stay in effect.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Nathaniel Hall**

**Chapter 13**

**Debtor(s):**

Nathaniel Hall

Represented By  
Stephen Parry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#8.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 2053

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 01/09/2012  
Chapter: Ch.7 (Previous Ch. 11)  
Service: Proper. No opposition filed.  
Property: 896 South Garfield Avenue, Monterey Park, CA 91754  
Property Value: \$223,334 (per debtor's schedules)  
Amount Owed: \$614,529.42 (per RFS motion)  
Equity Cushion: N/A  
Equity: \$0.00.  
Post-Petition Delinquency: 133 unmade payments of \$209,780.94

Movant details the unauthorized transfer in April 2007, of all or part ownership of, or other interest in, the Property without the consent of the Movant or court approval. This pattern sufficiently demonstrates a scheme to hinder, delay, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4) (bad faith));

DENY relief under paragraphs; **6** (Co-debtor stay is waived) because there is no co-debtor stay in effect;

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Movant(s):**

Deutsche Bank National Trust                      Represented By  
Merdaud Jafarnia

**Trustee(s):**

David Seror (TR)                      Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

**1:16-11667 Francisco Victor Rodriguez**

**Chapter 13**

**#9.00** Motion for relief from stay

ROBERTO MENDOZA

Docket 72

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 06/03/2016

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Movant: Roberto Mendoza

Relief Sought to: Pursue Pending Litigation \_\_\_ Commence Litigation \_\_\_  
Pursue Insurance \_\_\_ Other

Litigation Information

Case Name: Roberto Mendoza v. Francisco Victor Rodriguez

Court/Agency: Superior Court of California, County of Los Angeles, Glendale Courthouse

Date Filed: 05/12/2015

Judgment Entered:

Trial Start Date:

Action Description: Breach of Contract; Breach of Covenant of Good Faith and Fair Dealing; Breach of Fiduciary Duty; Fraud; Slander; Assault; Battery; Conversion; Common Count; Statutory Unfair Competition; Accounting; Declaratory Relief; Intentional Infliction of Emotional Distress; Unfair Competition

Grounds

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3<sup>rd</sup> Parties X\_\_\_

Nondischargeable \_\_\_

Mandatory Abstention \_\_\_ Non-BK Claims Best Resolved in Non-BK Forum \_\_\_

Other:

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Francisco Victor Rodriguez**

**Chapter 13**

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); **4** (co-debtor stay is waived) and **5** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Francisco Victor Rodriguez

Represented By  
Kevin T Simon

**Movant(s):**

Roberto Mendoza

Represented By  
Eamon Jafari

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#10.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 04/18/2017

Chapter: 13

Service: Proper. Opposition filed 02/15/18 (1 day late)

Property: 8037 Mammoth Avenue, Los Angeles, CA 91402

Property Value: \$439,000.00 (per debtor's schedules)

Amount Owed: \$284,644.27 (per RFS motion)

Equity Cushion: 27%

Equity: \$160,262.01

Post-Petition Delinquency: \$9,926.95 (5 payments of \$1,779.55; \$1,031.00 in Attorneys' fees and costs; Less \$1.80 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor opposes the Motion, declaring that all postpetition arrearages will be cured by the hearing date on this motion and/or debtor will enter into an APO with Movant.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Mario Alberto Cerritos**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank,N.A, As Trustee

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11267 Irma Villalpando**

**Chapter 13**

**#11.00** Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 73

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 05/12/2017

Chapter: 13

Service: Proper. Opposition filed on 2/16/18 (2 days late)

Property: 13849-13851 Roscoe Boulevard, Panorama City, California 91402

Property Value: \$475,000.00 (per debtor's schedules)

Amount Owed: \$448,347.23 (per RFS motion)

Equity Cushion: N/A

Equity: \$26,652.77

Post-Petition Delinquency: \$1,853.52 (2 payments of \$1,853.32; less \$1,853.12 of suspense account of partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor opposes the motion, arguing that the Property is necessary for an effective reorganization. Debtor filed or intends to file a plan of reorganization that requires use of the Property.

Debtor also argues the motion should be denied because the Debtor will be current on or before the hearing. In the alternative, Debtor will seek an Adequate Protection Order to cure arrears that have accrued post-petition.

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Irma Villalpando**

**Chapter 13**

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Dane W Exnowski  
John D Schlotter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

1:17-11821 Sergio Estuardo Camey

Chapter 13

#11.01 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 2/14/18

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from February 14, 2018 to discuss terms of an APO.  
What is the status of this motion?

APPEARANCE REQUIRED

**2-14-17 TENTATIVE BELOW**

Petition Date: 07/10/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 7252 Capps Avenue, Reseda CA, 91335

Property Value: \$465,870 (per debtor's schedules)

Amount Owed: \$293,542.94 (per RFS motion)

Equity Cushion: 29% (assuming 8% cost of sale)

Equity: \$172,327.06

Post-Petition Delinquency: \$5,084.94 (1 payment of \$1,895.93; 2 payments of \$1,895.93; less suspense account or partial paid balance \$1,633.85)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (co-debtor stay is terminated, modified, or annulled as to the co-debtor, on same terms and conditions as to Debtor); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Sergio Estuardo Camey**

**Chapter 13**

**Party Information**

**Debtor(s):**

Sergio Estuardo Camey

Represented By  
Donald E Iwuchuku

**Movant(s):**

The Bank of New York Mellon fka

Represented By  
Erin M McCartney

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

**1:17-13369 Isabel Corona and Sergio Rodriguez**

**Chapter 7**

**#12.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 12/21/2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle 2013 Toyota Sienna  
Property Value: \$15,000 (per debtor's schedules)  
Amount Owed: \$24,348.31  
Equity Cushion: N/A  
Equity: \$0.00.  
Delinquency Amount: \$2,464.45

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law)

DENY relief under paragraph **6** (Co-debtor stay is waived) because there is no co-debtor stay in effect;

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Isabel Corona

Represented By  
Jennifer Ann Aragon

**Joint Debtor(s):**

Sergio Rodriguez

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Isabel Corona and Sergio Rodriguez**

**Chapter 7**

Jennifer Ann Aragon

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10117 Sabrina Pirnejad**

**Chapter 13**

**#13.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO.,  
ON BEHALF OF BOSCO CREDIT II TRUST

Docket 13

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 01/12/2018  
Dismissed w/ 180-day bar: 1/24/18  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 5050 Serrania Avenue, Woodland Hills, CA 91364  
Property Value: \$950,000 (per debtor's schedules)  
Amount Owed: \$195,552.14 (per RFS motion)  
Equity Cushion: N/A  
Equity: \$754,447.86  
Post-Petition Delinquency: \$1,031.00 (Attorney's Fees and Costs)

Movant details 3 prior Ch. 13 bankruptcy cases affecting the Property filed on: 03/14/2016, 06/08/2016, and 08/22/2017. This pattern sufficiently demonstrates a scheme to hinder, delay, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d) (4) (bad faith)); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

DENY relief under paragraph **6** (Co-debtor stay is waived) because there is no co-debtor stay in effect;

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Sabrina Pirnejad**

**Chapter 13**

**Debtor(s):**

Sabrina Pirnejad

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

1:18-10140 Cheryl S Orleans

Chapter 13

#14.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 11

\*\*\* VACATED \*\*\* REASON: Settled per stipulation, Doc. No 20 -CT

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 01/16/2018  
Chapter: 13  
Service: Proper. Opposition filed.  
Property: 22355 Burbank Boulevard, Woodland Hills, CA 91367  
Property Value: \$ 690,000 (per debtor's schedules)  
Amount Owed: \$ 661,969.39 (per RFS motion)  
Equity Cushion: N/A (Assuming 8% cost of sale)  
Equity: \$28,030.61  
Post-Petition Delinquency: \$

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting the subject property.

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (Co-debtor stay annulled); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); **10** (relief binding & effective for 180 days against any debtor); **11** (order binding & effective against any debtor); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor opposes the motion and argues that after the filing of the first Ch. 13 case, the Debtor maintained current payments to Movant. After the filing of this instant case Debtor has continued to maintain current payments to Movant. Debtor has reached out to counsel for Movant to enter an Adequate Protection Order for Debtor to maintain current payments after filing. Counsel for Movant is drafting the stipulation to resolve the pending motion. The multiple filings were not with the

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT...**      **Cheryl S Orleans**  
intention to delay, hinder, or defraud.

**Chapter 13**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Cheryl S Orleans

Represented By  
Julie J Villalobos

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Merdaud Jafarnia

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

1:18-10161 Erika Krayndler

Chapter 13

#15.00 Motion for relief from stay

CHRIS ESKIJIAN

Docket 15

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Case dismissed Feb. 5, 2018 (doc. 18). Motion is DENIED as moot, as Movant did not request *in rem* relief or annulment..

MOVANT TO LODGE ORDER WITHIN 7 DAYS. RULING MAY BE MODIFIED AT HEARING.

APPEARANCES WAIVED ON 2/28/18.

**Party Information**

**Debtor(s):**

Erika Krayndler

Represented By  
Walter Scott

**Movant(s):**

Chris Eskijian

Represented By  
Alla Tenina

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, February 28, 2018

Hearing Room 302

11:00 AM

**1:18-10205 Kanita Kennetha Elaine Petties**

**Chapter 7**

**#15.01** Motion for relief from stay

CHATEAU HASKELL APARTMENTS LLC

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 01/23/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: Chateau Haskell Apartments, LLC

Property Address: 7337 Haskell Ave., Van Nuys, CA 91406

Type of Property: Residential

Occupancy: Month-to-Month

Foreclosure Sale: None

UD case filed: 10/05/2017

UD Judgment: None

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE  
MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Kanita Kennetha Elaine Petties

Pro Se

**Movant(s):**

Chateau Haskell Apartments LLC

Represented By

William E Windham

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Kanita Kennetha Elaine Petties**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10257 Marcelo Alejandro Cabrera**

**Chapter 13**

**#15.02** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 16

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

On Jan. 29, 2018, Debtor filed this chapter 13 case. Debtor had one bankruptcy case that was dismissed within the previous year. The First Filing, 17-10472-MB, was a chapter 13 that was filed on Feb. 24, 2017 and dismissed on Oct. 17, 2018 at confirmation.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case because there has been a substantial change in his financial affairs, as he and his wife are now earning more money. Debtor states that since the First Filing was dismissed, he is no longer relying on a contribution from his son or his friend to cover the vehicle payment. Debtor claims that the property is necessary for a successful reorganization because this is his primary residence.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. APPEARANCE  
REQUIRED DUE TO SHORTENED TIME.

<b>Party Information</b>
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**Debtor(s):**

Marcelo Alejandro Cabrera

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11968 Ovidio A Flores**

**Chapter 7**

Adv#: 1:17-01110 Weil, Chapter 7 Trustee v. Espitia et al

**#16.00** Status Conference re: Trustee Complaint 1 - To Avoid  
and Recover Fraudulent Transfer; and 2 - For Turnover

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 9/12/18 at 11 a.m.  
- hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ovidio A Flores

Represented By  
David H Chung

**Defendant(s):**

Oscar Espitia

Pro Se

Elsa Espitia

Pro Se

**Joint Debtor(s):**

Silene M Flores Espitia

Represented By  
David H Chung

**Plaintiff(s):**

Diane C. Weil, Chapter 7 Trustee

Represented By  
Sonia Singh

**Trustee(s):**

Diane C Weil (TR)

Represented By  
John N Tedford

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**CONT...**

**Ovidio A Flores**

Sonia Singh

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12434 Robin DiMaggio**

**Chapter 7**

Adv#: 1:17-01107 Forum Entertainment Group, Inc. v. DiMaggio

**#17.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Reassigned to Judge Kaufman (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robin DiMaggio

Represented By  
Moises S Bardavid

**Defendant(s):**

Robin DiMaggio

Pro Se

**Plaintiff(s):**

Forum Entertainment Group, Inc.

Represented By  
Sanaz S Bereliani

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12547 Joseph Peaks Durant**

**Chapter 7**

Adv#: 1:17-01113 Sajadi et al v. Durant

**#18.00** Status Conference re: Complaint

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joseph Peaks Durant

Represented By  
Dominic Afzali

**Defendant(s):**

Joseph Peaks Durant

Pro Se

**Plaintiff(s):**

Shawn S Sajadi

Represented By  
Adela Z Ulloa

Zhila T Sajadi

Represented By  
Adela Z Ulloa

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13361 Yeimy E Coca**

**Chapter 7**

**#19.00** Order to Show Cause Re Disgorgement of Fees and Imposition of Fines on Bankruptcy Petition Preparer Patricia Carreon.

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Yeimy E Coca	Pro Se
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**Trustee(s):**

Amy L Goldman (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17148 Terrence Carson**

**Chapter 7**

**#20.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 95

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 2/28/18.

<b>Party Information</b>
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**Debtor(s):**

Terrence Carson

Represented By  
Brenda J Logan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12519 Spotless Cleaners, Inc.**

**Chapter 7**

**#21.00** Trustee's Final Report and Application for Compensation and Deadline to Object

Trustee:  
David Seror

Attorney for Trustee:  
Brutzkus Gubner LLP

Accountant for Trustee:  
Lea Accountancy, LLP

Docket 136

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 2/28/18.

**Party Information**

**Debtor(s):**

Spotless Cleaners, Inc.

Represented By  
Marvin Levy

**Trustee(s):**

David Seror (TR)

Represented By  
Reed Bernet  
Richard Burstein  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, February 28, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Spotless Cleaners, Inc.**

Jessica L Bagdanov  
Steven T Gubner

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#22.00** Motion For Summary Judgment

fr. 2/14/18

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**I. Background**

This dispute arises from the circumstances surrounding debtor Claudia Ragsdale's ("Defendant" or "Ragsdale") actions as administrator of the probate estate of her late husband, Jim Ragsdale (the "Probate Estate"). Ragsdale was appointed administrator of the Probate Estate on September 11, 2008. A condition of Ragsdale's appointment as administrator was obtaining a fiduciary bond. Plaintiff, American Contractor's Indemnity Company ("ACIC"), issued a \$306,000 bond (the "Bond") on her behalf.

Probate estate administrators have a number of duties under California state law. Ragsdale signed and filed a "Duties and Liabilities of Personal Representative" form ("Duties statement") with the probate court, acknowledging her duties as administrator. Exh. 2. The Duties Statement sets forth, among others, the following obligations:

There are many other restrictions on your authority to deal with estate property. You should not spend any of the estate's money unless you have received permission from the court or have been advised to do so by an attorney. . . . If you do not obtain the court's permission when it is required, you may be removed as personal representative or you may be required to reimburse the estate from your own

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**CONT...**      **Claudia Maria Ragsdale**  
personal funds, or both.

**Chapter 7**

Exh. 2, ¶ d. Following her appointment as administrator, Ragsdale transferred as much as \$345,000 to herself or to others for her personal benefit. On May 17, 2012, the probate court removed Ragsdale as administrator and appointed a replacement, Pamela Muir ("Muir"). Muir brought an action to surcharge Ragsdale for unlawfully converting estate principal and income and failing to make estate property productive. Exh. 3. The surcharge complaint details \$190,723.72 in distributions from the Probate Estate directly to herself, with an additional \$86,755.10 apparently distributed for her personal benefit, including payments to restaurants, grocery stores, airline tickets, and housekeeping services. Exh. 3, p.9. The surcharge complaint also details \$32,540.43 in rental income generated by properties of the Probate Estate during the time Ragsdale was administrator, yet less than \$5,000 was marshalled by Ragsdale into the estate account. The complaint also sought a surcharge for late fees for unpaid property taxes, income taxes, and an additional \$17,400 for failure to make estate property productive.

Ragsdale did not oppose the surcharge action. Muir reached a settlement with ACIC, and an order giving effect to the judgment was entered. On September 19, 2013, the Superior Court ordered that "Claudia M. Ragsdale is surcharged \$200,000 for knowingly breaching her fiduciary duties by utilizing estate assets for her personal benefit" and was denied any further distribution from the Probate estate. Exh. 4 (emphasis added). Furthermore, judgment was entered in favor of Muir and against Ragsdale and ACIC, jointly and severally, for \$200,000, (less unpaid bond premiums). Exh. 4. ACIC paid \$198,722 to Muir, satisfying the judgment, and became subrogated to the rights of the Probate Estate as against Ragsdale. ACIC obtained judgment against Ragsdale in Los Angeles Superior Court on April 7, 2014 in the amount of \$214,659.12. Exh. 6.

Ragsdale devotes the bulk of her opposition to this motion to arguing that she lacked the scienter required by § 523(a)(4). Ragsdale supports her argument with a declaration regarding her actions as a probate administrator, which largely lays the blame at the feet of her attorney in the probate matter, Stephen Feldman ("Feldman"). Ragsdale, a native Spanish speaker who did not complete any schooling beyond the 7th grade, claims that Feldman failed to explain her rights and responsibilities as personal representative of the Probate Estate. She claims that

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CONT... **Claudia Maria Ragsdale**

**Chapter 7**

Feldman did not explain the necessity of the bond or her duties under the Duties Statement. She claims that she was coerced into drafting a living trust under which Feldman would be a beneficiary of her estate. Ragsdale's declaration further details how Feldman instructed her to pay personal bills from the probate estate. Ragsdale also describes Feldman's directions to make certain payments relating to real property located at 15203 Flagstaff St., La Puente, CA, 91744 ("Flagstaff Property"). The Flagstaff property was foreclosed on around March 2011, and Ragsdale states that she has had no contact with Feldman since that time.

Due to her estrangement from her attorney, Ragsdale claims that she had no knowledge of 1) the petition to remove her as administrator of the Probate estate, 2) the petition to surcharge her, or 3) the motion for judgment against her filed by ACIC. Dec. of Claudia Ragsdale, ¶¶15, 21. She states that if she had known of the actions against her, she would have found new counsel and defended herself.

Debtor filed chapter 7 bankruptcy on June 9, 2017. Discharge was entered on September 11, 2017. ACIC timely filed this adversary action for nondischargeability of its judgment under § 523(a)(4), which excepts from discharge any debt "for fraud or defalcation while acting in a fiduciary capacity."

## **II. Summary Judgment Standard**

Summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. FRCP 56(c) (incorporated by FRBP 7056).

The moving party has the burden of establishing the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). The court must view the evidence in the light most favorable to the nonmoving party. Bell v. Cameron Meadows Land Co., 669 F.2d 1278, 1284 (9th Cir.1982). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. Hector v. Wiens, 533 F.2d 429, 432 (9th Cir.1976). The inference drawn from the underlying facts must be viewed in the light most favorable to the party opposing the motion. Valadingham v. Bojorquez, 886 F.2d 1135, 1137 (9th Cir.1989). Where different ultimate inferences may be drawn, summary judgment is inappropriate. Sankovich v. Insurance Co. of N. Am., 638 F.2d 136, 140 (9th

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Wednesday, February 28, 2018

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1:00 PM

CONT... Claudia Maria Ragsdale  
Cir.1981).

Chapter 7

**III. Collateral Estoppel**

Collateral estoppel principles apply in a discharge exception proceeding under § 523(a). Grogan v. Garner, 498 U.S. 279, 284 n.11 (1991). Under 28 U.S.C. 1738, as a matter of full faith and credit, federal courts are required to apply the pertinent state's collateral estoppel principles. Gayden v. Nourbakhsh (In re Nourbakhsh), 67 F.3d 798, 800 (9th Cir. 1995). Under California law, collateral estoppel applies only if certain threshold requirements are met: 1) the issue sought to be precluded from relitigation is identical to that decided in the former proceeding; 2) the issue was actually litigated in the former proceeding; 3) the issue was necessarily decided in the former proceeding; 4) the issue in the former proceeding was final and on the merits; and 5) the party against whom preclusion is sought is the same, or in privity with, the party to the former proceeding. Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir. 2001).

If the threshold requirements are met, the court must also find that giving the previous judgment preclusive effect would further the public policies underlying the collateral estoppel doctrine. Id. at 1245.

In a case with similar facts to those presented here, the Ninth Circuit Bankruptcy Appellate Panel upheld a summary judgment where the bankruptcy court determined that a surcharge judgment in California probate court against an administrator of a decedent's probate estate fell within the exception to discharge under § 523(a)(4). In re Heers, 529 B.R. 734, 745 (B.A.P. 9th Cir. 2015). The lower court applied issue preclusion, also known as collateral estoppel, B& B Hardware, Inc. v. Hargis Indus., Inc., 135 S. Ct. 1293, 1299 (2015), based upon the probate court's order. In another case with almost identical facts to those here, the bankruptcy court determined that a surcharge judgment in California probate court was a sufficient basis for application of collateral estoppel in a § 523(a)(4) action. In re Stark, No. 06-11966-B-7, 2007 WL 2505563, at \*6 (Bankr. E.D. Cal. Aug. 31, 2007), aff'd sub nom. Stark v. Stark, No. 1:07-CV-01366 OWW, 2009 WL 3162250 (E.D. Cal. Sept. 29, 2009), rev'd and remanded on other grounds, 414 F. App'x 981



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**CONT...**      **Claudia Maria Ragsdale**  
(9th Cir. 2011).

**Chapter 7**

Ragsdale's primary contention in her response and in her separate statement of uncontroverted facts and conclusions of law is that the knowledge requirement of § 523(a)(4) has not been satisfied because she did know her duties as administrator due to the negligent legal advice of her attorney; however, this type of argument on the merits of a previously determined issue is precisely what collateral estoppel operates to prohibit. In re Child, 486 B.R. 168, 172 (B.A.P. 9th Cir. 2013). The rationale behind finding defendants estopped by default judgments is that "a defendant who is served with a summons and complaint but who fails to respond is presumed to admit all the facts which are well pleaded in the complaint." In re Harmon, 250 F.3d at 1245. Additionally, the probate court specifically found that Ragsdale knowingly breached her fiduciary duties as administrator. A defense based upon Ragsdale's lack of knowledge of her duties is insufficient to defeat the application of collateral estoppel.

The only cognizable argument that Ragsdale makes in opposition to the application of collateral estoppel is the following: "[i]mposition of issue preclusion would be unfair and inconsistent with sound public policy as the issue of Defendant's intent under § 523(a)(4) should be actually litigated."

**a. Actually Litigated**

Under California law, default judgments may provide the basis for a finding that a matter was "actually litigated" for purposes of collateral estoppel as long as the defendant was personally served with a summons or has actual knowledge of the existence of the litigation. In re Harmon, 250 F.3d 1240, 1247 (9th Cir. 2001). Collateral estoppel applies to default judgments only to the extent defendant had a full and fair opportunity to litigate. In re Cantrell, 329 F.3d 1119, 1124 (9th Cir. 2003) (even where a defendant did not receive personal service or have actual knowledge of the action, but had actual knowledge of the lawsuit with time remaining to set aside the default judgment, the full and fair opportunity to litigate requirement was satisfied and collateral estoppel could be appropriate).

Under California law, the presence or absence of a full and fair opportunity to litigate usually is relevant not to the threshold inquiry, but rather to the public policy inquiry. *Williams' Estate's* notice

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CONT...

**Claudia Maria Ragsdale**

**Chapter 7**

requirement makes the full and fair opportunity showing a part of the threshold inquiry in the context of default judgments.

In re Harmon, 250 F.3d at 1247, n.6 (citations omitted). "[T]he party asserting the collateral estoppel effect of a default judgment must provide evidence that (i) the defendants either were personally served with the complaint or had actual knowledge of the litigation; and (ii) the default judgment necessarily required the finding at issue." In re Aalam, 538 B.R. 812, 825 (Bankr. C.D. Cal. 2015).

Here, while Ragsdale does not allege that she was never served or was improperly served, she explicitly states that she had no knowledge of the action to removed her as administrator, the surcharge action, or the motion for judgment brought by ACIC. Dec. of Claudia Ragsdale, ¶¶15, 21.

The exhibits attached to ACIC's summary judgment motion do not include any evidence that Ragsdale was personally served or had actual knowledge of any of the actions in the probate court. Exhibit 4 includes a proof of service indicating that on September 5, 2013 the proposed order surcharging Ragsdale was sent to her and Feldman, among others, by U.S. mail. According the Ragsdale's declaration, she had not spoken to Feldman since March 2011. Exhibit 6 includes a proof of service indicating that on June 2, 2014, the Notice of Entry of Judgment against Ragsdale and in favor of ACIC was served on Ragsdale and Feldman, among others, by mail. There is no indication that either of the addresses used to serve Ragsdale were current or reliable. Neither proof of service document provides evidence that Ragsdale was personally served or had actual knowledge of the probate court proceedings against her in satisfaction of the full and fair opportunity to litigate requirement of collateral estoppel under California law. The statement of undisputed facts conveniently omits any reference to the crucial question of whether Ragsdale had an opportunity to defend herself in the probate action.

The Court therefore denies ACIC's request to apply collateral estoppel.

**IV. Conclusion**

Application of collateral estoppel is not appropriate here because ACIC has provided no evidence that Ragsdale was personally served with notice of or had actual knowledge of the prior matter. Without the application of collateral estoppel,

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**CONT... Claudia Maria Ragsdale Chapter 7**

ACIC's motion for summary judgment cannot succeed. A genuine issue of material issue of fact exists as to whether Ragsdale meets the culpable state of mind requirement set forth in Bullock v. Bankchampaign, N.A. 133 S. Ct. 1754 (2013). The Motion is therefore DENIED.

<b>Party Information</b>
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**Debtor(s):**

Claudia Maria Ragsdale	Pro Se
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**Defendant(s):**

Claudia Maria Ragsdale	Represented By William J Smyth
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**Plaintiff(s):**

American Contractors Indemnity	Represented By R Gibson Pagter Jr. Misty A Perry Isaacson
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**Trustee(s):**

David Keith Gottlieb (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, February 28, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#23.00** Status Conference Re Complaint to:  
Determine Dischargeability of debt

fr. 9/27/17, 12/13/17; 2/14/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Claudia Maria Ragsdale Pro Se

**Defendant(s):**

Claudia Maria Ragsdale Pro Se

**Plaintiff(s):**

American Contractors Indemnity Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, March 01, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#1.00** Motion to 1) Determine the Value of Real Property Located at 3655 Elm Ave, Long Beach 90807 as Collateral for First Note and Deed of Trust of Temple Beth Shalom-Long Beach; 2) to Determine the Extent of Secured Claim of the First Note & Deed of Trust; and 3) Avoid Junior Liens

fr. 11/29/17; 12/6/17; 2/5/18

Docket 29

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**Movant(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, March 05, 2018**

**Hearing Room 302**

10:00 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#1.00** Motion RE: Objection to Claim  
# 4 by Claimant U.S. Bank National Association,  
as Trustee for Harborview Mortgage Loan Trust 2005-16,  
Mortgage Loan Pass-Through Certificates, Series 2005-16,  
as serviced by Nationstar Mortgage LLC

fr. 7/12/17, 8/2/17; 9/27/17; 11/07/17, 1/11/18

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Farideh Warda

Represented By  
M Jonathan Hayes  
Roksana D. Moradi

**Movant(s):**

Farideh Warda

Represented By  
M Jonathan Hayes  
Roksana D. Moradi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10416 Daniela Alejandra Rowson**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 12

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Daniela Alejandra Rowson

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10323 Shiri Guttman**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Shiri Guttman

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10338 Sylvia Marie Oliva**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Sylvia Marie Oliva	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10442 James Calhoun**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 7

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

James Calhoun

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Wednesday, March 07, 2018

Hearing Room 302

9:30 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#1.00** Motion by JP Morgan to Convert Case From Chapter 11 to 7 or in the Alternative to Dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14, 10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16; 6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17, 4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17, 8/17/17, 9/13/17; 10/11/17, 12/14/17, 2/7/18

Docket 210

**Tentative Ruling:**

What is the status of the APO with Chase?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, March 07, 2018**

**Hearing Room 302**

9:30 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#2.00** Status and Case Management Conference  
fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17, 2/7/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#3.00 Amended Disclosure Statement**

fr. 12/6/17, 2/7/18

Docket 162

**Tentative Ruling:**

Having reviewed the status report and Debtor's request for a 30 day continuance, and for good cause appearing, this matter will be continued to April 4, 2018 at 9:30.

NO APPEARANCE REQUIRED on March 7. Debtor shall notice continuance.

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17,  
2/7/18

Docket 1

**Tentative Ruling:**

Having reviewed the status report and Debtor's request for a 30 day continuance, and for good cause appearing, this matter will be continued to April 4, 2018 at 9:30.

NO APPEARANCE REQUIRED on March 7. Debtor shall notice continuance.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11331 Nurit Petri**

**Chapter 11**

**#5.00** Motion By Debtor To Dismiss Chapter  
11 Case

Docket 65

**Tentative Ruling:**

Having considered Debtor's Motion to Dismiss and finding good cause, the Motion is GRANTED. Debtor to lodge order within 7 days.  
APPEARANCE WAIVED ON 3/7/18.

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

**Debtor(s):**

Nurit Petri

Represented By  
Matthew D Resnik  
Roksana D. Moradi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

9:30 AM

1:18-10484 Barton Wayne Fishback and Carol Fishback

Chapter 11

#5.01 Motion for relief from stay

COUNTY OF VENTURA

Docket 21

**Tentative Ruling:**

Tentative ruling may be posted or updated before hearing. If this tentative is not updated by 4:00 p.m. on the day before the hearing, no tentative shall be posted and appearances are required.

Calls to the Court to check the status of tentative rulings are not permitted.

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Movant(s):**

COUNTY OF VENTURA

Represented By  
David J Cook



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:15-11823 Karapet Dermendjian and Anait Dermendjian

Chapter 13

#6.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 12/13/17, 1/17/18, 2/7/18

Docket 54

\*\*\* VACATED \*\*\* REASON: Settled by Stipulation, Doc No. 60 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karapet Dermendjian

Represented By  
Aris Artounians

**Joint Debtor(s):**

Anait Dermendjian

Represented By  
Aris Artounians

**Movant(s):**

The Bank of New York Mellon f/k/a

Represented By  
Mark D Estle

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:16-10401 Jose Luis Valencia

Chapter 13

#7.00 Motion for relief from stay

PLAZA HOME MORTGAGE INC.

Docket 33

\*\*\* VACATED \*\*\* REASON: Settled per APO, Doc. No 36 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose Luis Valencia

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:16-12616 Kervin Linton

Chapter 13

#8.00 Motion for relief from stay

WELL FARGO BANK

Docket 53

\*\*\* VACATED \*\*\* REASON: Settled per stipulation, Doc. No 57 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kervin Linton

Represented By  
Julie J Villalobos

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

**1:17-11751 Mark Conrad Castillo Ochoco and Sheena Jane V Ochoco**

**Chapter 13**

**#9.00** Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr. 2/7/18

Docket 28

**Tentative Ruling:**

Parties requested a continuance to pursue an APO. No What is the status of the APO?

**2/7/18 Tentative**

Petition Date: 06/30/2017

Chapter: 13

Service: Proper. Opposition filed.

Property: 8050 Lindley Avenue Reseda, CA 91335

Property Value: \$495,221.00 (per debtor's schedules)

Amount Owed: \$438,087.73 (per RFS motion)

Equity Cushion: 3.5%

Equity: \$17,515.59

Post-Petition Delinquency: \$8,720.43 (3 payments of \$2,857.95; 1 payment of \$2,857.95; less suspense account or partial paid balance \$2,711.37)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specifically, movant requests relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor filed an opposition on the grounds **10** (debtor will be prejudiced if the Nonbankruptcy Action is allowed to continue the nonbankruptcy forum; and **11** (Other; Debtor's attorney will work with creditor to enter into an Adequate Protection Agreement which will resolve the delinquent amount.) Debtor's opposition seems to state that postpetition payments are in fact current.

APPEARANCE REQUIRED

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

CONT... Mark Conrad Castillo Ochoco and Sheena Jane V Ochoco Chapter 13

**Party Information**

**Debtor(s):**

Mark Conrad Castillo Ochoco

Represented By  
Raymond J Bulaon

**Joint Debtor(s):**

Sheena Jane V Ochoco

Represented By  
Raymond J Bulaon

**Movant(s):**

PennyMac Loan Services, LLC

Represented By  
Theron S Covey  
Robert P Zahradka

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:17-12313 Igor Gary Deck

Chapter 13

#10.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION

Docket 42

**Tentative Ruling:**

Petition Date: 08/31/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: Vehicle 2012 Honda CR-V

Property Value: \$4,000 (per debtor's schedules)

Amount Owed: \$3,160.35

Equity Cushion: 13%

Equity: \$839.65

Post-Petition Delinquency: \$853.52 (2 payments of \$426.76)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (the co-debtor stay is terminated); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Igor Gary Deck

Represented By  
Joshua L Sternberg

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By  
Vincent V Frounjian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13199 Sonia Pantoja**

**Chapter 13**

**#11.00** Motion for relief from stay

NISSAN-INFINITI LT

Docket 17

**Tentative Ruling:**

Petition Date: 11/29/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: Vehicle 2015 Nissan Sentra

Property Value: \$ 10,000 (per debtor's schedules)

Amount Owed: \$ 17,855.19

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$803.38 (2 payments of \$401.69)

Debtor's second amended plan specifies that this vehicle will be surrendered.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Sonia Pantoja

Represented By  
Lauren M Foley

**Movant(s):**

NISSAN-INFINITI LT.

Represented By  
Michael D Vanlochem

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Sonia Pantoja**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

**1:18-10030 Alan Rick Villegas**

**Chapter 7**

**#12.00** Motion for relief from stay

STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.

Docket 10

**Tentative Ruling:**

Petition Date: 01/05/2018  
Chapter: 7  
Service: Proper. No opposition filed.

Movant: State Farm Mutual Automobile Insurance Company  
Relief Sought to: Pursue Pending Litigation  Commence Litigation   
Pursue Insurance  Other

Litigation Information

Case Name: State Farm Mutual Automobile Ins. Co. v. Alan Rick Villegas

Court/Agency: Ventura County Superior Court  
Date Filed: 06/07/2017  
Judgment Entered:  
Trial Start Date: 05/14/2018  
Action Description: Subrogation for property damages

Grounds

Bad Faith  Claim is Insured  Claim Against 3<sup>rd</sup> Parties  Nondischargeable

Mandatory Abstention  Non-BK Claims Best Resolved in Non-BK Forum   
Other:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs 2 (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Alan Rick Villegas**

**Chapter 7**

**Debtor(s):**

Alan Rick Villegas

Represented By  
D Justin Harelik

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:18-10147 Shaun Michael Reynolds

Chapter 13

#13.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 12

**Tentative Ruling:**

Petition Date: 01/16/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 344 Peralta Street, Oakland, CA 94607-1242

Property Value: \$ (per debtor's schedules)

Amount Owed: \$ 281,274.25 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.

Post-Petition Delinquency:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **9** ((relief under 362(d)(4) (bad faith and secured creditors)));

Motion claims that this bankruptcy filing is part of a scheme to hinder, delay, or defraud creditors by filing multiple bankruptcy cases affecting the Property.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Shaun Michael Reynolds

Represented By  
Ronald A Norman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:18-10425 Jose Barreto

Chapter 13

#14.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate  
2007 Mercedes Benz C-Class vehicle

Docket 9

**Tentative Ruling:**

On February 16, 2018, Debtor filed this Chapter 13 case. Debtor has two previous bankruptcy cases that were dismissed a short time ago. The first prior case, 15-10983-VK, was filed on March 24, 2015 and dismissed on June 14, 2017 for failure to make plan payments. The second prior case, 17-12442-MB, was filed on September 13, 2017 and dismissed on February 5, 2018 for failure to comply with a court order.

Debtor now moves for an order imposing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous cases. The dismissal of the first case was due to missing certain payments due to illness, and the dismissal of the second case was due to Debtor's attorney's failure to file a proof of service of the amended bankruptcy Plan.

No opposition was filed.

MOTION GRANTED. NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Jose Barreto

Represented By  
Donald E Iwuchuku

**Movant(s):**

Jose Barreto

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jose Barreto**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:18-10442 James Calhoun

Chapter 13

#14.01 Motion for relief from stay

SC COLONY LTD

Docket 9

**Tentative Ruling:**

Petition Date: 02/20/2018

Chapter: 13

Service: Proper. No opposition filed.

Movant: SC Colony LTD

Property Address: 1056 E. Philadelphia Street #107, Ontario, CA 91761

Type of Property: Residential

Occupancy: 12-Month Term Lease

Foreclosure Sale: None

UD case filed: 1/23/18

UD Judgment: Pending

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief as requested in paragraphs 2 (proceed under non-bankruptcy law), and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

James Calhoun

Pro Se

**Movant(s):**

SC COLONY LTD

Represented By  
Helen G Long

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

Adv#: 1:15-01005 EHRENBERG v. Youseffia

**#15.00** Pre-trial conference re complaint for  
1 - Nondischargeability under  
11 USC 523(a)(2)(A) and 11 USC 523 (a)(6)  
  
fr. 4/1/15, 6/3/15; 7/1/15; 1/27/16, 3/30/16,  
4/26/16; 1/10/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. Dismissing adv. 3/6/18 (eg)**

**Tentative Ruling:**

This matter was awaiting final performance of the settlement agreement, which was due in late January. Nothing new has been filed. When will this case be dismissed?

**1/10/18 Tentative**

Having reviewed Defendant's unilateral status report, filed Jan. 7, 2018, and finding no objection filed, this status conference is continued to March 7, 2018, at 11:00 a.m. Defendant to give notice of continued status conference.

Parties are to file a status report informing the Court of the status of performance under the Settlement on or before February 28, 2018.

APPEARANCES WAIVED 1/10/18.

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Defendant(s):**

Joseph Youseffia

Pro Se

**Plaintiff(s):**

HOWARD M EHRENBERG

Represented By  
Sanaz S Bereliani

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Joseph Youseffia**

**Chapter 11**

**US Trustee(s):**

United States Trustee (SV)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10062 Joshua Ross Allen**

**Chapter 7**

Adv#: 1:16-01133 Kutasi et al v. Allen et al

**#16.00** Status Conference re: Complaint to Except debt from Discharge pursuant to 11 U.S.C. section 523(a)(2)(A) 523(a)(4) and 523(a)(6)

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18; 2/14/18

Docket 1

**Tentative Ruling:**

Please advise whether any conflict with a pretrial conference on June 13 at 11 am.

Any objection to trying the two cases together for administrative purposes only?

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

**Debtor(s):**

Joshua Ross Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Joshua Ross Allen

Pro Se

Amy Jill Allen

Pro Se

**Joint Debtor(s):**

Amy Jill Allen

Represented By  
Glenn Ward Calsada

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Joshua Ross Allen**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10068 David B. Allen**

**Chapter 13**

Adv#: 1:16-01134 Kutasi et al v. Allen

**#17.00** Status Conference re: Complaint

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18; 2/14/18

Docket 1

**Tentative Ruling:**

Please advise whether any conflict with a pretrial conference on June 13 at 11 am.

Any objection to trying the two cases together for administrative purposes only?

**Party Information**

**Debtor(s):**

David B. Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

David B. Allen

Pro Se

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

**1:17-10026 Matthew Fuscaldo**

**Chapter 7**

Adv#: 1:17-01032 Swift Capital Corporation dba Swift Capital v. Fuscaldo et al

**#18.00** Pre-Trial Conference re: Complaint

fr. 6/14/17; 11/15/17

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued by Stip to 5/2/18 at 11:00 a.m. -  
jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Matthew Fuscaldo

Represented By  
Jeffrey J Hagen

**Defendant(s):**

Matthew Fuscaldo

Pro Se

Melissa Lynn Golde-Fuscaldo

Pro Se

**Joint Debtor(s):**

Melissa Lynn Golde-Fuscaldo

Represented By  
Jeffrey J Hagen

**Plaintiff(s):**

Swift Capital Corporation dba Swift

Represented By  
Daren M Schlecter

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 07, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10148 Jose Matias Maranon**

**Chapter 7**

Adv#: 1:17-01037 State Compensation Insurance Fund v. Maranon

**#19.00** Status Conference Re:  
Complaint to Determine Dischargeability of Debt  
Under 11 U.S.C. Sec. 523(a)(2)

fr. 6/21/17, 7/26/17, 8/2/17, 11/8/17; 1/10/18

Docket 1

**Tentative Ruling:**

Parties indicated at the 1/10/18 hearing that they had reached a settlement. Nothing has yet been filed with the court. Have the parties made progress reducing the settlement to writing?

APPEARANCE REUQUIRED

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

**Debtor(s):**

Jose Matias Maranon

Represented By  
Geoffrey G Melkonian

**Defendant(s):**

Jose Matias Maranon

Pro Se

**Plaintiff(s):**

State Compensation Insurance Fund

Represented By  
Rhett Johnson

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

**1:18-10149 The Martin Family Trust Dated 7/9/04**

**Chapter 7**

**#20.00** Motion to 1) Dismiss Case Pursuant to 11 U.S.C. §§ 109, 521 and 707(a), and 2) for Order Compelling Attorney to File Disclosure of Compensation Pursuant to 11 U.S.C. § 329.

Docket 8

**Tentative Ruling:**

The United States Trustee ("UST") brings this motion to dismiss this case in part on the grounds that The Martin Family Trust Dated 7/9/04 (the "Trust") does not appear to be eligible to be a debtor under § 109. The Trust has filed no opposition, and indeed has failed to file anything since the case was commenced on January 17, 2018. The deadline to file papers was January 31, 2018.

Trustee also requests an order compelling attorney for the Trust, Dominic Afzali, to file a disclosure of compensation as required by § 329.

The Motion is GRANTED. The Trustee shall lodge a separate order compelling attorney to file a disclosure of compensation form. The Court retains jurisdiction to take any further action arising from or related to § 329.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

The Martin Family Trust Dated

Represented By  
Dominic Afzali

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

11:00 AM

1:16-13613 Margie Ann Lieser

Chapter 7

#21.00 Trustee's Objection to Debtor's  
claimed exemption in certain annuities

Docket 9

**Tentative Ruling:**

Background

Margie Lieser ("Debtor") filed a voluntary chapter 7 petition on December 23, 2016. On January 20, Debtor moved to convert her case to chapter 13. An opposition was filed by the chapter 7 trustee, Diane Weil ("Trustee").

Trustee opposed the conversion on a number of grounds, including that conversion is not supported by any evidence, Debtor's prior filings show that she cannot fund a confirmable chapter 13 plan, and conversion would serve no proper purpose and would only delay recovery by creditors of the estate.

There are at least two administrable assets which the Trustee believes would enable her to pay holders of allowed claims in full: a potential class action settlement in a vaginal mesh class action ("Mesh Settlement") and certain annuities with a value of \$78,246.80 stated in the schedules ("Annuities").

The Mesh Settlement was not disclosed in the originally filed schedule B. On the day before the first scheduled meeting of creditors, Debtor filed amended schedules to add the "potential class settlement in vaginal mesh class matter" with an "unknown" value. Trustee's motion represents that Debtor estimated the value of the settlement at approximately \$70,000. However, due to medical lien deductions, the net value due to Debtor is \$38,689.11. Trustee makes no claim that Debtor fraudulently concealed the

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 07, 2018

Hearing Room 302

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11:00 AM

CONT... **Margie Ann Lieser**

**Chapter 7**

value of the settlement; in fact, it appears that the amount of the settlement was unknown until December 2017.

The Annuities were claimed as fully exempt in Debtor's schedule C. Trustee filed an objection to the exemption claimed on the Annuities alongside her opposition to conversion to chapter 13.

**Objection to Exemption**

Trustee objects to Debtor's claim of exemption in the Annuities listed in schedule B on the grounds that neither qualifies as a "private retirement plan."

The California Code of Civil Procedure provides an exemption for private retirement accounts as follows:

**C.C.P. 704.115.**

(a) As used in this section, "private retirement plan" means:

- (1) Private retirement plans, including, but not limited to, union retirement plans.
  - (2) Profit-sharing plans designed and used for retirement purposes.
  - (3) Self-employed retirement plans and individual retirement annuities or accounts provided for in the Internal Revenue Code of 1986, as amended, including individual retirement accounts qualified under Section 408 or 408A of that code, to the extent the amounts held in the plans, annuities, or accounts do not exceed the maximum amounts exempt from federal income taxation under that code.
- (b) All amounts held, controlled, or in process of distribution by a private retirement plan, for the payment of benefits as an annuity, pension, retirement allowance, disability payment, or death benefit



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from a private retirement plan are exempt.

Debtor's annuity purchased from Allianz in January 2006, proof of which is attached to exemption objection as exhibit 3, appears to have been purchased with a one-time transfer of \$40,000, rather than the regular payments of pre-tax earnings contemplated by C.C.P. 704.115(b). The annuity purchased from Fidelity & Guaranty Life Insurance Company, proof of which is attached to the exemption objection as exhibit 4, does not appear to provide any detail as to whether it is a qualified annuity.

The burden of proof in claiming an exemption is on the debtor under California law. In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016). Debtor has failed to respond to the arguments set forth by the Trustee, which cast serious doubt on whether these annuities may be exempted under C.C.P. 704.115. Therefore, the court cannot make a determination that the annuities are "private retirement plans" falling within the exemption provided by C.C.P. 704.115(b). Trustee's objection to Debtor's claimed exemption is SUSTAINED.

### **Opposition to Conversion**

Section 706(a) of the Bankruptcy code provides:

- (a)** The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of this title at any time, if the case has not been converted under section 1112, 1208, or 1307 of this title. Any waiver of the right to convert a case under this subsection is unenforceable.

11 U.S.C. 706(a). The Supreme Court has found that a chapter 7 debtor can forfeit their right to convert the case to chapter 13 where debtor engaged in bad-faith conduct which would warrant dismissal or re-conversion of the chapter 13 case. Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365, 373-74 (2007). The court, however, warned that such action should only be

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taken by the court in the case of an "atypical litigant," or alternatively stated, in "extraordinary circumstances." Id. at 375; See Id. at N. 11. The court in Marrama found a bankruptcy court's authority under section 105(a) was sufficiently broad to deny a motion to convert under section 706 where the conversion would "merely postpone the allowance of equivalent relief and may provide debtor with an opportunity to take action prejudicial to creditors." Id. In Marrama, the debtor engaged in pre-petition bad faith conduct by making misleading or inaccurate statements within his schedules, failed to disclose a pre-petition transfer of real property, attempted to obtain homestead exemption on rental property and failed to disclose an anticipated tax refund.

Trustee argues that this conversion would only delay recovery by creditors of the estate. The Court agrees. Debtor's schedule J shows a net income of negative \$480.88 per month; Debtor's motion to convert did not explain how she would fund a plan with such a significant deficit. Debtor has not filed a proposed chapter 13 plan in support of this motion to convert for the Court and the Trustee to consider. There is no evidence that Debtor could be successful in a Chapter 13. Additionally, allowing conversion would be an unreasonable delay which would be unfairly prejudicial to creditors. This case was filed in December 2016; Debtor could have converted this case sooner than January 2018, after Trustee has employed counsel in connection with the case.

For the foregoing reasons, Debtor's motion to convert is DENIED.

APPEARANCE REQUIRED

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

**Debtor(s):**

Margie Ann Lieser

Represented By  
Eric Ridley

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**CONT... Margie Ann Lieser**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Brad Krasnoff  
Sonia Singh

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**1:16-13613 Margie Ann Lieser**

**Chapter 7**

**#22.00** Motion to Convert Case From Chapter 7 to 13.

Docket 29

**Tentative Ruling:**

See Calendar 21

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

**Debtor(s):**

Margie Ann Lieser

Represented By  
Eric Ridley

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Brad Krasnoff  
Sonia Singh

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11:00 AM

**1:17-12963 Karine Aslanyan and Hakob Gasparyan**

**Chapter 7**

**#23.00** U.S. Trustee's Motion to Extend Time for Filing Complaint objecting to Discharge Under 11 U.S.C. section 727 and/or Motion to Dismiss Under 11 u.S.C. section 707(b)

Docket 14

**Tentative Ruling:**

Having reviewed the motion and for good cause appearing, the United States Trustee's motion is GRANTED.

Appearances are waived on March 7.

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

**Debtor(s):**

Karine Aslanyan Pro Se

**Joint Debtor(s):**

Hakob Gasparyan Pro Se

**Movant(s):**

United States Trustee (SV) Represented By  
Katherine Bunker

**Trustee(s):**

Diane C Weil (TR) Pro Se

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11:00 AM

**1:18-10220 Derrick Johnathan Hunter**

**Chapter 7**

**#24.00** U.S. Trustee's Motion To Dismiss Case Pursuant  
To 11 USC sections 707(a) And 727(a)(8)

Docket 6

**Tentative Ruling:**

Derrick J. Hunter ("Debtor") previously filed a chapter 7 on March 11, 2010 in the Northern District of Indiana, Case no 1:10-bk-10925-REG (the "2010 Case"). Debtor received a discharge in the 2010 Case on June 21, 2010. The present voluntary chapter 7 petition was filed on January 24, 2018.

Section 727(a) of the Bankruptcy Code provides that a debtor shall receive a discharge unless one of a number of conditions are met. Subsection (8) specifies that a debtor shall not receive a discharge if the debtor has been granted a discharge in a prior chapter 7 bankruptcy "in a case commenced within 8 years before the date of the filing of the petition. . . ." The 2010 Case was commenced on March 11, 2010, which is less than eight years before the current petition was filed. Debtor is therefore ineligible for a discharge under § 727(a)(8).

Trustee filed this motion to dismiss under § 707(a), which allows the court to dismiss a case "for cause, including (1) unreasonable delay by debtor that is prejudicial to creditors." Trustee argues that cause exists to dismiss this case because Debtor is ineligible for a discharge, and therefore continuing this case would be an unreasonable delay that is prejudicial to creditors.

Debtor has not come forward in response to Trustee's motion to offer any reason why continuing this case is not an unreasonable delay.

For good cause appearing, the Trustee's motion is GRANTED.

NO APPEARANCES REQUIRED

**Party Information**

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**CONT... Derrick Johnathan Hunter**

**Chapter 7**

**Debtor(s):**

Derrick Johnathan Hunter

Represented By  
Nicholas M Wajda

**Trustee(s):**

David Seror (TR)

Pro Se

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11:00 AM

**1:15-11232 Susanne Renee Williams**

**Chapter 7**

**#25.00** Trustee's Final Report and Application for  
Compensation and Deadline to Object.

Trustee:  
Dian Weil

Attorney for Trustee:  
Levene Neale Bender Yoo & Brill LLP

Other:  
SLBIGGS, and Division of Singerlewak

Docket 86

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Susanne Renee Williams

Represented By  
Michael F Chekian

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Timothy J Yoo  
Carmela Pagay



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11:00 AM

1:17-10806 Charles C Kim and Jin Kim

Chapter 7

#26.00 Trustee's Final Report and Applications for  
Compensation

Trutee: Amy Goldman

Docket 27

\*\*\* VACATED \*\*\* REASON: Amended Trustee's Final Report filed  
2/22/18 - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Charles C Kim

Represented By  
Robert K Lee

**Joint Debtor(s):**

Jin Kim

Represented By  
Robert K Lee

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#27.00** Order to show cause why Karen  
Gemilyan should not be held in Civil  
Contempt and for additional Sanctions

fr. 2/7/18

Docket 75

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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1:00 PM

1:17-11968 Ovidio A Flores

Chapter 7

Adv#: 1:17-01110 Weil, Chapter 7 Trustee v. Espitia et al

#28.00 Status Conference re: Trustee Complaint 1 - To Avoid  
and Recover Fraudulent Transfer; and 2 - For Turnover

fr. 2/28/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 9/12/18 at  
11:00 a.m. - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ovidio A Flores

Represented By  
David H Chung

**Defendant(s):**

Oscar Espitia

Pro Se

Elsa Espitia

Pro Se

**Joint Debtor(s):**

Silene M Flores Espitia

Represented By  
David H Chung

**Plaintiff(s):**

Diane C. Weil, Chapter 7 Trustee

Represented By  
Sonia Singh

**Trustee(s):**

Diane C Weil (TR)

Represented By  
John N Tedford  
Sonia Singh

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**CONT... Ovidio A Flores**

**Chapter 7**

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**Wednesday, March 14, 2018**

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9:30 AM

**1:16-11817 Lonnie James Coughlin**

**Chapter 11**

**#0.00 Scheduling and Case Management Conference**

fr. 8/4/16; 1/19/17; 1/26/17, 4/26/17, 6/14/17,  
8/16/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This status conference is continued to June 14, 2017 at 9:30 a.m., to trail the hearing on the amended disclosure statment. Debtor to give notice of the continued status conference.

NO APPEARANCE REQUIRED on 4/26/17.

<b>Party Information</b>
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**Debtor(s):**

Lonnie James Coughlin

Represented By  
Onyinye N Anyama

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**Tuesday, March 20, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10047 David Mitchell Parks and Marisa Amy Parks**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between  
Debtor and Cab West, LLC**

Docket 9

**Tentative Ruling:**

Petition date: 1/8/2018

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Ford Fiesta

Debtor's valuation of property (Per reaff): N/A, Leased vehicle

Amount to be reaffirmed: \$6,419.38

APR: N/A, Leased vehicle

Contract terms: \$336.54 per month

Monthly Income (Schedule I): \$,2935

Monthly expenses: (Schedule J): \$3,440

Disposable income: <\$505>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

"Debtor is self-employed and will be able to make payments."

Debtor has a right to rescind agreement anytime prior to discharge, or until April 21, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

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8:30 AM

**CONT... David Mitchell Parks and Marisa Amy Parks**

**Chapter 7**

**Debtor(s):**

David Mitchell Parks

Represented By  
David S Hagen

**Joint Debtor(s):**

Marisa Amy Parks

Represented By  
David S Hagen

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:18-10038 Nathan Bosinger**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between  
Debtor and MECHANICS BANK**

Docket 17

**Tentative Ruling:**

Petition date: 1/5/2018

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2006 Ford Mustang

Debtor's valuation of property (Sch. B): \$7,390

Amount to be reaffirmed: \$7,958.28

APR: 5.99%

Contract terms: \$185.63 per month for 49 months

Monthly Income (Schedule I): \$5,543.44

Monthly expenses: (Schedule J): \$5,442

Disposable income: \$1.44

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

N/A

Debtor has a right to rescind agreement anytime prior to discharge, or until April 23, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**



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8:30 AM

**CONT... Nathan Bosinger**

**Chapter 7**

**Debtor(s):**

Nathan Bosinger

Represented By  
R Grace Rodriguez

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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8:30 AM

**1:17-12989 Washington Castro Franco**

**Chapter 7**

**#3.00 Reaffirmation Agreement Between Debtor  
and U.S. Bank National Association**

Docket 18

**Tentative Ruling:**

Petition date: 11/9/2017

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Lexus ES300H (Leased vehicle)

Debtor's valuation of property (Sch. B): N/A, leased vehicle

Amount to be reaffirmed: \$23,239

APR: 5.5%

Contract terms: \$529.76 per month

Monthly Income (Schedule I): \$0

Monthly expenses: (Schedule J): \$600 (does not include car payments)

Disposable income: N/A (schedule J contains insufficient information), but negative due to zero income.

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

No explanation provided.

Debtor has a right to rescind agreement anytime prior to discharge, or until April 17, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

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**CONT... Washington Castro Franco**

**Chapter 7**

**Party Information**

**Debtor(s):**

Washington Castro Franco

Represented By  
Grace White

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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8:30 AM

**1:18-10182 Gabriela Piceno-Amurrio**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between  
Debtor and Kia Motors Finance**

Docket 12

**Tentative Ruling:**

Petition date: 1/19/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Kia Soul

Debtor's valuation of property (Sch. B): \$10,900

Amount to be reaffirmed: \$ 11,683

APR: 11.9%

Contract terms: \$315.87 per month for 46 months

Monthly Income (Schedule I): \$2,515

Monthly expenses: (Schedule J): \$2,560

Disposable income: <\$45>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor's husband is helping her with car payments and Debtor is actively looking for employment.

Debtor has a right to rescind agreement anytime prior to discharge, or until March 20, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

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**CONT... Gabriela Piceno-Amurrio**

**Chapter 7**

**Debtor(s):**

Gabriela Piceno-Amurrio

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:18-10449 Joseph T DeBano, Jr**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Joseph T DeBano Jr

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10521 Louis Vargas**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile.

Docket 11

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Louis Vargas

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10606 Marvin Davis**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Marvin Davis

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:18-10607 Miguel Rodriguez**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Miguel Rodriguez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:30 AM

**1:17-13063 S.B.R.S., Inc.**

**Chapter 11**

**#1.00** Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 52

**Tentative Ruling:**

Petition Date: November 16, 2017

Chapter: 11

Service: Proper. Opposition filed.

Property: 3442 Malaga Court, Calabasas, CA 91302

Property Value: \$ 1,350,000 (per debtor's schedules)

Amount Owed: \$ 1,547,323.17 (per RFS motion)

Equity Cushion: 0.0%

Equity: <-\$1,207,629.32>.

Pre-petition Delinquency: \$472,988.21 (92 payments in arrears, per motion; no payments made since July 2010)

Post-Petition Delinquency: None

Movant requests relief under 11 U.S.C. 362(d)(1). Movant requests specific relief under paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (waiver of the 4001(a)(3) stay); **9** (relief under (d)(4)); **10** (Order binding and effective for 180 days against any debtor; and **13** (Other: if case is dismissed before hearing, movant requests that the court retain jurisdiction to hear motion under § 362(d)(4)).

Movant alleges that this bankruptcy is part of a scheme to delay, hinder, or defraud creditors. Movant claims that the Property was transferred to Debtor from the original borrower, Homeyra M. Arbabi, Trustee of the HLA Family Trust Dated March 14, 2005, without Movant's consent. The transfer occurred on January 26, 2011. This is the third bankruptcy filed by Debtor affecting the Property. The two prior cases are 1:12-bk-11389-MT and 8:15-bk-10657-ES. Movant alleges that Debtor incorrectly named Bank of America instead of Movant in the schedules, so Movant received no notice of the filing nor of the November 27, 2017 cash collateral motion.

Debtor's response requests that the hearing on this motion be continued for 90 days to allow Debtor time to market the property. Debtor received an offer for \$1.25 million

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**CONT...**

**S.B.R.S., Inc.**

**Chapter 11**

on the property on March 2, and hopes to elicit higher offers. Debtor's chief financial officer is also pursuing a quiet title action against JP Morgan Chase, the second position lien holder, which could reduce the secured debt against the property by \$226,898. Lastly, Debtor argues that the hearing should be continued because Debtor has been pursuing an adequate protection order with Bayview since this motion was filed.

Movant's reply states that it has rejected offers from the Debtor as insufficient, and that the litigation against the junior lienholder is not relevant to Movant's claim.

The Court agrees with the Movant's characterization that the Property is "hopelessly overencumbered." Even if Debtor's litigation against JP Morgan Chase is successful, the property would still be nearly a \$1 million underwater. The monthly operating reports do not show any income from the Malaga property—or from any source at all, for that matter. Debtor's opposition did not raise any grounds to deny the motion. Due to the extreme amount of pre-petition arrearages, \$472,988.21 reflecting 92 months without payments, it is doubtful that Debtor could possibly propose adequate protection payments. The Court finds cause to grant relief under § 362(d)(1), as described above.

Because there is no equity in the property and Debtor has not met its burden of proving that the property is necessary for reorganization, § 362(g)(2), the Court finds sufficient grounds for relief under § 362(d)(2).

Because this is the third case filed by Debtor to prevent foreclosure on this property, and because the property was acquired by an unauthorized transfer, the Court finds sufficient grounds for relief under § 362(d)(4).

The motion is GRANTED.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger  
Todd S Garan

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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#2.00** Motion for relief from stay

JPMORGAN CHASE BANK NA

Docket 40

**Tentative Ruling:**

Petition Date: November 20, 2017

Chapter: 11

Service: Proper. Opposition filed.

Property: 3243 Iredell Lane, Studio City, CA 91604

Property Value: \$ 5,900,000 (per debtor's schedules)

Amount Owed: \$ 3,238,344 (per debtor's schedules)

Equity Cushion (assuming 8% cost of sale): 37%

Equity: \$2,264,108.

Post-Petition Delinquency: N/A

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(4). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (waiver of the 4001(a)(3) stay); **9** (order binding and effective in any case for 2 years).

Movant alleges that this case was filed in bad faith to delay, hinder, or defraud creditors. Movant details five deeds of trust, four of which were for exactly \$25,000, which were granted to individuals who subsequently filed bankruptcy between 2012 and 2014. Copies of the deeds of trust are attached to the motion. Movant also details an unauthorized grant deed in favor of Riverside Investors, LLC conveying 70% of the interest in the Property for no consideration.

Debtor responds that, although the above described grant deeds were executed by Debtor's principal, Roman Preys, they were done in order to fund an alleged class action to be brought by MMM Property Management against a lender. MMM Property Management appears to have been engaged in some dishonest practices, though Debtor denies knowledge of any such activities at the time and states that it severed ties with MMM after questions about MMM's practices arose. It appears that nothing came of the class action.

**United States Bankruptcy Court  
Central District of California  
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CONT...

**Benzeen Inc.**

**Chapter 11**

Somewhat confusingly, Debtor also states that some of the liens granted were to guarantee payment for services rendered. Ultimately, Debtor states that it secured complete reconveyances of all of the documents referenced in Movant's motion. The Court notes that these reconveyances were obtained after Debtor had received the benefit of the automatic stay in cases apparently coincidentally filed by individuals who performed services for Debtor. Debtor further states that the allegedly unauthorized conveyance to Riverside Investors was known by movant, and was an attempt to satisfy movant's lien.

Debtor further responds that movant fails to explain how the filings by the other lien holders resulted in any delay, hindrance, or fraud, and points out that movant failed to provide a sworn declaration to substantiate their allegations. Debtor points out that the most recent bankruptcy filed by other lien holders was four years before the commencement of this case.

Finally, Debtor argues that the equities favor denial of the motion and the movant has a substantial equity cushion.

APPEARANCE REQUIRED

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

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Jennifer C Wong  
Merdaud Jafarnia

**United States Bankruptcy Court  
Central District of California  
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Wednesday, March 21, 2018

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

#3.00 Motion for relief from stay

COMERICA BANK

Docket 44

**Tentative Ruling:**

Petition Date: December 18, 2017

Chapter: 11

Service: Proper. Opposition filed.

Property: 13236 Valleyheart Dr. #102, Studio City, CA 91604

Property Value: \$380,000 (per debtor's schedules)

Amount Owed: \$295,926 (Movant's 2<sup>nd</sup> DoT); (First DoT, in favor of CitiMortgage, \$250,000 )

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$295,926 (loan matured 11/6/16)

11 U.S.C. §362(d) provides that after notice and a hearing, a party in interest may obtain relief from the automatic stay provided in 11 U.S.C. § 362(a). Relief may consist of terminating, annulling, modifying or conditioning the stay. The court shall grant relief from the stay "for cause, including the lack of adequate protection of an interest in property of such party in interest." 11 U.S.C. §362(d)(1). In addition, relief may be granted "with respect to a stay of an act against property under subsection (a) of this section, if the debtor does not have equity in such property; and such property is not necessary to an effective reorganization." 11 U.S.C. § 362(d)(2)-(2)(B).

Movant seeks relief under 11 U.S.C. 362(d)(1) and (d)(2), as well as (d)(4) due to this alleged bad faith filing, and waiver of 4001(a)(3) stay. Movant alleges cause for relief under 362(d)(4) due to an unauthorized transfer the subject property on April 20, 2017, from borrower Gladys Husanu to herself and Steven Ben Husanu ("Gladys & Ben"), Co-Trustees of the Living Trust for Gladys Husanu. Motion, Ex. 4. Then, on that same date, Gladys & Ben transferred the subject property again to Castillo I Partnership. Id., Ex. 5, p. 79. Movant alleges this bankruptcy filing was in bad faith as evidenced by the transfers and other indicia of bad faith, such as listing Movant (a known creditor) on the Schedules with the wrong address, the lack of

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Wednesday, March 21, 2018

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9:30 AM

CONT... **Castillo I Partnership** **Chapter 11**

insurance for the property, and the alleged \$40,000 paid by Debtor to "purchase" the Property, without the secured creditor's permission or paying the encumbrances before transferring title.

Debtor argues in opposition that it did not file this case in bad faith – instead it filed this case because a trustee's sale of Debtor's other property on Castillo Lane in Northridge was scheduled for late in the day on the Petition Date. Debtor provides proof of insurance and offers adequate protection payments of \$1,000 per month on the matured obligation until confirmation.

Movant counters that the Grant Deed shows that the transfer was a "bona fide gift" and that there was no \$40,000 "payment" for the Property. The Grant Deed from Gladys & Ben to Debtor did indicate that "valuable consideration" was received. It was the Grant Deed from Gladys to Gladys and Ben (Ex. 4) that was for no consideration. Nevertheless, Movant correctly points out that the offered adequate protection payment of \$1,000 is not sufficient here, where the obligation is a \$295,000 non-performing, fully matured loan. Movant also notes that the insurance is inadequate, as Movant is not a loss payee, nor does the policy list a mortgagee.

Most compellingly, Movant notes that Debtor proposes to cram down Movant's claim based on the value of the Property. Debtor's standing to propose such action is dubious where it is the unauthorized transferee of the Property with a complete lack of privity with Movant. Because the Property is not earning revenue, as no rent from the Property is reported on the MORs, Movant alleges that it is a non-performing asset and not necessary for an effective reorganization. Use of cash collateral from this Property has not been approved.

Debtor's unapproved<sup>1</sup> Sur-Reply cites an Idaho bankruptcy case for the proposition that a debtor may restructure a 'claim' on property he owns, even though he is not the note obligor to the creditor. Surreply, 2:5-14, *citing In re Thompson*, 454 B.R. 486 (Bankr. D. Idaho, 2011)(internal citations omitted). Debtor's reliance on Thompson, a non-controlling Idaho bankruptcy case, is overbroad. The circumstances here are factually distinguishable from those in Thompson. The analysis of the Thompson holding re property of the estate is focused on the Thompson creditor's argument about the reach of § 541 where the debtor holds bare legal title in trust for another and whether the trust ceased to exist when the legal and beneficial title were unified. Id. at 492.

Other facts distinguish Thompson and make it inapplicable here. The Thompson

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CONT... **Castillo I Partnership**

**Chapter 11**

Court also found that due-on-sale clauses in deeds of trust for real properties included in bankruptcy estate did not prohibit chapter 11 debtors from restructuring a creditor's nonrecourse claims against property that did not serve as debtors' principal residence. Here, the obligation to Movant is likely a recourse claim, as the deed of trust secures a HELOC, rather than a purchase money loan. Motion, Ex. 1, p. 23; Ex. 2.

The facts that supported the good faith finding in Thompson are missing here, *e.g.*, the transfers were interfamilial transfers, done by unsophisticated parties whose actions were, in the bankruptcy court's view, consistent with "Debtors' lay approach to real estate issues generally." The creditor in Thompson also waited almost two years before objecting to having its claim treated in the bankruptcy, including not having responded to a motion to value. This, the Thompson court found, allowed for "ample opportunity for opposing evidence to be developed and presented."

Also militating against application here is the fact that the good faith analysis employed by the Thompson court was for whether a chapter 11 plan was proposed in good faith under § 1129(a)(3). See id., fn. 10. Here, in the relief from stay context, the proper good faith analysis is for whether a petition was filed in good faith under § 1112(b) – that is, whether the filing was motivated by Debtor attempting to unreasonably deter and harass creditors, or whether Debtor was attempting to effect a speedy, efficient reorganization on a feasible basis.

For the reasons stated above, the Court finds Thompson to be inapplicable here and Movant's Motion to Strike is granted. The Court grants relief from stay, as Movant has demonstrated grounds under § 362, the extent to which relief is granted to be discussed at the hearing.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Comerica Bank

Represented By  
Raffi Khatchadourian



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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#3.01** Motion to strike Unauthorized Sur-reply to Motion for Relief from Automatic Stay under 11 U.S.C. § 362

Docket 56

**Tentative Ruling:**

Motion GRANTED. See tentative ruling for cal. no. 3.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, March 21, 2018**

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9:30 AM

**1:14-15360 Oracle Transportation Solutions, Inc.**

**Chapter 11**

**#4.00 Post Confirmation Status Conference**

fr. 8/13/15, 9/17/15, 12/10/15; 8/18/16, 9/29/16,  
12/8/16; 3/16/17, 3/22/17, 7/26/17; 11/15/17, 2/7/18

Docket 1

**Tentative Ruling:**

No Status Report filed. What progress has been made toward resolving professional fees?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Oracle Transportation Solutions, Inc.

Represented By  
Steven R Fox

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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:15-11292 Mark Handel**

**Chapter 11**

**#5.00 Post Confirmation Status Conference**

fr. 6/18/15; 6/11/15; 9/10/15; 12/10/15; 3/3/16,  
5/5/16, 7/28/16, 9/15/16, 10/20/16; 3/30/17; 3/29/17  
7/12/17, 11/8/17, 12/13/17

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mark Handel

Represented By  
David L. Neale  
John-Patrick M Fritz

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**Wednesday, March 21, 2018**

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9:30 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#6.00 Post-Confirmation Status Conference**

fr. 10/25/17, 12/13/17

Docket 0

**Tentative Ruling:**

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, March 21, 2018**

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9:30 AM

**1:16-13295 K&A Global Management Company, a California corpor**

**Chapter 11**

**#6.01 Chapter 11 Plan First Amended Chapter 11 Plan**

Docket 64

**Tentative Ruling:**

After having reviewed Debtor's Plan, the ballot summary, and the Confirmation Brief, the Court finds that all requirements for confirmation have been met. Debtor should include requisite findings under § 1129(a) and (b) in confirmation order.

Post-confirmation status conference will be held on 11/7/18 at 9:30 am  
Please advise if any date conflict.

**Party Information**

**Debtor(s):**

K&A Global Management

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, March 21, 2018**

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9:30 AM

**1:16-13295 K&A Global Management Company, a California corpor Chapter 11**

**#7.00 Scheduling and Case Management Conference**

fr. 1/12/17, 8/16/17, 11/1/17, 10/25/17, 12/13/17

Docket 16

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

K&A Global Management

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
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**Wednesday, March 21, 2018**

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9:30 AM

**1:17-10256 Tours Incorporated, Inc.**

**Chapter 11**

**#8.00 Status and Case Management Conference**

fr. 3/22/17, 9/13/17; 12/6/17

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11686 Vladimir Vekic**

**Chapter 11**

**#9.00 Status and Case Management Conference**

fr. 8/2/17

Docket 1

**Tentative Ruling:**

No status report has been filed. Trustee withdrew its Motion to dismiss or convert on December 11, 2017. What progress has Debtor made toward proposing a plan?

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton



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Wednesday, March 21, 2018

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9:30 AM

1:18-10324 Original Thai 2015, Inc.

Chapter 11

#10.00 U.S. Trustee's Motion to dismiss or convert under 11 USC section 1112(b) with a bar to refiling and an order directing payment of quarterly fees and for judgment thereon

Docket 6

\*\*\* VACATED \*\*\* REASON: Resolved via stipulation to dismiss w/ bar - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Original Thai 2015, Inc.

Represented By  
Michael D Kwasigroch

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10324 Original Thai 2015, Inc.**

**Chapter 11**

**#11.00 Status Conference**

Docket 11

**\*\*\* VACATED \*\*\* REASON: Resolved via stipulation to dismiss w/ bar -  
hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Original Thai 2015, Inc.

Represented By  
Michael D Kwasigroch

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**Wednesday, March 21, 2018**

**Hearing Room 302**

9:30 AM

**1:11-13493 Jack Piandaryan**

**Chapter 11**

**#12.00** U.S. Trustee's Motion to dismiss or convert case with an Order Directing Payment of Quarterly Fees and for Judgment Thereon

Docket 147

**Tentative Ruling:**

Debtor's response to the U.S. Trustee's motion states that he will be in full compliance with the U.S. Trustee by the date of the hearing. What is the status of Debtor's compliance efforts?

APPEARANCE REQUIRED

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

**Debtor(s):**

Jack Piandaryan

Represented By  
Vahe Khojayan

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker  
S Margaux Ross

United States Bankruptcy Court  
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Wednesday, March 21, 2018

Hearing Room 302

9:30 AM

1:14-14734 Martha J. Castro

Chapter 11

#13.00 U.S. Trustee's Motion Under 11 USC 1112(b) To Dismiss  
Or Convert Case With An Order Directing Payment  
Of Quarterly Fees And For Judgment Thereon

Docket 194

\*\*\* VACATED \*\*\* REASON: Ntc. of w/drawal filed 3/9/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha J. Castro

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey  
Edith Walters  
W. Sloan Youkstetter

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker  
S Margaux Ross

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, March 21, 2018

Hearing Room 302

9:30 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#14.00 Motion To Disallow Claim Of Sara Boodaie, Trustee Of  
The Yehouda Boodaie Revocable Living Trust, Dated  
July 6, 2007 [Claim No. 10] Or, In The Alternative, To  
Estimate Claim For Distribution Purposes

Docket 313

\*\*\* VACATED \*\*\* REASON: Cont'd to April 4, 2018 at 9:30 a.m. - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
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9:30 AM

1:17-10064 Nahrin Beno

Chapter 11

#15.00 Final Application By Simon Resnik Hayes LLP,  
General Bankruptcy Counsel For The Debtor,  
For Allowance Of Fees And Reimbursement Of Costs

Period: 1/10/2017 to 1/17/2018  
Fees: \$46,932.50 Expenses: \$1,960

Docket 119

**Tentative Ruling:**

Service proper. No objections filed. Having reviewed the First and Final Application for Allowance of Fees and Reimbursement of Costs, the Court finds that the fees and costs were necessary and reasonable, and are approved as requested.

APPLICANT TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 3/21/18.

**Party Information**

**Debtor(s):**

Nahrin Beno

Represented By  
Matthew D Resnik  
Roksana D. Moradi

**Movant(s):**

Nahrin Beno

Represented By  
Matthew D Resnik  
Roksana D. Moradi

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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#16.00 Motion for relief from stay

FARHAD ZAGHI

fr. 12/7/16; 3/8/17, 6/14/17, 9/27/17, 12/13/17

Docket 1784

\*\*\* VACATED \*\*\* REASON: Cont'd to 5/23/18 @ 11 a.m. per stip, Doc.  
No. 2078. -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Movant(s):**

Farhad Zaghi

Represented By  
Fahim Farivar

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet

**United States Bankruptcy Court  
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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:12-17261 Elizabeth Maybalian

Chapter 13

#17.00 Motion for relief from stay

COMPASS BANK

Docket 78

**Tentative Ruling:**

Petition Date: 08/13/2012

Chapter: 13

Service: Proper. Opposition filed.

Property: 20637 Wells Drive, Woodland Hills, CA 91364

Property Value: \$714,000 (per debtor's schedules)

Amount Owed: \$772,540.69 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$308,087.21 (10 payments of \$4,410.38; 5 payments of \$8,350.33; 16 payments of \$8,483.22; 8 payments of \$8,644.15; \$17,761.90 in post-petition advances; \$1,031 in attorneys' fees; less \$1,445.86 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor filed a late opposition.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Movant(s):**

COMPASS BANK, its successors

Represented By



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**Wednesday, March 21, 2018**

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11:00 AM

**CONT... Elizabeth Maybalian**

Nichole Glowin

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:15-12150 Milton A. Martinez

Chapter 13

#18.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 64

\*\*\* VACATED \*\*\* REASON: Settled by APO, Doc No. 67 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Milton A. Martinez

Represented By  
James B Smith

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Erin M McCartney

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12377 Dorothy Lee Carter**

**Chapter 13**

**#19.00 Motion for relief from stay**

**REVERSE MORTGAGE SOLUTIONS INC**

Docket 26

**Tentative Ruling:**

Petition Date: 08/15/2016

Chapter: 13

Service: Proper. Opposition filed on 3/7/18.

Property: 8849 Comanche Avenue Canoga Park, CA 91306

Property Value: \$485,000 (per debtor's schedules)

Amount Owed: \$411,833.09 (per RFS motion)

Equity Cushion: 7%

Equity: \$73,166.91

Post-Petition Delinquency: \$3,779.95

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, contending that the Property is necessary for an effective reorganization. Debtor intends to file a plan for reorganization that requires the use of the Property. Debtor also claims that the Property is insured and Debtor is seeking an Adequate Protection Order to cure arrears that have accrued post-petition.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Dorothy Lee Carter

Represented By  
Steven A Alpert

**Movant(s):**

REVERSE MORTGAGE

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Dorothy Lee Carter**

**Chapter 13**

Anish Matchanickal  
Madison C Wilson  
Sean C Ferry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:16-13597 Rose Jelaca

Chapter 13

#20.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES INC

Docket 52

\*\*\* VACATED \*\*\* REASON: Settled by stipulation, Doc. No. 57 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rose Jelaca

Represented By  
Rabin J Pournazarian

**Movant(s):**

AmeriCredit Financial Services, Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

**1:17-10095 Georg Bruno Ehlert**

**Chapter 13**

**#21.00** Motion for relief from stay

HOLDING PEN LLC

Docket 49

**Tentative Ruling:**

Petition Date: 01/12/2017

Chapter: 13

Service: Proper. Opposition filed on 3/7/18. Reply filed on 3/14/18.

Property: 277 East Camino Limon Verde, Sahuarita, AZ 85629

Property Value: \$125,000 (per debtor's schedules)

Amount Owed: \$71,132.43 (per RFS motion)

Equity Cushion: 35%

Equity: \$53,867.57.

Post-Petition Delinquency: \$4,389 (\$1,239 in post-petition advances or other charges due but unpaid; \$3,150 in attorneys' fees and costs)

Movant requests relief under 11 U.S.C. 362(d)(1) and specific relief requested in paragraph 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the motion and argues that the Property is fully provided for in the chapter 13 plan, all postpetition plan payments are current, and Debtor has provided funds to pay the insurance premium in full. In addition, Debtor asserts that the Property is necessary for an effective reorganization because the Property is an income producing rental property.

Movant's reply states that contrary to Debtor's declaration in its opposition, Debtor has failed to maintain property insurance coverage. Movant also asserts that as of March 14, 2018, property taxes remain delinquent, and Movant has not received the reimbursement of \$1,239 as evinced by the two money orders Debtor attached to the declaration.

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Georg Bruno Ehlert**

**Chapter 13**

**Debtor(s):**

Georg Bruno Ehlert

Represented By  
Kevin T Simon

**Movant(s):**

Holding Pen, LLC

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:17-11266 Josue Marcus Garcia

Chapter 7

#22.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 29

**Tentative Ruling:**

Petition Date: 05/12/2017  
Chapter: 7 (previous 13)  
Service: Proper. No opposition filed.  
Property: Vehicle 2016 Toyota Prius  
Property Value: \$33,500 (per debtor's schedules)  
Amount Owed: \$33,587.16  
Equity Cushion: N/A  
Equity: \$0.00.  
Post-Petition Delinquency: \$4,921.47

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Josue Marcus Garcia

Represented By  
Raj T Wadhvani

**Movant(s):**

Toyota Motor Credit Corporation

Represented By  
Austin P Nagel

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:17-11425 Hamila Salehi Tabaie

Chapter 13

#23.00 Motion for relief from stay

HSBC BANK USA NA

Docket 52

**Tentative Ruling:**

Petition Date: 05/26/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 3167 Fond Drive, Encino, CA 91436

Property Value: \$2,038,064 (per debtor's schedules)

Amount Owed: \$906,142.61 (per RFS motion)

Equity Cushion: 48%

Equity: \$755,255.39

Post-Petition Delinquency: \$23,080.60 (4 payment of \$5,770.15)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Upon entry of the order, for purposes of Cal. Civ. Code §2923.5, the Debtor is a borrower as defined in Cal. Civ. Code §2920.5(c)(2)(C)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Hamila Salehi Tabaie

Represented By  
Kevin T Simon

**Movant(s):**

HSBC Bank USA, National

Represented By  
Nancy L Lee  
Merdaud Jafarnia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Hamila Salehi Tabaie**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#24.00** Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17, 2/7/18

Docket 12

**Tentative Ruling:**

At the February 7 hearing, the Court continued this hearing to March 21, 2018 to allow Debtor an opportunity to make the February and March plan payments. If Debtor has proof that both payments were made, the Court stated that this matter could be taken off calendar. What is the status of Debtor's plan payments?

APPEARANCE REQUIRED

**2/7/18 Tentative**

Debtor submits a supplemental response in support of his opposition to the Motion. Debtor asks the Court to direct movant to comply with the Court's order imposing the automatic stay, dated November 8, 2017 (Docket No. 59). The Order imposing the stay allowed the movant to make preparations for a tax sale of three real properties dated March 26, 2018. The Order contained the following provision:

"If by March 23, 2018, the Debtor has complied with all payments under his plan and complied with all bankruptcy court orders, then the Kern County Treasurer/Tax Collector shall remove the Properties from the tax sale and the stay will continue until further order or operation of law. Should the Debtor not be in compliance with all bankruptcy court orders or current on payments, the Kern County Treasurer/Tax Collector is granted relief to sell the properties in the March 26, 2018, tax sale."

Debtor's plan came before this Court for confirmation on January 23, 2018 and was confirmed by the court with certain interlineations. Debtor represents that he is current on plan payments, with the next plan payment due February 21, 2018. The order confirming the plan has not yet been entered, though a proposed order was docketed on February 1, 2018 (Docket No. 80).

What is Kern County's position?

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11:00 AM

**CONT... Richard Khatibi**

**Chapter 13**

APPEARANCE REQUIRED

**11/08/17 Tentative**

Petition Date: 9/21/17

Chapter: 13

Service: Proper. Opposition filed.

Property: No addresses—vacant lots in Kern County

Property Value: \$81,857 Per Motion. Due to the lack of street addresses on the numerous scheduled vacant lots, it is unclear whether any of the scheduled lots in Mojave, CA are same as the subject lots in Rosamond, CA.

Amount Owed: \$ 189,851.98

Equity Cushion: N/A

Equity: N/A

Post-Petition Delinquency: N/A

On October 25, the Court held a continued hearing on debtor's Motion to Impose or Continue the Automatic Stay. At that hearing, the Court continued the Automatic Stay to February 28, 2018 in order to give Debtor a chance to work out a plan with the taxing authorities. At that hearing, Movant stated that there was a tax sale scheduled for one of the subject properties for mid-March. The Court therefore limited the imposition of the stay in order to allow Movant to list the property for a tax sale. As of November 3, the order had not been lodged with the court.

Movant requests relief under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4), and specific relief in paragraphs **2** (Proceed under non-bankruptcy law); **4** (Confirmation that there is no stay in effect); **5** (Retroactive annulment of the Automatic Stay); **7** (waiver of the 4001(a)(3) stay); **9** (Relief under (d)(4) for bad faith. Relief is binding in any other case filed within two years affecting the property); **10** (Order binding and effective for 180 days against any debtor); **11** (Order binding and effective against any debtor); **13** (if relief from stay is not granted, adequate protection shall be ordered).

Motion claims that this bankruptcy filing is part of a scheme to hinder, delay, or defraud creditors in order to avoid paying property taxes which are, at least in some instances, 14 years overdue. Movant points to the fact that this is Debtor's sixth bankruptcy filing in the last nine years, four of which were on the eve of the county's tax sales and were dismissed for failure to file required documents.

Debtor's opposition to this motion states that this bankruptcy was not filed in bad

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**CONT... Richard Khatibi Chapter 13**

faith and that his previous cases were dismissed because he was unrepresented and unfamiliar with the bankruptcy process. Debtor intends this Chapter 13 to be a 100% plan which includes all pre-petition arrearages due to the Movant.

Movant's request under paragraph 11 is DENIED per Fed. R. Bankr. P. 7001(7).

APPEARANCE REQUIRED

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

**Debtor(s):**

Richard Khatibi

Represented By  
Kevin T Simon

**Movant(s):**

Kern County Treasurer and Tax

Represented By  
Nicole M Misner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#25.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 93

**Tentative Ruling:**

Having reviewed the motion to impose, the Court sees no authority under § 362 nor grounds in this case to impose the automatic stay at this point.

APPEARANCE REQUIRED

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

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Movant(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:18-10265 **Melania Adamian**

**Chapter 13**

#26.00 Motion for relief from stay

WILMINGTON TRUST NA

Docket 12

**Tentative Ruling:**

Petition Date: 01/29/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 1826 Leimert Boulevard, Oakland, CA 94602

Property Value: \$ (per debtor's schedules)

Amount Owed: \$1,196,568.46 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$5,228.35 (1 payment of \$5,228.35)

Debtor's case was dismissed on March 2, 2018 with a 180 day bar to refile. Movant produces evidence of a number of fractional interest transfers and prior bankruptcies.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (Co-debtor stay is waived); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4) (bad faith and secured creditors));

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Melania Adamian

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

1:17-11938 Antonio Gonzalez, Jr.

Chapter 13

#27.00 Motion for relief from stay

CITIBANK NA

fr/ 2/28/18

Docket 38

**Tentative Ruling:**

Petition Date: 07/20/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: 10165 Woodman Avenue, Los Angeles, CA 91345

Property Value: \$460,000 (per debtor's schedules)

Amount Owed: N/A (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency:

Disposition: The motion is DENIED as moot pursuant to the Order Vacating Order Granting Motion to Impose Stay, Doc. No 45.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Movant(s):**

Citibank N.A., as Trustee for the

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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11:00 AM

**CONT... Antonio Gonzalez, Jr.**

**Chapter 13**

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**Wednesday, March 21, 2018**

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11:00 AM

**1:17-11938 Antonio Gonzalez, Jr.**

**Chapter 13**

**#28.00 Debtor's Motion to Set  
Aside Foreclosure Sale**

fr. 2/27/18

Docket 40

**Tentative Ruling:**

**Background**

This case was filed on July 20, 2017, the day before the scheduled foreclosure sale of debtor Antonio Gonzales Jr.'s ("Debtor") property commonly known as 10165 Woodman Ave., Mission Hills, CA 91345 (the "Property") by the first priority lien holder, Citibank, N.A. ("Citibank"). Within one year prior to filing, Debtor had two other chapter 13 bankruptcy cases pending: 15-bk-13970-MT, dismissed on September 27, 2016, and 17-bk-11044-MB. Therefore, when the instant case was filed, no automatic stay was in place pursuant to § 362(c)(4)(A)(i).

The foreclosure trustee learned of the bankruptcy filing on the day of the trustee's sale, July 21, 2017. However, determining correctly that no automatic stay went into effect upon Debtor's filing of this case, the trustee went forward with the sale and sold the property to the highest bidder. On the same day as the sale, Debtor filed a motion for an order imposing the automatic stay under § 362(c)(4)(B) (the "Motion to Impose"). Doc. No. 8. The Motion to Impose was set for hearing on August 16, 2017. No opposition to the Motion to Impose was filed. The Court ruled orally at the hearing, granting the Motion to Impose except as to unsecured creditor, the Internal Revenue Service, which was improperly served. The order on the Motion to Impose which was lodged by Debtor's counsel, however, contained a provision for relief that was not included in the motion: "The Stay is imposed effective the petition date, July 20, 2017, as to all creditors EXCEPT unsecured creditor, the Internal Revenue Service." Doc. No. 24, emphasis added. This language is clearly violative of § 362(c)(4)(C), which state that "a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go

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**CONT...**

**Antonio Gonzalez, Jr.**

**Chapter 13**

into effect." Unfortunately, the Court did not notice the improper language inserted by Debtor's counsel and the order was entered on September 7, 2017.

On January 17, 2018, Citibank filed an objection to the confirmation of Debtor's chapter 13 plan on the grounds that it included a miscellaneous provision seeking to rescind the July 21 foreclosure sale. The Court continued the confirmation the following week out of concern that Debtor had not addressed Citibank's objection. Debtor's Declaration Setting Forth Post Petition, Preconfirmation Payments filed on January 19 avers that Debtor has attempted to make payments of \$1,404.55 each month since the petition was filed, but that none of his payments were accepted by the lender. Shortly thereafter, Debtor responded to Citibank's objection to the confirmation of the chapter 13 plan (the "Plan") with a number of arguments against Citibank's ability to challenge the order on the Motion to Impose.

The Court became aware of the additional language improperly inserted into the order on the Motion to Impose before the February 27 confirmation hearing. At the hearing, the Court notified the parties that it would vacate the order on the Motion to Impose and correct the language with a new order. See Doc Nos. 45 and 46. The same day, Citibank filed the instant Motion for Relief from the Automatic Stay requesting annulment of the stay retroactive to the petition date. Also the same day, Debtor filed the instant Motion to Set Aside Foreclosure Sale. Both matters are before the Court today.

**Motion to Set Aside Foreclosure Sale**

Debtor moves to set aside the foreclosure sale as violative of either the automatic stay of § 362 or the co-debtor stay of § 1301. Debtor's argument that the foreclosure sale violated § 362 is rejected pursuant to the Court's order vacating the original order imposing the stay "effective the petition date." The Court notes that the Motion to Impose did not request such extraordinary relief, nor does the code allow it. Debtor's attorney improperly inserted language into the lodged order for relief that was not requested in the motion, and should not benefit thereby.

The co-debtor stay argument requires further analysis. While § 362(c)(4) prevents

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**CONT...**

**Antonio Gonzalez, Jr.**

**Chapter 13**

the automatic stay from taking effect under § 362(a), there is no similar provision preventing the co-debtor stay from taking effect under § 1301(a). Keith M. Lundin & William H. Brown, Chapter 13 Bankruptcy, 4<sup>th</sup> Edition, § 433.1, at ¶ 16, Sec. Rev. July 26, 2007, [www.Ch13online.com](http://www.Ch13online.com). Several cases in other circuits, primarily in the Fourth Circuit, have held that a post-petition foreclosure sale in violation the co-debtor of § 1301 stay is void, In re Harris, 203 B.R. 46, 51 (Bankr. E.D. Va. 1994), even where no stay arose under § 362(a) due to multiple dismissed cases within the prior year, In re King, 362 B.R. 226, 233 (Bankr. D. Md. 2007). The Court must determine whether the co-debtor stay was in effect as of the petition date.

Three elements must be satisfied for the co-debtor stay to apply: (1) the debt must be a consumer debt; (2) the consumer debt at issue must be a debt of the debtor; and (3) the co-debtor must be liable on the debt with the debtor. In re Fadel, 492 B.R. 1, 15 (B.A.P. 9th Cir. 2013). The first two elements are not at issue here; the only question is whether the co-debtor is liable on the debt with the Debtor.

Debtor never mentioned a co-debtor or raised the argument that a co-debtor stay under § 1301 was in effect until the instant Motion to Set Aside Foreclosure Sale was filed on February 27, 2018. Debtor's schedules, filed under penalty of perjury, indicate that he had no co-debtors. Debtor's schedules indicate that he lived in a community property state with his spouse within the last 8 year, but the box describing which state reads "NONE," and no name of any spouse was given. Schedule A does not reflect that the property was held as community property, and the debt to Nationstar (the mortgage loan servicer for Citibank) in schedule D does not indicate that this is a community debt. The only reference to Debtor's spouse is apparently schedule I, which shows Debtor's non-filing spouse's occupation as "housewife." Debtor was the only individual who signed the note, attached to Citibank's Response to the Motion to Set Aside as exhibit 4.

Debtor's argument for why his spouse is liable on the debt relies primarily upon community property law—in particular, California Family Code Section § 910.

(a) Except as otherwise expressly provided by statute, the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of which

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**CONT...**

**Antonio Gonzalez, Jr.**

**Chapter 13**

spouse has the management and control of the property and regardless of whether one or both spouses are parties to the debt or to a judgment for the debt.

Cal. Fam. Code § 910. The Bankruptcy Appellate Panel has considered a similar issue where a Debtor argued that Cal. Fam. Code § 910 made her liable for the debt on the property titled in her husband's name, and she sought to void a post-petition foreclosure sale as violative of § 1301 or § 362. In re Fadel, 492 B.R. 1, 7 (B.A.P. 9th Cir. 2013). All of the documents produced in Fadel, including an interspousal transfer agreement, evidenced an intent that the property be held as the husband's separate, sole property. Under California law, the description in a deed as to how title is held presumptively reflects the ownership status of the property. Id. at 11. The presumption may be rebutted only by clear and convincing proof. Id.

Citibank relies upon Fadel for the claim that the Property was intended as Debtor's separate property and that Ms. Gonzalez is not liable for the debt to Citibank. Similar to Fadel, the deed specifically states that the Property is held by Debtor, as his sole and separate property. Also similar to Fadel, Ms. Gonzalez executed an interspousal transfer deed in 2007, a copy of which is attached to Debtor's Motion to Set Aside, transferring all of her interest in the Property to Debtor. Debtor does not challenge the validity of the interspousal transfer deed—indeed, the only apparent grounds for doing so would be admitting that Debtor exerted undue influence over his wife. Id. at 12.

It appears that the BAP's decision in Fadel is controlling. Debtor has not overcome the title presumption. The property is therefore Debtor's sole and separate property. Because the Property is solely owned by Debtor, Cal. Fam. Code § 910 does not apply because the Property was not part of the community estate. In re Fadel, 492 B.R. at 16. Without application of Cal. Fam. Code § 910, Debtor has not provided any proof that his wife is liable on the debt as required to trigger the protection of the co-debtor stay of § 1301. The Court also notes that the co-debtor stay theory for avoiding this foreclosure was not raised until seven months after the foreclosure sale, when it became apparent that Debtor's other arguments would not be persuasive to the Court. The alleged co-debtor was not even revealed until this motion was filed. This abusive behavior by Debtor should not

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**CONT... Antonio Gonzalez, Jr.**

**Chapter 13**

inure to his benefit.

Furthermore, Debtor's motion is improper under Federal Rule of Bankruptcy Procedure 7001(2), which requires an adversary proceeding for "a proceeding to determine the validity, priority, or extent of a lien or other interest in property." Fed. R. Bankr. P. 7001; In re Commercial W. Fin. Corp., 761 F.2d 1329, 1336 (9th Cir. 1985).

For the reasons stated above, Debtor's motion is DENIED.

**Party Information**

**Debtor(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Movant(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:17-12759 Ricardo Mendez**

**Chapter 7**

Adv#: 1:18-01005 Zamora, Chapter 7 Trustee v. Mendez et al

**#29.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case dismissed 3/6/18, Doc. no. 7 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ricardo Mendez

Represented By  
David H Chung

**Defendant(s):**

Jose Mendez

Pro Se

Lucina Mendez

Pro Se

**Plaintiff(s):**

Nancy J Zamora, Chapter 7 Trustee

Represented By  
Michelle A Marchisotto

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Michelle A Marchisotto

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11:00 AM

**1:17-13197 Ovidio Tech**

**Chapter 13**

Adv#: 1:18-01008 E-Central Credit Union v. Tech

**#30.00** Status Conference re: Complaint

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Ovidio Tech

Represented By  
Kian Mottahedeh

**Defendant(s):**

Ovidio Tech

Pro Se

**Joint Debtor(s):**

Dinora Tech

Represented By  
Kian Mottahedeh

**Plaintiff(s):**

E-Central Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#31.00** Motion to Dismiss Adversary Proceeding  
pursuant to FRCP Rule 12 and FRBP Rule 12

Docket 6

**\*\*\* VACATED \*\*\* REASON: Amended complaint filed - motion is moot  
(doc. 9) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
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11:00 AM

**CONT... Yakov Aleksaudrovich**

**Chapter 7**

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Movant(s):**

Yakov Aleksaudrovich

Represented By  
Stella A Havkin

Yanna Aleksaudrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#32.00** Status Conference re: Complaint

Docket 1

**Tentative Ruling:**

Having reviewed the docket for this adversary proceeding, the Court finds cause to continue this status conference to April 4, 2018, at 1:00 p.m., to be heard with the Motion to Dismiss Amended Complaint. Plaintiff to give notice of continued status conference.

APPEARANCES WAIVED ON 3/21/18

<b>Party Information</b>
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**Debtor(s):**

Yakov Aleksandrovich	Represented By Elena Steers
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**Defendant(s):**

Yakov Aleksandrovic	Represented By Stella A Havkin
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Natalia Koutina	Represented By Stella A Havkin
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Yanna Aleksandrovich	Represented By Stella A Havkin
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RWB Consulting Services & Sales,	Represented By Stella A Havkin
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Law Offices of Steers & Assoc.	Pro Se
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RWB Consulting Services & Sales,	Represented By Stella A Havkin
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RWB Consulting Services & Sales,	Represented By
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Yakov Aleksandrovich**

**Chapter 7**

Stella A Havkin

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12015 Ludo Gust Mensch and Lorraine Patricia Mensch**

**Chapter 11**

**#33.00** Motion for Order Disallowing Claim  
#7 by Nadine Van Der Velde and Scott Kraft

fr. 12/2/15, 12/3/15, 2/24/16, 3/2/16; 3/9/16,  
5/5/16, 6/8/16, 12/7/16; 2/8/17, 4/26/17, 7/12/17; 10/18/17; 12/6/17  
1/10/18

Docket 38

**\*\*\* VACATED \*\*\* REASON: Case dismissed 2/22/18 per settlement -CT**

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

**1:15-12015 Ludo Gust Mensch**

**Chapter 11**

Adv#: 1:15-01215 van der Velde et al v. Mensch et al

**#34.00** Status Conference re: Amended Complaint for Declaration of Nondischargeability, for Allowance of Claim, and for Money Judgment

fr. 11/18/15, 12/2/15; 2/24/16, 3/2/16; 3/9/16, 5/11/16, 6/8/16, 12/7/16; 2/8/17, 4/26/17, 7/12/17; 10/18/17; 1/10/18

Docket 19

**\*\*\* VACATED \*\*\* REASON: Case dismissed 2/22/18 per Stipulation -CT**

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

**Defendant(s):**

Ludo Gust Mensch

Represented By  
Michael Jay Berger

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

Mensch Company Inc.

Represented By  
Michael Jay Berger

**Joint Debtor(s):**

Lorraine Patricia Mensch

Represented By  
Michael Jay Berger

**Plaintiff(s):**

Nadine van der Velde

Represented By  
Kenneth S Grossbart  
Kurt Ramlo

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Ludo Gust Mensch**

**Chapter 11**

Scott Kraft

Sharice B. Marootian

Represented By  
Kenneth S Grossbart  
Kurt Ramlo  
Sharice B. Marootian

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12547 Joseph Peaks Durant**

**Chapter 7**

Adv#: 1:17-01113 Sajadi et al v. Durant

**#35.00** Order to Show Cause why Adversary Complaint  
should not be Dismissed for Failure to Prosecute

Docket 0

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Joseph Peaks Durant

Represented By  
Dominic Afzali

**Defendant(s):**

Joseph Peaks Durant

Pro Se

**Plaintiff(s):**

Shawn S Sajadi

Represented By  
Adela Z Ulloa

Zhila T Sajadi

Represented By  
Adela Z Ulloa

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 21, 2018

Hearing Room 302

11:00 AM

**1:17-10806 Charles C Kim and Jin Kim**

**Chapter 7**

**#36.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 31

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Charles C Kim

Represented By  
Robert K Lee

**Joint Debtor(s):**

Jin Kim

Represented By  
Robert K Lee

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 21, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#37.00** Status Conference re: Order to Show Cause  
Re: Civil Contempt Against (A) Mainstream Advertising;  
(B) Danny Bibi; and (C) Sheila Mishkan

fr. 2/13/18, 2/15/18; 3/8/18

Docket 0

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, March 22, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#1.00** Motion RE: Objection to Claim Number 9 by  
Claimant City of Los Angeles - HCIDLA

fr. 1/11/18

Docket 143

**\*\*\* VACATED \*\*\* REASON: Resolved per stipulation (doc. 157) - hm**

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Farideh Warda

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, March 22, 2018**

**Hearing Room 302**

1:30 PM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#2.00** EVID HRG -  
re: Motion to 1) Determine the Value of Real Property  
Located at 3655 Elm Ave, Long Beach 90807 as  
Collateral for First Note and Deed of Trust of Temple  
Beth Shalom-Long Beach; 2) to Determine the Extent  
of Secured Claim of the First Note & Deed of Trust;  
and 3) Avoid Junior Liens

fr. 11/29/17; 12/6/17; 2/5/18; 3/1/18

Docket 29

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**Movant(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#35.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18

Docket 100

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#36.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17;l 7/25/17, 9/26/17, 11/28/17,  
1/23/18

Docket 89

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-12702 Brenton Haggin and Gisa Haggin-Seeholzer**

**Chapter 13**

**#37.00** Trustee's Motion to Dismiss Case Due to  
Expiration of the Plan

fr. 1/23/18; 2/27/18

Docket 44

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

**Debtor(s):**

Brenton Haggin

Represented By  
Elena Steers

**Joint Debtor(s):**

Gisa Haggin-Seeholzer

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-16322 Henry Gonzalez Silva**

**Chapter 13**

**#38.00 Trustee's Motion to Dismiss Case**

Docket 81

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

**Debtor(s):**

Henry Gonzalez Silva

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#39.00 Motion for Setting Property Value**

Docket 121

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Movant(s):**

Christine Grimes Shore

Represented By  
Elena Steers  
Elena Steers  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#39.01** Motion for Authority to Sell or Refinance  
Real Property under LBR 3015-1

Docket 110

**Party Information**

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Movant(s):**

Christine Grimes Shore

Represented By  
Elena Steers  
Elena Steers  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#40.00 Trustee's Motion to Dismiss Case**

fr. 1/23/18

Docket 73

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

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:13-10187 Veronica Irene Esparza**

**Chapter 13**

**#41.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 82

**Party Information**

**Debtor(s):**

Veronica Irene Esparza

Represented By  
Leon D Bayer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:13-13984 Todd Lorenzen**

**Chapter 13**

**#42.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 134

**Party Information**

**Debtor(s):**

Todd Lorenzen

Represented By  
Steven A Wolvek

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-12307 Nedra Sneed**

**Chapter 13**

**#43.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 99

**Party Information**

**Debtor(s):**

Nedra Sneed

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-14219 Carmine Antoniello**

**Chapter 13**

**#44.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 78

**Party Information**

**Debtor(s):**

Carmine Antoniello

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-14932 Irving Antonio Solorzano and Rosie Ann Solorzano**

**Chapter 13**

**#45.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 55

**Party Information**

**Debtor(s):**

Irving Antonio Solorzano

Represented By  
Peter M Lively

**Joint Debtor(s):**

Rosie Ann Solorzano

Represented By  
Peter M Lively

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#46.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17, 1/23/18; 2/27/18

Docket 47

**Party Information**

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11128 Kelly D Hankins and Pamela J Hankins**

**Chapter 13**

**#47.00 Motion to Dismiss Case for  
Failure to Make Plan Payments**

Docket 77

**Party Information**

**Debtor(s):**

Kelly D Hankins

Represented By  
Steven A Wolvek

**Joint Debtor(s):**

Pamela J Hankins

Represented By  
Steven A Wolvek

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12573 Emma L Gutierrez**

**Chapter 13**

**#48.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 110

**Party Information**

**Debtor(s):**

Emma L Gutierrez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12705 Ron Cota and Magnolia Sancho Cota**

**Chapter 13**

**#49.00** Motion for Hardship Discharge

fr. 2/27/18

Docket 28

**Party Information**

**Debtor(s):**

Ron Cota

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Magnolia Sancho Cota

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12705 Ron Cota and Magnolia Sancho Cota**

**Chapter 13**

**#50.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 31

**Party Information**

**Debtor(s):**

Ron Cota

Represented By  
Steven A Alpert

**Joint Debtor(s):**

Magnolia Sancho Cota

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12942 Seth Eric Simon**

**Chapter 13**

**#51.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 64

**Party Information**

**Debtor(s):**

Seth Eric Simon

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13375 ESTHER OCAMPO**

**Chapter 13**

**#52.00** Motion for Allowance and Payment  
of Administrative Expense

Docket 74

**Party Information**

**Debtor(s):**

ESTHER OCAMPO

Represented By  
R Grace Rodriguez

**Movant(s):**

Cab West, LLC

Represented By  
Sheryl K Ith  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13493 Ronny Bess and Jeannie Renat Bess**

**Chapter 13**

**#53.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 11/28/17, 1/23/18

Docket 88

<b>Party Information</b>
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**Debtor(s):**

Ronny Bess

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Jeannie Renat Bess

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10557 Macario Asistio Viceral**

**Chapter 13**

**#54.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 30

**Party Information**

**Debtor(s):**

Macario Asistio Viceral

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11102 Yolanda Villanueva**

**Chapter 13**

**#55.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 78

**Party Information**

**Debtor(s):**

Yolanda Villanueva

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11441 Joann B Atkins**

**Chapter 13**

**#56.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 40

**Party Information**

**Debtor(s):**

Joann B Atkins

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11646 Edgar Rufino Hernandez**

**Chapter 13**

**#57.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 38

**Party Information**

**Debtor(s):**

Edgar Rufino Hernandez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#58.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 11/28/17; 2/27/18

Docket 48

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

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11947 James A Arce**

**Chapter 13**

**#59.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 20

**Party Information**

**Debtor(s):**

James A Arce

Represented By  
James Geoffrey Beirne

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12264 Alicia Butterfield**

**Chapter 13**

**#60.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 50

**Party Information**

**Debtor(s):**

Alicia Butterfield

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12571 Mari Armandaryan Zakaryan**

**Chapter 13**

**#61.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 39

**Party Information**

**Debtor(s):**

Mari Armandaryan Zakaryan

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12579 Nafees Memon**

**Chapter 13**

**#62.00** Order Setting Hearing on Motion to Dismiss  
filed by Creditor Fenta Takele

Docket 74

**Party Information**

**Debtor(s):**

Nafees Memon

Represented By  
William R Ramsey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, March 27, 2018

Hearing Room 302

11:00 AM

1:16-12834 Fakhrudin Noorbhai and Asma Fakhrudin Noorbhai

Chapter 13

#63.00 Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 38

\*\*\* VACATED \*\*\* REASON: Withdrawal filed by Chapter 13 Trustee -  
Doc. #43. If

Party Information

**Debtor(s):**

Fakhrudin Noorbhai

Represented By  
Jeffrey N Wishman

**Joint Debtor(s):**

Asma Fakhrudin Noorbhai

Represented By  
Jeffrey N Wishman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12965 Yinka Brandy Nunoo**

**Chapter 13**

**#64.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 38

**Party Information**

**Debtor(s):**

Yinka Brandy Nunoo

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13218 Richard Calvin Shirley and Sandra Alexis Pearsonshirley Chapter 13**

**#65.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 57

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed by Chapter 13 Trustee -  
Doc. #61. If**

**Party Information**

**Debtor(s):**

Richard Calvin Shirley

Represented By  
Thomas B Ure

**Joint Debtor(s):**

Sandra Alexis Pearsonshirley

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, March 27, 2018

Hearing Room 302

11:00 AM

1:16-13598 Bruce Jeffrey Starin and Geraldine Papel Starin

Chapter 13

#66.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 52

\*\*\* VACATED \*\*\* REASON: Withdrawal filed by Chapter 13 Trustee -  
doc. #60. If

**Party Information**

**Debtor(s):**

Bruce Jeffrey Starin

Represented By  
John D Monte

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#67.00** Motion to Avoid Lien JUNIOR LIEN with  
Internal Revenue Service

fr. 1/23/18

Docket 58

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#68.00** Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board

fr. 1/23/18

Docket 60

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#69.00** Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board

fr. 1/23/18

Docket 61

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11131 Yoddy Milton Muguertegui**

**Chapter 13**

**#70.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 31

**Party Information**

**Debtor(s):**

Yoddy Milton Muguertegui

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11425 Hamila Salehi Tabaie**

**Chapter 13**

**#71.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 51

**Party Information**

**Debtor(s):**

Hamila Salehi Tabaie

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11777 Cindy Lee Harris**

**Chapter 13**

**#72.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 41

**Party Information**

**Debtor(s):**

Cindy Lee Harris

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11938 Antonio Gonzalez, Jr.**

**Chapter 13**

**#73.00 Debtor's Motion to Set  
Aside Foreclosure Sale**

Docket 40

**\*\*\* VACATED \*\*\* REASON: Moved to 3/21/18 (per notice filed 2/27/18) -  
jc**

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

**Debtor(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Movant(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12885 Karen Marcy Santos Pham**

**Chapter 13**

**#74.00** Motion RE: Objection to Claim Number 1 by Claimant Idefonza Rivera.  
fr. 2/27/18

Docket 24

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

**Debtor(s):**

Karen Marcy Santos Pham

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13386 Mary F Kimball**

**Chapter 13**

**#75.00** Motion For Order Compelling Attorney To File Disclosure  
Of Compensation Pursuant To 11 U.S.C. § 329

fr. 2/27/18

Docket 23

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed by OUST on 3/22/18 Doc.  
#43. If**

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

**Debtor(s):**

Mary F Kimball

Represented By  
Leslie Richards

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12133 Erick Chicas**

**Chapter 13**

**#76.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 60

**Party Information**

**Debtor(s):**

Erick Chicas

Represented By  
Eric Bensamochan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, March 27, 2018**

**Hearing Room 302**

11:30 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#77.00** Order to appear and show cause why attorney Claudia Phillips 1) Should not be sanctioned for failure to represent debtors and 2) Why her clients should not be advised of her absence and 3) Why any further fees should be disbursed to her from any chapter 13 trustee.

fr. 2/27/18

Docket 0

**Party Information**

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:00 AM

**1:18-10518 Gerard Schetritt**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 9

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gerard Schetritt

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**1:18-10521 Louis Vargas**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

fr. 3/21/18

Docket 11

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Louis Vargas

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 302**

9:00 AM

**CONT... Louis Vargas**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

**1:18-10555 Julio C Molica**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling.

Docket 7

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Julio C Molica Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

1:16-12073 Anzhey Barantsevich

Chapter 11

#1.00 U.S. Trustee's Motion to Dismiss or Convert  
Case withand Order Directing Payment of  
Quarterly Fees and for Judgment Thereon

Docket 106

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

1:16-12315 Martha Alicia Ybanez

Chapter 11

#2.00 Motion by Rainbow Villas HOA to Dismiss  
Debtor Or Convert Case Under 11 U.S.C. 1112(b)

Docket 136

\*\*\* VACATED \*\*\* REASON: Ntc. of voluntary dismissal of motion filed  
by movant 3/16/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Ybanez

Represented By  
Matthew D Resnik

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Martha Alicia Ybanez**

Roksana D. Moradi

**Chapter 11**

**Movant(s):**

Rainbow Villas HOA

Represented By  
Mark J Markus

**1:16-12315 Martha Alicia Ybanez**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 10/6/16; 3/2/17, 3/8/17; 4/12/17, 7/12/17; 1/10/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Martha Alicia Ybanez

Represented By  
Matthew D Resnik  
Matthew D Resnik

**1:17-13063 S.B.R.S., Inc.**

**Chapter 11**

**#4.00 First Interim Application for Compensation and  
Reimbursement of Expenses of Michael Jay Berger**

Period: 11/16/2017 to 2/14/2018  
Fees: \$20656.00 Expenses: \$502.31

Docket 59

**Tentative Ruling:**

Granted with the reduction agreed to by counsel based on the UST objection.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT... S.B.R.S., Inc. Chapter 11  
NO Appearance required, given that debtor's counsel agreed with objection.

**Party Information**

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger  
Todd S Garan

**Movant(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger  
Todd S Garan

1:17-10881 **Emeterio Rodriguez and Leticia Rodriguez** Chapter 11

**#5.00** Application for Compensation for AOE  
Law & Associates, Debtor's Attorney

Period: 4/4/2017 to 11/1/2017  
Fees: \$12,015.00 Expenses: \$409.80

fr. 11/29/17, 1/17/18

Docket 82

**Tentative Ruling:**

GRANTED. No appearance required. (Appearance will be for confirmation hearing)

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT... **Emeterio Rodriguez and Leticia Rodriguez** **Chapter 11**  
Clarissa D Cu  
Crystle J Lindsey

**Movant(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle J Lindsey

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle J Lindsey

**1:17-10881 Emeterio Rodriguez and Leticia Rodriguez** **Chapter 11**

**#6.00** Scheduling and Case Management Conference

fr. 5/31/17; 9/27/17; 11/15/17, 1/17/18

Docket 1

**Tentative Ruling:**

If confirmed, post-confirmation status conference would be November 14 at 9:30 am. Please advise if any conflicts.

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**Joint Debtor(s):**

Leticia Rodriguez

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT... **Emeterio Rodriguez and Leticia Rodriguez** Chapter 11  
Anthony Obehi Egbase  
Edith Walters

**1:15-13495 Picture Car Warehouse Inc Chapter 11**

**#7.00** Status and Case Management Conference

fr. 6/16/16, 2/9/17; 4/12/17, 7/12/17; 9/27/17,  
12/13/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: continued to May 23, 9:30 am**

**Tentative Ruling:**

Based on the status report, this is continued to May 23 at 9:30 am

**Party Information**

**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**1:16-12066 Muntaser A. Ammari Chapter 11**

**#8.00** Status and Case Management Conference

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17; 4/12/17  
11/15/17; 2/7/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/23/18 @ 9:30 per order entered  
on 3/13/18. If**

**Tentative Ruling:**

Based on the settlement, closing of sale and status report, this status conference will be continued to Februsry 7, 2018 at 9:30 am to allow the debtor to either formulate a plan and disclosure or move to disnmiss the case. Debtor should notice the continuance



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT...

Muntaser A. Ammari

Chapter 11

**Party Information**

**Debtor(s):**

Muntaser A. Ammari

Represented By

Mark S Horoupian

Mark S Horoupian

Mark S Horoupian

Jason Balitzer

Jason Balitzer

Jason Balitzer

1:16-12920 Bang T Phan

Chapter 11

#9.00 Scheduling and Case Management Conference

fr. 12/1/16; 4/27/17, 4/26/17; 5/10/17, 7/26/17, 2/7/18

Docket 1

**Tentative Ruling:**

Debtor's 1/24 s/r stated that Debtor would consummate the plan and file an application for final decree by March 1. This was continued to after that date to allow for that, but nothing further has been filed.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Bang T Phan

Represented By

John K Rounds

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#10.00 Scheduling and Case Management Conference

Docket 0

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT... Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

**Tentative Ruling:**

Claims bar date has been set already at 3/8/18

Objections to claims deadline: July 13, 2018

Disclosure statement filing deadline: August 31, 2018

Proposed disclosure statement hearing: October 24, 2018, 9 :30 am

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

**Party Information**

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By  
Matthew D Resnik

**Joint Debtor(s):**

Keri Ingvarsson

Represented By  
Matthew D Resnik

**1:18-10484 Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

**#10.01** Motion for relief from stay

COUNTY OF VENTURA

fr. 3/7/18

Docket 21

**Tentative Ruling:**

Petition Date: 02/23/2018

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

Chapter: 11

Service: Proper (Motion heard on Shortened Notice). Opposition filed on 3/6/18.

Property: Contents of safe deposit box

Property Value: Unknown – contents of the safe deposit box are unknown

Amount Owed: \$28,431,172.20 (\$21,710,000 in Principal from Cross-Complaint Judgment; \$6,721,172.20 in Accrued Interest)

Equity Cushion: N/A

Equity: Unknown

Post-Petition Delinquency: N/A

The County of Ventura (Movant) alleges bad faith as cause to seek relief from the automatic stay under 11 U.S.C. §362(d)(1). Movant argues this bankruptcy petition is a part of a scheme to delay, hinder, or defraud creditors. Movant cites to Debtor's failure to list Movant on initial bankruptcy filings, Debtor's previously dismissed chapter 11 petition, and further alleges that Debtor intentionally mislead the court in listing an incorrect mailing / residential address. In addition to those allegations, Movant claims Debtor is currently operating an illegal dumpsite in Los Angeles County. Movant asserts that an outstanding \$28 million-dollar judgment against Debtor is nondischargeable under §532(a)(7), making reorganization impossible.

Movant requests that the Court: enter an order directing the LA County Sheriff to retain custody of the safe deposit box, set a hearing to determine the disposition of the box, authorize the drilling and inventorying the contents of the box, and impound the assets of the box.

Debtor opposes the Motion, arguing that the listed addresses are correct and that an active lawsuit against Movant (which equals or exceeds the Movant's judgment) is currently pending in state court. In addition to the potential judgment amount against Movants, Debtor declares he owns millions of dollars' worth of land and has a regular monthly income. Further, Debtor argues that this motion is without merit because the safe deposit box has nothing of value.

At the previous hearing, parties agreed that the scope of the ruling was limited to maintaining the status quo of the safe deposit box. Both parties agreed for the box to remain secured in Sheriff's custody and agreed to continue the matter to the Status Conference Hearing on March 28<sup>th</sup>. The court ordered parties to confer about which state court claims were going forward, and to specifically update the

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

**CONT...**      **Barton Wayne Fishback and Carol Fishback**      **Chapter 11**

court on the process of resolving the underlying dispute at the next hearing.

No further opposition or response to this motion has been filed.

It appears the safe deposit box issue can be easily resolved. The parties were to confer. has this happened?

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Movant(s):**

COUNTY OF VENTURA

Represented By  
David J Cook

**1:18-10484**      **Barton Wayne Fishback and Carol Fishback**      **Chapter 11**

**#11.00**      Scheduling and Case Management Conference

Docket      0

**Tentative Ruling:**

Proposed claim bar date: June 7, 2018 - submit claims bar date order within a week

Objections to claims deadline: July 31, 2018

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

9:30 AM

CONT... **Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

Proposed disclosure statement filing deadline: October 25, 2018

Proposed disclosure statement hearing: December 12, 2018 at 9:30

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**1:14-14734 Martha J. Castro**

**Chapter 11**

**#11.01** Debtor's Motion for Entry of  
Discharge and Final Decree

Docket 199

**Tentative Ruling:**

Having reviewed Debtor's Motion for Discharge and Final Decree, and finding that all requirements are met and no opposition has been filed, the motion is GRANTED.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Martha J. Castro

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Martha J. Castro**

**Chapter 11**

Edith Walters  
W. Sloan Youkstetter

**Movant(s):**

Martha J. Castro

Represented By  
Anthony Obehi Egbase  
Crystle J Lindsey  
Edith Walters  
W. Sloan Youkstetter

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, March 28, 2018**

**Hearing Room 302**

10:00 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#11.02 Post-Confirmation Status Conference**

fr. 10/25/17, 12/13/17, 3/21/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

11:00 AM

1:15-11128 Kelly D Hankins and Pamela J Hankins

Chapter 13

#12.00 Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 80

\*\*\* VACATED \*\*\* REASON: Resolved per APO Doc no 83 -CT

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Kelly D Hankins

Represented By  
Steven A Wolvek

**Joint Debtor(s):**

Pamela J Hankins

Represented By  
Steven A Wolvek

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
John H Kim  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-11267 Irma Villalpando

Chapter 13

#13.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

fr. 2/28/18

Docket 73



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, March 28, 2018

Hearing Room 302

11:00 AM

CONT... Irma Villalpando

Chapter 13

**Tentative Ruling:**

**2/28/18 Tentative**

Petition Date: 05/12/2017

Chapter: 13

Service: Proper. Opposition filed on 2/16/18 (2 days late)

Property: 13849-13851 Roscoe Boulevard, Panorama City, California 91402

Property Value: \$475,000.00 (per debtor's schedules)

Amount Owed: \$448,347.23 (per RFS motion)

Equity Cushion: N/A

Equity: \$26,652.77

Post-Petition Delinquency: \$1,853.52 (2 payments of \$1,853.32; less \$1,853.12 of suspense account of partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor opposes the motion, arguing that the Property is necessary for an effective reorganization. Debtor filed or intends to file a plan of reorganization that requires use of the Property.

Debtor also argues the motion should be denied because the Debtor will be current on or before the hearing. In the alternative, Debtor will seek an Adequate Protection Order to cure arrears that have accrued post-petition.

APPEARANCE REQUIRED

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

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Dane W Exnowski  
John D Schlotter

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CONT... Irma Villalpando Chapter 13

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-11273 Silvia N Veliz Chinchilla Chapter 13

#14.00 Motion for relief from stay

SHERWOOD TOWNHOMES ASSOCIATION

Docket 41

\*\*\* VACATED \*\*\* REASON: Resolved per stip, docket number 45 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Silvia N Veliz Chinchilla Represented By  
R Grace Rodriguez

**Movant(s):**

Sherwood Townhomes Association Represented By  
Neil B Katz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

1:17-11938 Antonio Gonzalez, Jr. Chapter 13

#15.00 Motion for relief from stay

CITIBANK NA

Docket 38

\*\*\* VACATED \*\*\* REASON: Moved to 3/21/18 (per notice filed 2/27/18) -  
jc

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**CONT... Antonio Gonzalez, Jr.**

**Chapter 13**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Antonio Gonzalez Jr.

Represented By  
Donald E Iwuchuku

**Movant(s):**

Citibank N.A., as Trustee for the

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**1:17-12236 Hakeem Ademola Omisore**

**Chapter 13**

**#16.00** Motion for relief from stay

MERCEDES-BENZ FINANICAL SERVICES USA LLC

Docket 33

**Tentative Ruling:**

Petition Date: 08/22/2017

Chapter: 13

Service: Proper. No opposition filed.

Movant: Mercedes-Benz Financial Services USA LLC

Relief Sought to: Pursue Insurance \_X

Claim Against 3<sup>rd</sup> Parties Only

Disposition: GRANTED under 11 U.S.C. 362(d)(1). GRANTED relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); **4** (co-debtor stay is waived); and **5** (waiver of the 4001(a)(3) stay).

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CONT... Hakeem Ademola Omisore

Chapter 13

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Hakeem Ademola Omisore

Represented By  
David H Chung

**Movant(s):**

Mercedes-Benz Financial Services

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

1:17-12579 Natalia V Altun

Chapter 7

#17.00 Motion for relief from stay

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Docket 15

\*\*\* VACATED \*\*\* REASON: ntc. of w/d filed 3/8/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Natalia V Altun

Pro Se

**Movant(s):**

Federal National Mortgage

Represented By  
Nichole Glowin

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**CONT... Natalia V Altun**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**1:18-10185 Mario Sergio Nunez Miron**

**Chapter 7**

**#18.00** Motion for relief from stay

SANTANDER CONSUMER USA INC

Docket 11

**Tentative Ruling:**

Petition Date: 01/19/2018

Chapter: 7

Service: Proper.

Property: Vehicle 2016 Dodge Ram 1500

Property Value: \$18,450 (per motion; not listed in debtor's schedules)

Amount Owed: \$5,453.49

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$33,415.87

Debtor does not oppose granting relief.

Disposition: GRANTED under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Mario Sergio Nunez Miron

Represented By

Kevin T Simon

**Movant(s):**

Santander Consumer USA Inc. dba

Represented By

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**CONT... Mario Sergio Nunez Miron**

Jennifer H Wang

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**1:18-10251 Jose Luis Gonzalez**

**Chapter 13**

**#19.00** Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 24

**Tentative Ruling:**

Petition Date: 01/29/2018  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: Vehicle 2011 Jaguar XJL  
Property Value: \$20,000 (per debtor's schedules)  
Amount Owed: \$57,458.56  
Equity Cushion: N/A  
Equity: \$0.00.  
Post-Petition Delinquency: \$57,458.56

Disposition: GRANTED under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jose Luis Gonzalez

Represented By  
R Grace Rodriguez

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11:00 AM

CONT... Jose Luis Gonzalez

Chapter 13

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

1:18-10371 Double Black Limousine

Chapter 7

#20.00 Motion for relief from stay

ALLY BANK

Docket 10

**Tentative Ruling:**

Petition Date: 02/09/2018  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle 2016 Lincoln Navigator L  
Property Value: \$37,725 (per motion)  
Amount Owed: \$8,547.62  
Equity Cushion: 69%  
Equity: \$29,177.38  
Post-Petition Delinquency: \$44,907.28

Disposition: GRANTED under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Double Black Limousine

Represented By  
Aris Artounians

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CONT... Double Black Limousine

Chapter 7

**Movant(s):**

Ally Bank

Represented By  
Adam N Barasch

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

1:18-10416 Daniela Alejandra Rowson

Chapter 13

#21.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 15

**Tentative Ruling:**

Petition Date: 02/16/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 13513 South Bluefield Rd, Riverton, Utah 84065

Property Value: \$495,000 (per debtor's schedules)

Amount Owed: \$546,070.09 (per RFS motion)

Equity: \$0.00.

Post-Petition Delinquency: \$1,031

*Reopened for the purpose to hear Motion for relief from stay on 362(d)(4)*

Movant cites to previous filings dating back from 1/14/14, 5/4/16, 3/16/17. 6/15/17, 10/4/17, 2/16/18 as a scheme to hinder, delay, or defraud creditors.

Movant requests that the Court take judicial notice of serial filings and requests the Order become binding in any prior, current, or subsequent bankruptcy filings by any person or entity, with respect to the subject property upon recording of a copy of the Order or giving appropriate notice of its entry in compliance with non-bankruptcy law.

Disposition: GRANTED under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief



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**CONT... Daniela Alejandra Rowson**

**Chapter 13**

requested in paragraphs **2** (proceed under non-bankruptcy law); and **3** (Movant permitted to engage in loss mitigation activities); **6** (Co-debtor stay is waived).

\*Bankruptcy case closed - DISMISSED entered 3/13/18 (see Doc. #28) ;  
Reopened for the purpose to hear Motion for relief from stay on 362(d)(4)

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Daniela Alejandra Rowson

Pro Se

**Movant(s):**

U.S. Bank National Association as

Represented By

Alexander G Meissner

**1:18-10205 Kanita Kennetha Elaine Petties**

**Chapter 7**

**#22.00** Motion for relief from stay

CHATEAU HASKELL APARTMENTS LLC

fr. 2/28

Docket 17

**Tentative Ruling:**

Petition Date: 01/23/2018

Chapter: 7

Service: Proper. Opposition filed on 2/28/18. Reply filed 3/8/18.

Movant: Chateau Haskell Apartments, LLC

Property Address: 7337 Haskell Ave., Van Nuys, CA 91406

Type of Property: Residential

Occupancy: Month-to-Month

UD case filed: 10/05/2017



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1:17-12238 Juliana Njeim

Chapter 7

#23.00 Motion for relief from stay

ALLY BANK LEASE TRUST

Docket 37

**Tentative Ruling:**

Petition Date: 08/22/2017

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle. 2015 Maserati Ghibli

Property Value: \$ (per debtor's schedules) no Maserati in schedules

Amount Owed: \$38,204.50

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$37,754.50

Disposition: GRANTED under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Juliana Njeim

Represented By  
Kevin T Simon

**Movant(s):**

Ally Bank Lease Trust Serviced by

Represented By  
Adam N Barasch

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:17-12238 Juliana Njeim**

**Chapter 7**

Adv#: 1:18-01010 Seyedan v. Njeim

**#24.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 4/25/18 at 1 pm**

**Tentative Ruling:**

Continued to 4/25 at 1 pm to be heard with Motion to Dismiss

**Party Information**

**Debtor(s):**

Juliana Njeim

Represented By  
Richard Mark Garber

**Defendant(s):**

Juliana Njeim

Pro Se

**Plaintiff(s):**

Maryam Seyedan

Represented By  
James R Selth

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**1:17-12405 Sharay Lo Sann Moreland**

**Chapter 7**

**#25.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 36

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the

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CONT... **Sharay Lo Sann Moreland** **Chapter 7**

Court finds that the fees and costs are reasonable and are approved as requested.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 3/28/18.

**Party Information**

**Debtor(s):**

Sharay Lo Sann Moreland Pro Se

**Trustee(s):**

Nancy J Zamora (TR) Pro Se

1:16-10445 **Salvador Garcia, Jr. and Yolanda M. Garcia** **Chapter 13**

#25.01 Emergency Motion For Order Vacating Order  
Granting Relief from the Automatic Stay of  
Specialized Loan Servicing, LLC

Docket 37

**Tentative Ruling:**

Why is there no declaration from former counsel?  
Why did debtors not appear at the hearing when they could not reach  
counsel?  
Why did debtors not tender payments?  
Given the amount of equity in the home, can an APO be figured out?  
APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Salvador Garcia Jr. Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Yolanda M. Garcia Represented By

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**CONT... Salvador Garcia, Jr. and Yolanda M. Garcia**

**Chapter 13**

Donald E Iwuchuku

**Movant(s):**

Salvador Garcia Jr.

Represented By

Donald E Iwuchuku

Yolanda M. Garcia

Represented By

Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:00 PM

**1:16-13445 Penelope Charlene Jeffries**

**Chapter 7**

Adv#: 1:17-01023 Zambo v. Jeffries

**#26.00** Motion For Summary Judgment

Docket 10

**\*\*\* VACATED \*\*\* REASON: Memorandum of Decision entered 3/22/18  
(doc. 14); Order entered 3/22/18 (doc. 15) - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Penelope Charlene Jeffries

Represented By  
Ginger Marcos

**Defendant(s):**

Penelope Charlene Jeffries

Pro Se

**Movant(s):**

Nicole Zambo

Pro Se

**Plaintiff(s):**

Nicole Zambo

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**1:16-13445 Penelope Charlene Jeffries**

**Chapter 7**

Adv#: 1:17-01023 Zambo v. Jeffries

**#27.00** Status Conference re: Complaint for  
Nondischargeability of debt

fr. 6/14/17; 9/27/17

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**CONT... Penelope Charlene Jeffries**

**Chapter 7**

Docket 1

**Tentative Ruling:**

Parties to file and serve trial briefs (if required): \_\_\_\_\_

TRIAL TO BE HELD ON: \_\_\_\_\_

COURT TO ISSUE SCHEDULING ORDER

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

**Debtor(s):**

Penelope Charlene Jeffries

Represented By  
Ginger Marcos

**Defendant(s):**

Penelope Charlene Jeffries

Pro Se

**Plaintiff(s):**

Nicole Zambo

Pro Se

**Trustee(s):**

Diane Weil (TR)

Pro Se



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2:00 PM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#28.00** Scheduling and Case Management Conference

fr. 10/18/17; 11/15/17; 12/6/17, 2/7/18,

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#29.00** EVID HRG -  
re: Motion to 1) Determine the Value of Real Property Located at 3655 Elm Ave, Long Beach 90807 as Collateral for First Note and Deed of Trust of Temple Beth Shalom-Long Beach; 2) to Determine the Extent of Secured Claim of the First Note & Deed of Trust; and 3) Avoid Junior Liens

fr. 11/29/17; 12/6/17; 2/5/18; 3/1/18, 3/22/18

Docket 29

**Tentative Ruling:**

Based on the testimony at the hearing, as will be explained on the record, I find the value of the property to be \$ 2, 054,110 SOLELY for purposes of section 362(d)(3)(B), The parties should figure out what they believe to be

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**CONT...**      **Senior Community Housing Long Beach, LLC**      **Chapter 11**  
the "nondefault contract rate of interest on the value of teh creditor's interest"  
in teh property so that I can set the ongoing monthly payments until  
confirmation value can be established.

**Party Information**

**Debtor(s):**

Senior Community Housing Long	Represented By Michael R Totaro Brian T Harvey
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**Movant(s):**

Senior Community Housing Long	Represented By Michael R Totaro Brian T Harvey
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**1:17-12260      Senior Community Housing Long Beach, LLC      Chapter 11**

**#30.00**      Motion to Strike Supplemental Declaration of Michael R. Totaro  
and (2) Reservation of Rights

Docket      98

**Tentative Ruling:**

This declaration was not authorized and does not present evidence on any issues provided for in the motion or scheduling order. It will not be considered and is stricken. If debtor wants evidence as to zoning and value considered, it must file a plan and state exactly what the use is and what value such use makes the property. Until such time, these issues are premature.

**Party Information**

**Debtor(s):**

Senior Community Housing Long	Represented By Michael R Totaro Brian T Harvey
-------------------------------	--

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**CONT... Senior Community Housing Long Beach, LLC**

**Chapter 11**

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**1:14-12042 Akop Gasparyan**

**Chapter 7**

**#1.00 EVID HRG -**

Re: Motion to Avoid Lien Judicial Lien with Donna Fuller,  
Lucy Kapetanich, Valerie Kerr, Lisa McGrath,  
April Wyman & Kathleen McTeague

fr. 2/7/18

Docket 142

**\*\*\* VACATED \*\*\* REASON: Matter is vacated per order #181. If**

**Tentative Ruling:**

Service: Proper

Property Address: 3708 Alomar Dr., Sherman Oaks, CA 91723 (the "Alomar Property"). On April 3, 2008, judgement creditors Donna Fuller, Lucy Kapetanich, Valerie Kerr, Lisa McGrath, April Wyman, and Kathleen McTeague (collectively, "Creditors") recorded an abstract of judgment in Los Angeles County, attached to the motion as Exhibit 4. A chapter 7 voluntary petition was filed in this case was filed on April 18, 2014. On June 24, 2014, Creditors entered into a stipulation with the chapter 7 trustee providing for payment of proceeds from the sale of the Alomar Property and the Verdugo Property, which would otherwise be payable to the Creditors, would be paid to 1) the trustee, 2) the trustee's attorneys, and 3) the bankruptcy estate.

Creditors timely filed a secured proof of claim for \$1,111,200.40 on July 30, 2014 (Claim 7-1). On September 18, 2014, Debtor entered into an agreement with the chapter 7 trustee to abandon the Alomar Property and debtor's liquor license in exchange for paying \$65,000 into the estate.

Debtor argues that, upon discovering that assets would be administered to unsecured creditors, Creditors subsequently amended their proof of claim on June 26, 2017 asserting an *unsecured* claim.

As a threshold matter, the Court will address Debtor's judicial estoppel argument. Debtor argues that the Court should apply judicial estoppel to bar Creditors from asserting a security interest in the Alomar Property. Effectively, Debtor asks the Court to apply an equitable doctrine to strip a lien lawfully attached to property under California state law—otherwise, that by entering into the carve-out Agreement,

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**CONT... Akop Gasparyan**

**Chapter 7**

Creditors "essentially waived their secured interest" in the Alomar Property.

In their response, Creditors state that they amended their claim to unsecured after being told to do so by the attorney for the chapter 7 trustee, Ori Blumenfeld. Mr. Blumenfeld, via email, stated that Creditors do "not have a security interest in any of the funds recovered, as they came from litigation recoveries or settlements." A declaration to that effect and a copy of the email are attached to Debtor's response.

Judicial estoppel is a "flexible equitable doctrine" which, among other applications, "estops a party from gaining an advantage by taking one position and then seeking another advantage from an inconsistent position." In re An-Tze Cheng, 308 B.R. 448, 452 (B.A.P. 9th Cir. 2004), aff'd and remanded sub nom. In re Cheng, 160 F. App'x 644 (9th Cir. 2005). Furthermore, "[j]udicial estoppel should be reserved for compelling situations." Id. at 456. Midland Funding and Wells Fargo both filed unsecured claims and will receive estate funds according to the Trustee's Final Report despite similarly holding a judicial lien against the Alomar Property. There is no appearance of any wrongdoing on the part of the Creditors. Creditors effectively agreed for purposes of this bankruptcy to be treated as unsecured creditors in order to collect what they could from the sale of the properties. Even if such conduct was inequitable, Debtor has provided no authority for the Court's authority to strip a lien under the theory of judicial estoppel. Nor is the Debtor correct in stating that Creditors "waived" their lien in signing the carve-out agreement. Judicial estoppel is not applicable.

Following the avoidance of the junior judicial liens of Midland funding, LLC, KFT Enterprises, and Wells Fargo, lien avoidance under § 522(f) would be calculated as follows.

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

**Donna Fuller: \$ 1,111,200.40 (To be avoided)**

Exemption claimed: \$175,000

Total liens plus claimed exemption: \$2,854,516.40

SUBTRACT FMV of property (per Debtor): <\$1,700,000>

**Total amount of judicial liens that may be avoided: \$1,154,516**

See In re Pike, 243 B.R. 66, 71 (B.A.P. 9th Cir. 1999). An appraisal was submitted in opposition to this motion by Creditors. The appraiser, John Dart, states that on or about March 11, 2013, more than a year pre-petition, he conducted an exterior-only inspection of the Property for Prospect Mortgage, LLC for purposes of a refinance

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CONT...

**Akop Gasparyan**

**Chapter 7**

transaction. Dart's first appraisal valued the property at \$2,718,000. Doc. 157 p.2. On January 22, 2018, Mr. Dart conducted a second appraisal of the Property and estimated that, as of the petition date, April 18, 2014, the Property's value was \$2,600,000. However, Mr. Dart also states that the appraisal is based upon the "extraordinary assumption" that certain damage, including currently existing water damage, occurred subsequent to April 18, 2014. While Mr. Dart had no evidence of when the damage occurred, large repair estimates "could have a significant impact on this appraisal." In their response, Creditors argue that the higher, \$2,718,000 valuation from the exterior-only inspection should be used for purposes of this 522(f) motion.

Creditors also argue that Debtor provides no evidence of entitlement to an enhanced homestead exemption of \$175,000, and contend that Debtor is entitled to a homestead exemption of only \$75,000 under Cal. Civ. Code 704.730(a)(1). A party in interest may challenge the validity of a claimed exemption for the first time on a lien avoidance motion, even where the deadline for objection under 522(l) has run. In re Morgan, 149 B.R. 147, 151-52 (B.A.P. 9th Cir. 1993).

Assuming that the Creditors' appraisal valuation and exemption amount are correct, the calculation under § 522(f) would be:

Consensual 1st DoT: \$1,057,466

Consensual 2nd DoT: \$510,850

**Donna Fuller: \$ 1,111,200.40 (To be avoided)**

Exemption: \$75,000

Total liens plus claimed exemption: \$2,754,516.40

SUBTRACT FMV of property (per creditor): <\$2,600,000>

**Total amount of judicial liens that may be avoided: \$154,516.40**

Debtor has not submitted a reply. It appears that there are two remaining issues: 1) the amount of the homestead exemption and 2) the value of the property. Debtor must provide evidence of his entitlement to an enhanced homestead exemption. It seems likely that, even accepting Creditor's exemption amount and appraiser's valuation upon a full inspection, a portion of Creditor's lien may be avoided under § 522(f). It appears that an evidentiary hearing will be necessary. The parties should appear prepared to discuss possible dates and deadlines.

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, March 29, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Akop Gasparyan**

**Chapter 7**

**Debtor(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan

**Movant(s):**

Akop Gasparyan

Represented By  
Vahe Khojayan  
Vahe Khojayan  
Vahe Khojayan

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Ervin Cohen & Jessup LLP

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10747 Andy Hong**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Andy Hong

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10731 Francis Grant**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Francis Grant

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#1.00 Amended Disclosure Statement**

fr. 12/6/17, 2/7/18; 3/7/18

Docket 162

**Tentative Ruling:**

If there is no stipulation with bank, debtor will need explain why case should not be dismissed. There has been more than sufficient time to work this out.

<b>Party Information</b>
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**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#2.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17,  
2/7/18; 3/7/18

Docket 1

**Tentative Ruling:**

No status report was timely filed and the disclosure statement and plan cannot go forward where debtor is attempting to cram down a primary residence.

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

9:30 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#3.00 Motion To Disallow Claim Of Sara Boodaie, Trustee Of The Yehouda Boodaie Revocable Living Trust, Dated July 6, 2007 [Claim No. 10] Or, In The Alternative, To Estimate Claim For Distribution Purposes

fr. 3/21/18

Docket 313

**Tentative Ruling:**

Debtor filed this Motion to Disallow ("Motion") the claim of Sarah Boodaie ("Claimant") as untimely filed. Debtor further argues that the Court should estimate Claimant's claim under § 502(c) to be \$0.00 as contingent and unliquidated.

Sara Boodaie and Joseph Boodaie were, as of the petition date, co-trustees of the Yahouda Revocable Living Trust dated July 6, 2007 (the "Trust"). Since the petition date, Sara Boodaie has petitioned the probate court to remove Joseph Boodaie a co-trustee for his misconduct as co-trustee of the Trust. The probate court litigation is still pending. However, in March 2016, the Los Angeles Superior Court found that Debtor is owned by Joseph Boodaie, rather than the Trust. Request for Judicial Notice, Exhibit G. The Superior Court further stated that it "would authorize the judgment creditor to levy on the stock certificates of Osher and Osher, Inc. as an asset of the debtor [Joseph Boodaie], were it not for the stay of the Bankruptcy Court." Id. The Superior Court subsequently entered its Findings and Order at Evidentiary hearing to Determine Ownership of Osher and Osher, Inc., which specified that "Joseph Boodaie, in his personal, individual capacity, is the owner of Osher and Osher, Inc." Request for Judicial Notice, Exhibit H. On August 2, 2016 this Court granted the judgment creditors relief from the automatic stay to allow levy on the stock certificates of Debtor. Judgment Creditors now control the case and have consented to it continuing so that the distribution of the proceeds of the sale can be resolved.

The claims bar date in this case was August 17, 2016. Claimant filed her proof of claim six months later on February 21, 2017. A claim may be disallowed under § 502(b)(9) if untimely filed, with certain enumerated exceptions. Claimant has not indicated that her claim falls within one of those exceptions. Claimant instead argues, in her untimely filed opposition to the Motion, that she was the acting

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

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9:30 AM

CONT... Osher And Osher, Inc.

Chapter 11

principal of the Debtor at the time of the petition and continued to be so "for a period longer thereafter longer [sic] than expiration of the Claims Bar Date." Claimant Response, 3:5. Therefore, Claimant argues, "it is fully reasonable that the Claims Bar Date did not apply to Claimant's interest(s) at the time the Claims Bar Date expired or that Claimant did not understand, nor should have understood, that she needed to file a proof of claim before the Claim[s] Bar Date or for a considerable period thereafter." Claimant Response, 3:14-17. Claimant provides no authority to support her argument.

Claimant's claim was filed in February 2017, almost a full year after the Superior Court's March 2016 judgment and order determining that the Debtor was owned by Joseph Boodaie, and not the Trust. The Court did not fix the claims bar date until June 16, 2016. Claimant should have known months before the claims bar date was even set that the Trust did not have an equity interest in the Debtor. If it was still unclear, the Court's order August 2016 allowing judgment creditors relief from the automatic stay to levy on the stock certificates, and the subsequent levy, should have resolved any doubt as to Claimant's position as an equity holder. Claimant also never clearly explains how her personal claim would not have to be asserted in the Osher bankruptcy estate regardless of who controls Osher.

Claimant further argues that Federal Rule of Civil Procedure ("FRCP") 60(b) (1) provides a basis for the Court to grant relief from the claims bar date. The Supreme Court considered a similar argument in Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380 (1993). However, unlike the claimant in Pioneer, Ms. Boodaie did not comply with the requirements of Rule 9006(b)(1) by moving the Court to allow her claim as late-filed due to excusable neglect. Furthermore, a motion under FRCP 60(b) must be brought within one year of relevant order or judgment. The Order Setting Last Day to File Proofs of Claim was entered June 20, 2016. More than a year has therefore elapsed since the order was entered, and relief under FRCP 60(b) is not available.

Furthermore, even if the court were able to overlook (1) the late filing of the claim, and (2) the Rule 60(b) deadline, Claimant has failed throughout the duration of this case to produce any evidence to support her claim in this bankruptcy. As we enter April 2018, no documentation has been produced to support any claim by Claimant either in the original claim or in response to the objection to claim. Claimant now requests that the Court continue this hearing to mid-May in anticipation of further rulings from the probate court. It is difficult to imagine what relief Claimant could obtain in probate court by removing Joseph Boodaie as co-trustee of the Trust due to the fact that the Superior Court has determined that the Trust does not have

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Osher And Osher, Inc.**

**Chapter 11**

an ownership interest in the Debtor; ownership is held by Joseph Boodaie. A statement filed in support of disallowance of Claimant's claim asserts that Claimant has not filed anything with the probate court since October 2016 other than a substitution of attorney filed in March 2017. Rulings coming from the probate court appear unlikely, and any evidence that would support a ruling there could have been produced here to support this claim. The case has been pending for years -- if there were any merit to this claim, there has been more than sufficient time to demonstrate that. This lack of proof requires the Court to estimate the claim at \$0 under § 502(c) if the claim were not disallowed as untimely filed.

For the reasons stated above, Claim number 10 is DISALLOWED.  
APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#4.00 Status and Case Management Conference**

Docket 0

**Tentative Ruling:**

No plan and disclosure were filed by the mandatory deadline. Ms. Warda has said in response that filing a plan is not possible, given the valuation and debt level. These have been determined and are final. The choice at this hearing will be whether to dismiss the case or convert to Chapter 7. Parties may be heard on this. A chapter 11 trustee is not an option and not appropriate here.

<b>Party Information</b>
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**Debtor(s):**

Farideh Warda

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10212 Ferdinand Holgado**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 3/22/17, 8/16/17, 11/8/17, 1/17/18, 2/14/18

Docket 1

**Tentative Ruling:**

No plan and no status report have been filed. It is time to decide whether this case should be dismissed or converted to Chapter 7.

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

**Debtor(s):**

Ferdinand Holgado

Represented By  
Dana M Douglas



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

9:30 AM

1:11-13493 Jack Piandaryan

Chapter 11

#5.01 U.S. Trustee's Motion to dismiss or convert case with an Order Directing Payment of Quarterly Fees and for Judgment Thereon

fr. 3/21/18

Docket 147

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 4/3/18 - jc

**Tentative Ruling:**

Debtor's response to the U.S. Trustee's motion states that he will be in full compliance with the U.S. Trustee by the date of the hearing. What is the status of Debtor's compliance efforts?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Jack Piandaryan

Represented By  
Vahe Khojayan

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker  
S Margaux Ross

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#6.00** U.S. Trustee Motion to dismiss or convert under 11 U.S.C. § 1112(b)  
with an Order Directing Payment Of Quarterly Fees And For Judgment Thereon

Docket 37

**Tentative Ruling:**

Appearance required.

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#7.00 Motion for Setting Property Value**

Docket 34

**Tentative Ruling:**

Service: Proper. No opposition filed.  
Property Address: 1315 S. Keene Ave, Compton, CA 90220  
First position lien: \$250.74 (LA County Treasurer and Tax Collector)  
Second trust deed (to be avoided): \$501,922.55  
Fair market value per appraisal: \$350,000

Secured Portion of U.S. Bank's Claim: \$349,749.26  
Unsecured Portion of U.S. Bank's Claim: \$152,173.29

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

Disposition: GRANTED.

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

**Party Information**

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#8.00** Order Setting Scheduling and Case Management  
Conference and Filing of Monthly Reports

Docket 36

**Tentative Ruling:**

Debtor has not filed a status report as required.

**Party Information**

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#9.00** Motion for relief from stay

WELLS FARGO BANK NA

fr. 2/28/18

Docket 38

**Tentative Ruling:**

Petition Date: 04/18/2017

Chapter: 13

Service: Proper. Opposition filed 02/15/18 (1 day late)

Property: 8037 Mammoth Avenue, Los Angeles, CA 91402

Property Value: \$439,000.00 (per debtor's schedules)

Amount Owed: \$284,644.27 (per RFS motion)

Equity Cushion: 27%

Equity: \$160,262.01

Post-Petition Delinquency: \$9,926.95 (5 payments of \$1,779.55; \$1,031.00 in Attorneys' fees and costs; Less \$1.80 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief listed in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor opposes the Motion, declaring that all postpetition arrearages will be cured by the hearing date on this motion and/or debtor will enter into an APO with Movant.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Mario Alberto Cerritos**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank,N.A, As Trustee

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11261 Maria Teresa A. Jalbuena**

**Chapter 13**

**#10.00** Motion for relief from stay

WELLS FARGO BANK, AS TRUSTEE  
FOR STRUCTURED ADJUSTABLE RATE

Docket 66

**\*\*\* VACATED \*\*\* REASON: Case transferred to Judge Barash 4/2/18 - jc**

**Tentative Ruling:**

This case will be transferred to Judge Barash to commence the loan modification process through the Court's loan modification program.

<b>Party Information</b>
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**Debtor(s):**

Maria Teresa A. Jalbuena

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

11:00 AM

1:17-12696 Francisco Jose Jimenez and Norma Jimenez

Chapter 7

#11.00 Motion for relief from stay

WELLS FARGO BANK, N.A. dba  
WELLS FARGO DEALER SERVICES

Docket 23

**Tentative Ruling:**

Petition Date: 10/07/2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle. 2007 Ford Truck F350 Super Duty-V8  
Property Value: \$8,720 (per debtor's schedules)  
Amount Owed: \$19,935.09  
Equity Cushion: N/A  
Equity: \$0.  
Post-Petition Delinquency: \$1,570.12

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Francisco Jose Jimenez

Represented By  
David H Chung

**Joint Debtor(s):**

Norma Jimenez

Represented By  
David H Chung

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Francisco Jose Jimenez and Norma Jimenez**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10606 Marvin Davis**

**Chapter 13**

**#12.00** Motion for relief from stay

EASTON INVESTMENTS II, LP DBA  
THE VILLAGE APARTMENTS

Docket 9

**\*\*\* VACATED \*\*\* REASON: Moot per dismissal. See doc. 14. -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Marvin Davis

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

11:00 AM

1:17-11425 Hamila Salehi Tabaie

Chapter 13

#12.01 Motion for relief from stay

HSBC BANK USA NA

fr. 3/21/18

Docket 52

\*\*\* VACATED \*\*\* REASON: Case dismissed, see doc. no. 58 -CT

**Tentative Ruling:**

Debtor appeared at March 21 hearing on this motion and indicated that she was interested in potentially working with the lender or possibly putting the property on the market. Nothing new has been filed on the docket. What is the status of Debtor's attempt to resolve this issue?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hamila Salehi Tabaie

Represented By  
Kevin T Simon

**Movant(s):**

HSBC Bank USA, National

Represented By  
Nancy L Lee  
Merdaud Jafarnia

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

- #13.00** Motion To Compel: (1) Hanrit Moussighi To Appear For And Provide Testimony At Deposition, (2) Moeir Moussighi To Appear For And Provide Testimony At Continued Deposition, And Request For Sanctions, Including Reimbursement Of Court Reporter And Interpreter Non Appearance Fees

Docket 38

**Tentative Ruling:**

This could be considered a routine discovery dispute, but since it is exactly the kind of dispute that attorneys should work out together as professionals, it is necessary to describe what happened in boring detail in order to explain this ruling properly. There was a great deal of unnecessary confusion regarding the timing of the depositions in this matter. After reading all emails submitted by both sides, the court concludes that the confusion was a result of sloppy practice and poor communication by Defendant's attorney, Raymond Aver, not the Plaintiffs. Because there was no meaningful meet and confer before the motion was filed and no basis for the motion, the motion is denied.

Mr. Aver requested dates to schedule the depositions of Moeir Moussighi and Hanrit Moussighi from Mr. Ashour by email on October 30, 2017. Motion to Compel, Exh. A. **Mr. Ashour responded on November 20** with four potential dates and times for each Plaintiff. Joint Stipulation Exh. 1. On December 6, Mr. Aver emailed Mr. Ashour that he had not received any response to his October 30 email, and that he had unilaterally scheduled depositions for each Plaintiff. Joint Stipulation Exh. 2. The depositions scheduled by Mr. Aver, January 8, 2018 at 10:00 p.m. for Moeir and January 10 at 10:00 p.m. for Hanrit, did not correspond to the days provided by Mr. Ashour. Motion to Compel, Exh. B, C. In response to Mr. Aver's email the following day, Mr. Ashour expresses confusion that the deposition dates and times do not match those provided in the November 20 email. Joint Stipulation Exh. 3.

The papers hint at further emails exchanged between the attorneys in December, but the next most recent emails filed with the Motion are from January 2. In that exchange, Mr. Aver informs Mr. Ashour that neither Mr. Aver nor his client, Mr. Talasazan, would be attending Mr. Talasazan's deposition scheduled for January 4. When asked if Plaintiffs would be attending their scheduled depositions, Mr.

**United States Bankruptcy Court  
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11:00 AM

**CONT... Yoram Talasazan**

**Chapter 7**

Ashour repeated his criticism that the dates scheduled did not match the dates provided in the November 20 email. Mr. Aver responds by stating that the 10 p.m. time was merely a typographical error on the front page, but it appears that the parties agree to continue the depositions.

The parties agreed on January 23 to dates for Plaintiffs' depositions: February 8 for Moeir and February 9 for Hanrit. Motion to Compel, Exh. G. Mr. Aver provided notice to Mr. Ashour on February 6 that Hanrit's deposition would have to be continued due to a "court ordered deposition." Motion to Compel, Exh. H. Moeir's deposition, however, went ahead as planned on February 8. A partial transcript of that deposition is attached to the Motion as Exhibit I. This select portion of the last several minutes of a more than five hour deposition does not cast either attorney in a flattering light. Mr. Ashour claims that at a break during the deposition, Mr. Aver informed him that the scheduling conflict for Hanrit's deposition the following day had been resolved. Mr. Ashour attempted to contact Hanrit that night, but was unable to do so.

The following day, February 9, Mr. Aver emailed Mr. Ashour at 10:24 a.m. to ask why neither he nor Hanrit had appeared at the deposition scheduled for that morning. Motion to Compel, Exh. J. Mr. Ashour responded that Mr. Aver's February 6 email had led Hanrit to believe that her deposition on February 9 would not be going forward, and that she had made other plans in the interim. Motion to Compel, Exh. K. Mr. Aver then recorded an Affidavit re Nonappearance.

On February 19, Mr. Ashour provided new three possible dates for a rescheduled deposition of Hanrit: February 26, 27, and March 8. Motion to Compel, Exh. O. Mr. Aver responded the next day by sending a stipulation regarding dates for Plaintiffs' depositions, including the February 26 date for Hanrit. The stipulation was never signed, and there is no evidence that Mr. Ashour agreed to the date requested. Mr. Ashour denies that he was ever informed by Mr. Aver that Hanrit's deposition would be on February 26. Motion to Compel, Exh. T. Mr. Ashour states that he did not agree to the stipulation due to a provision requiring his client to pay the court reporter's fees. Joint Stipulation Exh. 7. According to Mr. Ashour, no correspondence occurred between the attorneys for the two following weeks.

Regardless, Mr. Aver unilaterally scheduled the deposition of Plaintiff Hanrit for Monday, February 26, and emailed Plaintiff's attorney at 3:00 p.m. on Friday, February 23 to confirm that Hanrit would appear. The email records of the interactions between the attorneys are telling:

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, April 4, 2018

Hearing Room 302

11:00 AM

CONT...

**Yoram Talasazan**

**Chapter 7**

On Feb 23, 2018, at 3:28 PM, Ashkan Ashour ,[Ash@aaa-law.com](mailto:Ash@aaa-law.com)> wrote:

I don't remember you scheduling the deposition at that time. Although that was one of the 3 dates we provided, I don't have any record of you actually letting us know that you would be taking the deposition on that date.

I will have to contact my client and see if she is still available at that time and get back to you. If you believe you have sent a previous indication that this was the date you were going to depose her, please forward it to me because as I said I search[ed] my records and e-mail and I have not received anything from you indicating that you would be taking her deposition on that date.

I will do my best to get back to you by 5:00pm but you only e-mailed me at 3:06pm

Motion to Compel, Exh. Q. The deposition scheduled for February 26 apparently did not go forward, and on that day Mr. Ashour again provided potential dates to Mr. Aver for a deposition. Motion to Compel, Exh. R. On February 28, Mr. Aver responded with a chosen date in a frustrated email, and Mr. Ashour responded with his own frustrated email stating that Mr. Aver would end up "unhappy and unpaid" like several attorneys before him in this case. Motion to Compel, Exh. T.

At 10:30 a.m. on Tuesday March 6, Mr. Aver emailed Mr. Ashour to inform him of this Motion to Compel and request that he provide Mr. Aver with Plaintiff's portions of the joint stipulation as required under LBR 7026-1(c)(3) within 24 hours. Motion to Compel, Exh. U. Mr. Ashour informed Mr. Aver that he was preparing for trial on Monday, and that he would have difficulty meeting the 24 hour deadline. The Motion to Compel was filed on March 7 at 5:16 p.m. along with Defendant's Unilateral Stipulation Pursuant to LBR 7026-1(c)(3). Mr. Ashour alleges that he forwarded his portion of the Joint Stipulation at 5:52 p.m., but was informed by Mr. Aver's firm that a Unilateral Stipulation had been entered because Mr. Ashour did not comply with the 24 hour deadline. At 5:05 p.m. on March 8, Mr. Aver filed a Declaration of Raymond H. Aver re Noncooperation/Cooperation of Plaintiff's Counsel regarding the stipulation. At 5:07 p.m., Mr. Aver filed the Joint Stipulation containing Mr. Ashour's portions of the stipulation.

Mr. Aver has omitted some of the less flattering emails from the Motion, and yet the emails attached to the Motion paint a pretty clear picture.

**FRCP 37 (FRBP 7037) Motion to Compel**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 4, 2018

Hearing Room 302

11:00 AM

CONT... Yoram Talasazan

Chapter 7

Defendant brings this motion to compel under Rule 37(a) of the Federal Rules of Civil Procedure ("FRCP"), made applicable to this adversary by Federal Rules of Bankruptcy Procedure ("FRBP") 7037 and 9014(c).

FRCP 37(a)(5) states as follows:

(5) *Payment of Expenses; Protective Orders.*

(A) *If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing).* If the motion is granted--or if the disclosure or requested discovery is provided after the motion was filed--the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees. But the court must not order this payment if:

- (i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action;
- (ii) the opposing party's nondisclosure, response, or objection was substantially justified; or
- (iii) other circumstances make an award of expenses unjust.

Fed. R. Civ. P. 37(a)(5). (emphasis added). Defendant argues that sanctions under FRCP 37 are mandatory here, as the underlined text above indicates. However, FRCP 37(a)(5)(A) provides three exceptions to the obligatory language. The Court finds that Plaintiff's actions surrounding the depositions, described above, were substantially justified under FRCP(a)(5)(A)(ii) and, in addition, that the circumstances make an award under FRCP 37(a) unjust. The emails demonstrate that Mr. Ashour demonstrated great patience with Mr. Aver's inability to communicate effectively.

Defendant also moves for sanctions under FRCP 37(d)(5), which states:

(d) Party's Failure to Attend Its Own Deposition, Serve Answers to Interrogatories, or Respond to a Request for Inspection.

(1) *In General.*

(A) *Motion; Grounds for Sanctions.* The court where the action is pending may, on motion, order sanctions if:

- (i) a party or a party's officer, director, or managing agent--or a person designated under Rule 30(b)(6) or 31(a)(4)--fails, after being served with proper notice, to appear for that person's deposition; or

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

CONT...

**Yoram Talasazan**

**Chapter 7**

(ii) a party, after being properly served with interrogatories under Rule 33 or a request for inspection under Rule 34, fails to serve its answers, objections, or written response.

Fed. R. Civ. P. 37(d). While it is undisputed that Hanrit, a party to this action, did not attend her own deposition, sanctions under FRCP 37(d)(1) are discretionary. Here, it appears that the primary reason that Hanrit did not attend her deposition was the poor communication and scheduling of attorney for Defendant, Mr. Aver. The Court declines impose sanctions on Plaintiffs or Mr. Ashour under FRCP 37(d).

**LBR Sanctions**

Defendant argues that sanctions are mandatory under LBR 7026-1(c)(4), which states as follows:

( 4 ) Cooperation of Counsel; Sanctions. The failure of any counsel either to cooperate in this procedure, to attend the meeting of counsel, or to provide the moving party the information necessary to prepare the stipulation required by this rule within 7 days of the meeting of counsel will result in the imposition of sanctions, including the sanctions authorized by FRBP 7037 and LBR 9011-3.

(emphasis added). Notably, Mr. Ashour did not have seven days to respond to this motion; he only had 24 hours. This is completely violative of the meet and confer requirement of LB 7026-1(c)(2):

(2) Meeting of Counsel. Prior to the filing of any motion relating to discovery, counsel for the parties must meet in person or by telephone **in a good faith effort to resolve a discovery dispute**. It is the responsibility of counsel for the moving party to arrange the conference. Unless altered by agreement of the parties or by order of the court for cause shown, counsel for the opposing party must meet with counsel for the moving party within 7 days of service upon counsel of a letter requesting such meeting and specifying the terms of the discovery order to be sought.

The actions taken by Mr. Aver do not demonstrate a good faith effort to resolve the discovery dispute. Plaintiff argues that, "pursuant to his own moving papers, it is Mr.



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Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, April 4, 2018**

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11:00 AM

**CONT... Yoram Talasazan**

**Chapter 7**

Aver who should be sanctioned here." The Court will not consider sanctions against Mr. Aver, as they are not currently properly before the Court. A separate motion may be brought if counsel seeks to pursue this further.

For the above stated reasons, Defendant's requests for sanctions against Plaintiffs and their counsel is DENIED. There will be no appearances on April 4 for this motion as the court has already spent enough time on an unnecessary motion. The parties should complete the remaining depositions discussed above as soon as possible in a professional manner.

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

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Ashkan Ashour

Hanrit Moussighi

Represented By  
Ashkan Ashour

Moeir and Hanrit Moussighi dba

Represented By  
Ashkan Ashour

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, April 4, 2018

Hearing Room 302

11:00 AM

**1:17-11323 Milad Mandavi**

**Chapter 7**

Adv#: 1:17-01072 LOANME, INC. v. Mandavi

**#14.00** Pre-Trial Conference re: Amended Complaint  
to Determine Nondischargeability of Debt

fr. 11/1/17, 11/8/17

Docket 7

\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 6/6/18 at 11:00  
a.m. - jc

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Milad Mandavi

Represented By  
David S Hagen

**Defendant(s):**

Milad Mandavi

Represented By  
David S Hagen

**Plaintiff(s):**

LOANME, INC.

Represented By  
Tina M Pivonka

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13261 Richard Phillip Dages**

**Chapter 13**

Adv#: 1:18-01022 Dages v. Countrywide Bank, N.A. et al

**#15.00** Status Conference re: Notice of Removal of Lawsuit pending in California Superior Court, Los Angeles County to Bankruptcy Court

Docket 1

**Tentative Ruling:**

Remanded to Superior Court

<b>Party Information</b>
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**Debtor(s):**

Richard Phillip Dages	Pro Se
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**Defendant(s):**

Countrywide Bank, N.A.	Pro Se
RECONTRUST COMPANY, N.A.	Pro Se
MORTGAGE ELECTRONIC	Pro Se
NATIONSTAR MORTGAGE LLC	Pro Se
BANK OF AMERICA, N.A.	Pro Se
BAC HOME LOANS SERVICING,	Pro Se
NBS Default Services, LLC	Pro Se
DEUTSCHE BANK NATIONAL	Pro Se

**Plaintiff(s):**

Richard Phillip Dages	Represented By Christopher O Rivas
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#16.00** Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f); Motion by Chapter 7 Trustee to 1) Approve Sale of Real Property Free and Clear of all Liens, Interests, Claims, and Encumbrances with Such Liens, Interests, Claims, and Encumbrances to Attach to Proceeds Pursuant to 11 U.S.C. §§ 363(b) and (f); 2) Approve Overbid Procedures; 3) Determine that Buyer is Entitled to Protection Pursuant to 11 U.S.C. § 363(m).

Docket 2073

**Tentative Ruling:**

Appearance required

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#17.00** Motion to Avoid Lien Property Lien with  
SP22, Inc., Scott Parrish Saeideh Parrish

fr. 11/29/17

Docket 20

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to May 16, 2018 at  
11:00 A.M. - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#18.00** Motion to Dismiss Adversary Proceeding First Amended  
Complaint Pursuant to FRCP 12(b)(6) and FRBP Rule 7012

Docket 11

**Tentative Ruling:**

This motion is DENIED as moot per the stipulation and order thereon dismissing the action as to defendant Yakov Aleksandrovich (doc. 17; 19)

Movant to lodge order within 7 days.

No appearance required on 4/4/18 for this matter.

**Party Information**

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

1:00 PM

**CONT...**      **Yakov Aleksandrovich**  
RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**Chapter 7**

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#19.00** Status Conference re: First Amended Complaint.

fr. 3/21/18

Docket 9

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 4, 2018**

**Hearing Room 302**

1:00 PM

**CONT... Yakov Aleksandrovich**

**Chapter 7**

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

8:30 AM

**1:17-13381 Sylvester A. Talavera**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between Debtor and  
American Honda Finance Corporation**

Docket 10

**Tentative Ruling:**

Petition date: 12/22/17

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge: No

Property: 2013 Honda Civic

Debtor's valuation of property (Sch. B): \$10,834

Amount to be reaffirmed: \$2,956.40

APR: 1.9%

Contract terms: \$425.73 per month

Monthly Income (Schedule I): \$2,540.62

Monthly expenses: (Schedule J): \$2,530.73

Disposable income: \$9.89

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

There is no presumption of undue hardship.

Debtor has a right to rescind agreement anytime prior to discharge, or until May 12, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Sylvester A. Talavera**

**Chapter 7**

**Debtor(s):**

Sylvester A. Talavera

Represented By  
R Grace Rodriguez

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10093 James Mark Eisenman**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor and  
Wells Fargo Dealer Services**

Docket 18

**Tentative Ruling:**

Petition date: 1/11/2018

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Jeep Patriot 4-Cyl.

Debtor's valuation of property (Sch. B): \$9,000

Amount to be reaffirmed: 6,334.31

APR: 4.990%

Contract terms: \$247.40 per month

Monthly Income (Schedule I): \$ 2,500

Monthly expenses: (Schedule J): \$ 4,510

Disposable income: <\$2,010>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor expects to have higher income once he starts up his business again.

Debtor has a right to rescind agreement anytime prior to discharge, or until May 15, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... James Mark Eisenman**

**Chapter 7**

**Debtor(s):**

James Mark Eisenman

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10458 Maria Del Carmen Suarez**

**Chapter 7**

**#3.00 Reaffirmation Agreement with  
Kinecta Federal Credit Union**

Docket 9

**Tentative Ruling:**

Petition date: 2/20/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2012 Nissan Frontier (Schedule B notes that the car does not belong to the Debtor and that "'constructive trustee' Enrique Suarez Galindo is paying for the vehicle")

Debtor's valuation of property (Sch. B): \$15,325

Amount to be reaffirmed: \$12,184

APR: 2.74%

Contract terms: \$263.56 per month

Monthly Income (Schedule I): \$ 1,457.50

Monthly expenses: (Schedule J): \$ 1,493.75

Disposable income: <\$36.25>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that Enrique Suarez has the vehicle in his possession and makes all payments related to the vehicle.

Debtor has a right to rescind agreement anytime prior to discharge, or until May 25, 2018, **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 17, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Maria Del Carmen Suarez**

**Chapter 7**

**Party Information**

**Debtor(s):**

Maria Del Carmen Suarez

Represented By  
Carlos A Delgado Ibarcena

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10782 Marianna Scalise**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Marianna Scalise	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-10854 Ramon Valadez, Jr**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ramon Valadez Jr

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13597 Rose Jelaca**

**Chapter 13**

**#1.00** Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 62

**Tentative Ruling:**

Petition Date: 12/21/2016

Chapter: 13

Service: Proper. No opposition filed.

Property: Vehicle 2015 Ford Fiesta

Property Value: \$20,000 (per debtor's schedules)

Amount Owed: \$18,961.37

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$5,500 (5 payments of \$1,100)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001 (a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Rose Jelaca

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 18, 2018

Hearing Room 302

11:00 AM

1:13-11143 Fabian Hernandez and Carmela Valenzuela

Chapter 13

#2.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 62

**Tentative Ruling:**

Petition Date: 02/20/2013

Chapter: 13

Service: Proper. No opposition filed.

Property: 17138 Sunderland Drive, Los Angeles, CA 91344

Property Value: \$399,000 (per grant deed in motion)

Amount Owed: \$616,320.77 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$145,655.61

Movant argues that cause exists to terminate the automatic stay under §§ 362(d)(1) and (d)(4) because the subject loan obligation is in long-standing default and there have been multiple transfers and bankruptcy filings affecting the property. Movant details nine bankruptcy filings since Debtor filed this chapter 13 bankruptcy.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (the stay is annulled retroactive to bankruptcy petition date); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4) (bad faith and secured creditors)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Fabian Hernandez

Represented By  
Kenumi T Maatafale

**Joint Debtor(s):**

Carmela Valenzuela

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT...**

**Fabian Hernandez and Carmela Valenzuela**

**Chapter 13**

Kenumi T Maatafale

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10137 Anaida Prazyan-Vartanyan**

**Chapter 13**

**#3.00 Motion for relief from stay**

**BAYVIEW LOAN SERVICING LLC**

Docket 85

**Tentative Ruling:**

Petition Date: 01/18/2016

Chapter: 13

Service: Proper. Opposition filed on 4/4/18.

Property: 13338 Friar Street, Los Angeles, CA 91401

Property Value: \$560,000 (per debtor's schedules)

Amount Owed: \$582,644.22 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$13,203.19 (5 payments of \$2,686.87, \$88 in postpetition advances or other charges, \$0.46 in attorneys' fees and costs, less \$319.62)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the motion, arguing that more payments have been made to Movant than the Motion accounts for, attaching canceled checks as Exhibit A. Additionally, Debtor argues that the Property is necessary for an effective reorganization because the Property is Debtor's primary residence. Debtor also requests to enter into a repayment agreement with Movant, by curing remaining delinquencies through an Adequate Protection Order.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Anaida Prazyan-Vartanyan

Represented By  
Kevin T Simon

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Anaida Prazyan-Vartanyan**

**Chapter 13**

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By

Edward G Schloss

Joseph C Delmotte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10702 Farhad Ahouhim**

**Chapter 7**

**#4.00** Motion for relief from stay

INNOVEST GROUP LLC

Docket 7

**Tentative Ruling:**

Petition Date: 03/19/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: Innovest Group, LLC

Property Address: 5165 Chimineas Avenue, Tarzana, CA 91356

Type of Property: Residential

Occupancy:

Foreclosure Sale: 09/28/2017

UD case filed: 01/18/2018

UD Judgment:

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Farhad Ahouhim

Pro Se

**Movant(s):**

Innovest Group, LLC

Represented By  
Joseph Cruz

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10772 Anna Gevorkian**

**Chapter 13**

**#5.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 12

**Tentative Ruling:**

On March 26, 2018, Debtor filed this Chapter 13 case. Debtor has 1 previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 16-12383-MB, was filed on August 15, 2016 and dismissed on January 25, 2018 for failure to make required payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because she could not maintain plan payments, but that she now has a new job with higher pay. Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3)(C)(i) because Debtor's new employment constitutes a substantial change in financial affairs.

No opposition was filed. The motion is GRANTED.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Movant(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 18, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Anna Gevorkian**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, April 23, 2018**

**Hearing Room 302**

10:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#1.00 Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board**

fr. 1/23/18; 3/27/18

Docket 60

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, April 23, 2018**

**Hearing Room 302**

10:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#2.00 Motion to Avoid Lien JUNIOR LIEN with  
Franchise Tax Board**

fr. 1/23/18; 3/27/18

Docket 61

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, April 23, 2018**

**Hearing Room 302**

10:00 AM

**1:17-10999 Hovanes Antoine Osmanian and Violet Khachikyan**

**Chapter 13**

**#3.00 Evidentiary Hrg. re: Motion to Avoid Lien JUNIOR LIEN with  
Internal Revenue Service**

fr. 1/23/18; 3/27/18

Docket 58

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hovanes Antoine Osmanian

Represented By  
Richard Mark Garber

**Joint Debtor(s):**

Violet Khachikyan Osmanian

Represented By  
Richard Mark Garber

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#25.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18; 3/27/18

Docket 100

**Tentative Ruling:**

At the March 27 hearing, the parties indicated that this matter was settled, but they needed two weeks to close the deal. What is the status of the settlement?

APPEARANCE REQUIRED

**3/27/18 Tentative**

Nothing new has been filed in this case since the 1/23/18 hearing. This case expired over a year ago. Are parties cooperating to resolve this dispute, or is an evidentiary hearing needed?

APPEARANCE REQUIRED

**1/23/18 Tentative**

This matter has now been continued for six months. What progress has been made toward resolving this claim?

APPEARANCE REQUIRED

**11/29/17 Tentative**

At 9/26 hearing, parties requested a continuance in order to allow time to work toward a deal. What is the status of this motion?

APPEARANCE REQUIRED

**9/26/17 Tentative**

At 7/25/17 hearing, debtor and Selene Finance indicated that they were working toward a deal. Nothing new has been filed. What is the status of this motion?

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Victoria Ruiz**  
APPEARANCE REQUIRED

**Chapter 13**

**Party Information**

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#26.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18

Docket 89

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:12-12702 Brenton Haggin and Gisa Haggin-Seeholzer**

**Chapter 13**

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

Docket 53

**Tentative Ruling:**

Since ECMC's debt is nondischargeable, modifying the plan may be a solution since the full debt can be paid post discharge. This does sufficiently address what went wrong here to be sure this type of issue does not recur.

The Court has reviewed the chapter 13 trustee's online records of payments ("Payment Record") in this case. The Payment Record seems to reflect the two claims filed by ECMC as Payee 11 (corresponding to Proof of Claim 15-1) and Payee 40 (corresponding to Proof of claim 16-1). It appears that ECMC's claim noted as Payee 11 received payments over the full course of the plan. The Payment Records indicate that Payee 40, however, did not receive any payments until May, 2017. The sixtieth month of this plan was March, 2017. In April 2017, a large number of checks to other Payees were cancelled, and a number of creditors also provided refunds to the Trustee. Those funds were used to make payments to ECMC's Payee 40 claim.

This confusion undermines Trustee's argument that ECMC has received less than 13% due solely to Debtors' failure to schedule the full amount of unsecured debt. All proofs of claim in this case were submitted before the plan was confirmed. Trustee makes distributions based upon submitted proofs of claim, not scheduled debts. It is apparent that both Trustee and Debtors failed to account for all proofs of claim when confirming this plan, but Trustee further seems to have commenced payments without recognizing that there were two proofs of claim filed by ECMC.

Further confusing the issue, the Breakdown for Combined Schedules in Trustee's online records indicates that Debtors timely completed all payments due under the plan, and shows that Debtor's current Amount Due is \$0.

Trustee and debtor's counsel should come prepared to explain how this plan fell



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Brenton Haggin and Gisa Haggin-Seeholzer**

**Chapter 13**

through multiple cracks in their system. The problem should not have been discovered so late in the plan.

APPEARANCE REQUIRED

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

**Debtor(s):**

Brenton Haggin

Represented By  
Elena Steers

**Joint Debtor(s):**

Gisa Haggin-Seeholzer

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#28.00** Trustee's Motion to Dismiss Case

fr. 11/28/17, 1/23/18; 2/27/18

Docket 100

**Tentative Ruling:**

The Court granted Debtor's Motion for Authority to Sell Real Property. A motion for relief from stay regarding the subject real property was filed on April 13. What is the status of the sale?

APPEARANCE REQUIRED

**2/27/18 Tentative**

It appears that Debtors are making progress toward selling the property.

**1/23/18 Tentative**

Nothing new has been filed. What is the status of Debtor's attempt to sell property?

APPEARANCE REQUIRED

**11/28/17 Tentative**

Trustee moves to dismiss due to expiration of the plan and failure to pay remaining balance of \$14,100. Debtor opposes the motion on the grounds that debtor is prepared to make the final payment with funds from the proceeds from the sale of her house. The house was listed in the past week, and debtor will file a motion to sell once a buyer is found. See Doc. No. 101.

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Christine Grimes Shore**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:13-10187 Veronica Irene Esparza**

**Chapter 13**

**#29.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 3/27/8

Docket 82

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Veronica Irene Esparza

Represented By  
Leon D Bayer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:13-11039 Henrik Zadourian**

**Chapter 13**

**#30.00** U.S. Trustee's Motion Re Objection to Notice of  
Mortgage Payment Change Filed in Connection  
with Proof of Claim 10-1

Docket 75

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 5/22/18 at  
11:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henrik Zadourian

Represented By  
Devin Sawdayi

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:14-12307 Nedra Sneed**

**Chapter 13**

**#31.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 99

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Nedra Sneed

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:14-13398 Engelberto Garcia De Alba**

**Chapter 13**

**#32.00** Trustee's Motion to Dismiss for Failure to  
Make Plan Payment

Docket 73

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Engelberto Garcia De Alba

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11064 Maria Socorro Quimson**

**Chapter 13**

**#33.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 68

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Maria Socorro Quimson

Represented By  
Joshua L Sternberg

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11128 Kelly D Hankins and Pamela J Hankins**

**Chapter 13**

**#34.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 77

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kelly D Hankins

Represented By  
Steven A Wolvek

**Joint Debtor(s):**

Pamela J Hankins

Represented By  
Steven A Wolvek

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12573 Emma L Gutierrez**

**Chapter 13**

**#35.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 110

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emma L Gutierrez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13375 ESTHER OCAMPO**

**Chapter 13**

**#36.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 73

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

ESTHER OCAMPO

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13493 Ronny Bess and Jeannie Renat Bess**

**Chapter 13**

**#37.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

fr. 11/28/17, 1/23/18; 3/27/18

Docket 88

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ronny Bess

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Jeannie Renat Bess

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10837 Dawn Elizabeth Thomas**

**Chapter 13**

**#38.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 36

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Dawn Elizabeth Thomas

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11102 Yolanda Villanueva**

**Chapter 13**

**#39.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 78

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Yolanda Villanueva

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11417 Farshid Tebyani**

**Chapter 13**

**#40.00** Trustee's Motion to Dismiss Case .

Docket 59

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Farshid Tebyani

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12264 Alicia Butterfield**

**Chapter 13**

**#41.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 50

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alicia Butterfield

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12965 Yinka Brandy Nunoo**

**Chapter 13**

**#42.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 38

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Yinka Brandy Nunoo

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10231 Vladimir Fernado Macapagal and Myla Rutaquio**

**Chapter 13**

**#43.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 22

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vladimir Fernado Macapagal

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Myla Rutaquio Macapagal

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10701 Leonor Cecilia Garcia**

**Chapter 13**

**#44.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 73

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Leonor Cecilia Garcia

Represented By  
Andrew Moher

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#44.01 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 42

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11131 Yoddy Milton Muguertegui**

**Chapter 13**

**#45.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18

Docket 31

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yoddy Milton Muguertegui

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11159 Levia Blane Arbuckle**

**Chapter 13**

**#46.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 60

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Levia Blane Arbuckle

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11238 Terry O. Perkins**

**Chapter 13**

**#47.00** Order Setting Hearing on Motion to Modify  
or Suspend Plan Payments.

Docket 35

**Tentative Ruling:**

Debtor to provide trustee 6 months of bank statements, 2017 tax return, and proof regarding support payments.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Terry O. Perkins

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12056 Samuel Araos Pasag and Nellie Garingan Pasag**

**Chapter 13**

**#48.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 30

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Samuel Araos Pasag

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Nellie Garingan Pasag

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12711 Norman Fathi**

**Chapter 13**

**#49.00** Motion for Order Determining  
Value of Collateral

fr. 2/27/18

Docket 26

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/22/18 per Doc. No 36 -CT**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Movant(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, April 24, 2018

Hearing Room 302

11:00 AM

1:17-12885 Karen Marcy Santos Pham

Chapter 13

#50.00 Motion RE: Objection to Claim Number 1 by Claimant Idefonza Rivera.

fr. 2/27/18; 3/27/18

Docket 24

\*\*\* VACATED \*\*\* REASON: Resolved per stipulation, Doc. No. 39. -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karen Marcy Santos Pham

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13253 Jana Marinova Sotirova**

**Chapter 13**

**#51.00** Motion to Avoid Lien /Junior Lien with Anson Street, LLC.

Docket 25

**Tentative Ruling:**

Service: Proper. No Opposition filed

Property Address: 20762 Ingomar St., Winnetka (Canoga Park), CA 91306.

First trust deed: \$ \$714,822.87 (Citimortgage)

Second trust deed (to be avoided): \$247,026.27 (Anson Street, LLC c/o Shellpoint Mortgage servicing)

Fair market value per appraisal: \$550,000

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

Disposition: GRANTED.

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

<b>Party Information</b>
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**Debtor(s):**

Jana Marinova Sotirova

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, April 24, 2018

Hearing Room 302

11:00 AM

1:17-13261 Richard Phillip Dagnes

Chapter 13

#52.00 Motion RE: Objection to Claim Number 3 by  
Claimant Franchise Tax Board.

Docket 29

\*\*\* VACATED \*\*\* REASON: Case dismissed 3/29 -CT

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Richard Phillip Dagnes

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, April 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13261 Richard Phillip Dages**

**Chapter 13**

**#53.00** Motion RE: Objection to Claim Number 1 by  
Claimant Nationstar Mortgage LLC

Docket 31

**\*\*\* VACATED \*\*\* REASON: Case dismissed 3/29 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Richard Phillip Dages

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:14-15360 Oracle Transportation Solutions, Inc.**

**Chapter 11**

**#1.00 Motion For Final Decree and Order Closing Case**

Docket 312

**Tentative Ruling:**

Service proper. No objections filed. Having considered the Motion, reviewed the docket and the procedural history of the case, and finding that the case has been fully administered, the Motion is GRANTED.

Movant to lodge order within 7 days.

NO APPEARANCE REQUIRED on 4/25/18.

**Party Information**

**Debtor(s):**

Oracle Transportation Solutions, Inc.

Represented By  
Ovsanna Takvoryan  
Joseph Chora

**Movant(s):**

Oracle Transportation Solutions, Inc.

Represented By  
Ovsanna Takvoryan  
Ovsanna Takvoryan  
Joseph Chora  
Joseph Chora

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:14-15360 Oracle Transportation Solutions, Inc.**

**Chapter 11**

**#2.00 Post Confirmation Status Conference**

fr. 8/13/15, 9/17/15, 12/10/15; 8/18/16, 9/29/16,  
12/8/16; 3/16/17, 3/22/17, 7/26/17; 11/15/17, 2/7/18,  
3/21/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: See tentative ruling for cal. no. 1 - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Oracle Transportation Solutions, Inc.

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

9:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#3.00 Motion for Order Disallowing Claim # 16 filed by  
Sony Pictures Studios, Inc.

Docket 335

**Tentative Ruling:**

Debtor objects to the proof of claim filed on 2/22/16 by Sony Pictures Studios ("SPS"), in the amount of \$37,100. The claim stems from a contract entered into between Debtor and SPS on or about March 26, 2012, that provided for the sale of certain vehicles to Debtor for \$160,000, and a credit for SPS of \$40,000 towards future rentals from Debtor for a period of four years from the date of contract. Objection, Ex. A. The breakdown attached to the Proof of Claim indicates that it used \$2,900 of the credit and based the claim on what it asserted was a remaining credit balance of \$37,100.

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See also Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm (In re Holm), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. (In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), aff'd, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

9:30 AM

CONT... **Picture Car Warehouse Inc**

**Chapter 11**

226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Debtor argues that implicit in the contract was that SPS was under no obligation to rent vehicles from Debtor, and Debtor's only obligation was to provide a credit *if* (1) SPS decided to rent a vehicle from it; and (2) SPS decided to use the credit towards that particular rental. The contract also provided for a four year time period within which the credit was available to SPS, or March 26, 2016. Thus, because there the contract created no right to payment of money and because there is no enforceable contract obligation to support this claim, Debtor objects to the allowance of this claim.

Service proper per proof of claim. No response filed.  
Objection SUSTAINED. Debtor to lodge order within 7 days.

APPEARANCES WAIVED ON 4/25/18

<b>Party Information</b>
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**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Samuel James Esworthy

Represented By

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12920 Bang T Phan**

**Chapter 11**

**#5.00** Application for Payment of Final Fees and  
Expenses of Rounds & Sutter, LLP

Docket 75

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First and Final Fee Application for Debtor's Reorganization Counsel, the Court finds that the fees and costs are reasonable, necessary and are approved as requested.

Applicant to lodge order within 7 days.  
APPEARANCES WAIVED ON APRIL 25, 2018

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

**Debtor(s):**

Bang T Phan

Represented By  
John K Rounds

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:16-13295 K&A Global Management Company, a California corpor Chapter 11**

**#6.00** First and Final Application Of Jeffrey S. Shinbrot, APLC,  
General Reorganization Counsel to Chapter 11 Debtor  
For Approval of Compensation

Period: 11/21/2016 to 3/31/2018  
Fees: \$89977.50 Expenses: \$3136.88

Docket 88

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First and Final Fee Application for Debtor's Reorganization Counsel, the Court finds that the fees and costs are reasonable, necessary and are approved as requested.

Applicant to lodge order within 7 days.  
APPEARANCES WAIVED ON APRIL 25, 2018

**Party Information**

**Debtor(s):**

K&A Global Management

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10064 Nahrin Beno**

**Chapter 11**

**#7.00 Post Confirmation Status and Case Management  
Conference**

fr. 3/8/17, 6/14/17, 7/26/17, 8/16/17, 11/1/17, 11/8/17

Docket 1

**Tentative Ruling:**

Having reviewed the Status Report and the docket for this case, the Court finds cause to continue this status conference to **May 3, 2018, at 9:30 a.m.**, so that Debtor's Motion for Final Decree & Order Closing Case can be resolved.

If the Order Granting Motion for Final Decree & Order Closing Case is entered before the continued date, the continued status conference may be vacated.

NO APPEARANCE REQUIRED ON 4/25/18

**Party Information**

**Debtor(s):**

Nahrin Beno

Represented By  
Matthew D Resnik  
Roksana D. Moradi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#8.00 Second Amended Chapter 11 Plan of Reorganization**

Docket 108

**Tentative Ruling:**

After having reviewed Debtor's Second Amended Plan, the ballot summary, and Motion for Confirmation, the Court finds that all requirements for confirmation have been met. Debtor should include requisite findings under § 1129(a) and (b) in confirmation order.

<b>Party Information</b>
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**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#9.00 Scheduling and Case Management Conference**

fr. 5/31/17; 11/8/17; 11/15/17, 1/17/18

Docket 0

**Tentative Ruling:**

Post-confirmation status conference will be held on February 27, 2019 at 9:30 am  
Please advise if any date conflict.

<b>Party Information</b>
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**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

9:30 AM

1:17-11686 Vladimir Vekic

Chapter 11

#10.00 Motion for relief from the Automatic Stay

WILMINGTON TRUST

Docket 63

**Tentative Ruling:**

Petition Date: 6/27/17

Chapter: 11

Service: Proper. Opposition filed.

Property: 17169 Stare St., Northridge, CA 91325

Property Value: \$750,000 (per debtor's schedules)

Amount Owed: \$703,815

Equity Cushion: 6.2%

Equity: \$46,185.

Post-Petition Delinquency: approx. \$50,712 (10 post-petition payments of approx. \$5,071.24)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1); (d)(2); and (d)(4), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay); and 9 (*in rem* relief). Movant alleges that grounds for *in rem* relief exist here because the Property has been affected by multiple filings and transfers of interest, evincing a scheme to delay, hinder, or defraud creditors. Debtor has filed two prior chapter 13 cases that were dismissed, 16-12675-VK (dismissed 11/10/16) and 16-13514-MT (dismissed w/ 180-day bar 2/27/17). On 3/11/18, Debtor allegedly executed a quitclaim deed transferring the Property to himself and Virginia Vilciauskaite as a "bona fide gift." Motion, Ex. 4. Thereafter, on 3/13/18, Virginia Vilciauskaite filed a facesheet voluntary chapter 7 petition (17-10625-VK, the "Virginia Bankruptcy"). The Virginia Bankruptcy was dismissed for failure to file schedules on 3/31/18. Movant filed a motion for relief from stay in the Virginia Bankruptcy, seeking *in rem* relief as to this Property. It is currently not set for hearing, as the case is closed.

Debtor opposes the Motion, arguing that this income property is necessary for his reorganization. Debtor intends to file a plan that may propose a cram down. Debtor alleges that he did not authorize the filing of the prior cases, and offers adequate



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Vladimir Vekic**

**Chapter 11**

protection with respect to the Property. The opposition does not have a declaration from Debtor to support these assertions.

Is Movant amenable to an offer of adequate protection?

APPEARANCE REQUIRED

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

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#11.00** U.S. Trustee Motion to dismiss or convert under 11 U.S.C. § 1112(b)  
with an Order Directing Payment Of Quarterly Fees And For Judgment Thereon

fr. 4/4/18

Docket 37

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10520 Zarui Sarah Adjian**

**Chapter 11**

**#11.01 Status Conference re: Emergency Motion**

Docket 0

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Zarui Sarah Adjian

Represented By  
Robert S Altagen

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:13-13468 Aliakbar Barzinpour**

**Chapter 13**

**#12.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 69

**Tentative Ruling:**

Petition Date: 05/22/2013  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 19507 Schoolcraft St., Reseda, California 91335  
Property Value: \$362,000 (per debtor's schedules)  
Amount Owed: \$158,014.60 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$7,938.41

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of 4001(a)(3) stay).

**Party Information**

**Debtor(s):**

Aliakbar Barzinpour

Represented By  
Matthew Abbasi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:15-14137 Ronald Krivitsky and Tina Lynne Greisman

Chapter 13

#13.00 Motion for relief from stay

FORD MOTOR CREDIT CO.

Docket 70

**Tentative Ruling:**

Petition Date: 12/22/2015  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: Vehicle 2012 GMC Canyon  
Property Value: \$16,790 (per debtor's schedules)  
Amount Owed: \$9,509.78  
Equity Cushion: 35%  
Equity: \$7,280.22  
Post-Petition Delinquency: \$9,509.78

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ronald Krivitsky

Represented By  
Todd J Roberts

**Joint Debtor(s):**

Tina Lynne Greisman

Represented By  
Todd J Roberts

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:15-14037 David Brown Levy**

**Chapter 7**

Adv#: 1:16-01024 Poteet et al v. Levy

**#14.00** Status Conference re Complaint to determine dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17

Docket 1

**Tentative Ruling:**

Having considered the Status Report and for good cause appearing, this status conference will be continued to August 15 at 11:00 a.m.

Plaintiff to provide notice of continued status conference.

APPEARANCES WAIVED ON APRIL 25.

**Party Information**

**Debtor(s):**

David Brown Levy Pro Se

**Defendant(s):**

David Brown Levy Pro Se

**Plaintiff(s):**

The Workshop LLC Represented By  
Bernard J Kornberg

Gene Salkind Represented By  
Bernard J Kornberg

Michael Clofine Represented By  
Bernard J Kornberg

Victor Poteet Represented By  
Bernard J Kornberg

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... David Brown Levy**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Wesley H Avery

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12982 Gabriel Fagiani**

**Chapter 7**

**#15.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIET

Docket 69

**Tentative Ruling:**

Petition Date: 10/17/2016

Chapter: 7

Service: Proper. No opposition filed.

Property: 5131 Strohm Avenue, Los Angeles, CA 91601

Property Value: \$520,000 (per debtor's schedules)

Amount Owed: \$51,816.57 (per RFS motion)

Equity Cushion: 82%

Equity: \$468,183.43.

Post-Petition Delinquency: Not listed in motion

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

**Party Information**

**Debtor(s):**

Gabriel Fagiani

Represented By  
Julie J Villalobos

**Trustee(s):**

David Seror (TR)

Represented By  
Jessica L Bagdanov



United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:16-13053 Pablo Arreola

Chapter 13

#16.00 Motion for relief from stay

WILMINGTON TRUST

Docket 45

\*\*\* VACATED \*\*\* REASON: Settled by stipulation, Doc. No. 50 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Pablo Arreola

Represented By  
Eric Bensamochan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:16-13053 Pablo Arreola

Chapter 13

#17.00 Motion for relief from stay

WILMINGTON TRUST

Docket 45

\*\*\* VACATED \*\*\* REASON: Duplicate of #16

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Pablo Arreola

Represented By  
Eric Bensamochan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12523 Jacqueline B Urenda**

**Chapter 13**

**#18.00** Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 29

**Tentative Ruling:**

Petition Date: 09/20/2017

Chapter: 13

Service: Proper. Opposition filed on 04/06/18

Property: 19919 Lassen Street, Chatsworth, CA, 91311

Property Value: \$851,184.00 (per debtor's schedules)

Amount Owed: \$603,036.06 (per RFS motion)

Equity Cushion: 21%

Equity: \$248,147.94.

Post-Petition Delinquency: \$6,352.70 (3 payments of \$3,032.83, less suspense account of partial paid balance of \$2,745.79)

Movant requests relief under 11 U.S.C. 362(d)(1) with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (Co-debtor stay is waived); **7** (waiver of the 4001(a)(3) stay); and **12** (Upon entry of the order, for purposes of Cal. Civ. Code 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code 2920.5(c)(2)(C)).

Debtor opposes the motion and argues that the value of the Property is \$776,000 based on comparable sales, more payments have been made to Movant than the Motion accounts for, the Property is necessary for an effective reorganization, and denies that this bankruptcy case was filed in bad faith. Debtor also asserts that she has equity in the Property in the amount of \$102,672.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Jacqueline B Urenda

Represented By  
James Geoffrey Beirne

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Jacqueline B Urenda**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#19.00** Motion for relief from stay

ROSAMOND COMMUNITY SERVICES  
DISTRICT

Docket 97

**Tentative Ruling:**

APPEARANCE REQUIRED

The plan provided for direct payments to the Rosamond Comm. Services District, so there is no improper amendment to the plan. The claim was timely filed. There is no automatic stay in place. To the extent there is any confusion, an order can be entered confirming such.

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:17-13162 Jose Rivas and Sandra Alas

Chapter 13

#20.00 Motion for relief from stay

GATEWAY ONE LENDING & FINANCE

Docket 20

**Tentative Ruling:**

Petition Date: 11/27/2017

Chapter: 13

Service: Proper. No opposition filed.

Property: Vehicle 2008 Infiniti EX35

Property Value: \$6,000 (per debtor's schedules)

Amount Owed: \$8,389.38

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$860.94 (3 payments of \$286.98)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jose Rivas

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Sandra Alas

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10485 Marina Novak**

**Chapter 13**

**#21.00** Motion for relief from stay

DAIMLER TRUST

Docket 25

**Tentative Ruling:**

Petition Date: 02/23/2018

Chapter: 13

Service: Proper. No opposition.

Property: Vehicle 2017 Mercedes Benz E300

Property Value: \$0.00 (Surrendering lease; Per debtor's schedules)

Amount Owed: \$49,496.82

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$704.71

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Marina Novak

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10608 Jillian Rhonda Peterson**

**Chapter 13**

**#22.00** Motion for relief from stay

JENNIFER SARTORY (LC106039)

Docket 10

**Tentative Ruling:**

Petition Date: 03/09/2018  
Chapter: 13  
Service: Proper. No opposition filed.

Movant: Jennifer Sartory  
Relief Sought to: Pursue Pending Litigation X Commence Litigation \_\_\_\_  
Pursue Insurance \_\_\_\_ Other

Litigation Information

Case Name: Jennifer Sartory v. Bernice Peterson, et al.  
Court/Agency: Los Angeles Superior Court – Northwest District  
Date Filed: 08/07/2017  
Judgment Entered:  
Trial Start Date: 10/15/2018  
Action Description: Quiet Title Action

Grounds

Bad Faith \_\_\_\_ Claim is Insured \_\_\_\_ Claim Against 3<sup>rd</sup> Parties \_\_\_\_ Nondischargeable

\_\_\_\_ Mandatory Abstention \_\_\_\_ Non-BK Claims Best Resolved in Non-BK Forum X  
Other:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); **5** (waiver of the 4001(a)(3) stay); **6** (binding and effective against the Debtor for 180 days); and **7** (order binding & effective against any debtor).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jillian Rhonda Peterson**

**Chapter 13**

**Party Information**

**Debtor(s):**

Jillian Rhonda Peterson

Represented By  
Christopher J Langley

**Movant(s):**

Jennifer Sartory

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10608 Jillian Rhonda Peterson**

**Chapter 13**

**#23.00** Motion for relief from stay

JENNIFER SARTORY (17VERO00648)

Docket 11

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed by debtor's atty on 4/24/18  
- Doc. #16. If**

**Tentative Ruling:**

Petition Date: 03/09/2018  
Chapter: 13  
Service: Proper. No opposition filed.

Movant: Jennifer Sartory  
Relief Sought to: Pursue Pending Litigation X Commence Litigation \_\_\_\_  
Pursue Insurance \_\_\_\_ Other

Litigation Information

Case Name: Jennifer Sartory v. Jennifer Peterson, et al.  
Court/Agency: Los Angeles Superior Court – Northwest District  
Date Filed: 08/28/2017  
Judgment Entered:  
Trial Start Date: 05/11/2018  
Action Description: Civil Harassment Prevention

Grounds

Bad Faith \_\_\_\_ Claim is Insured \_\_\_\_ Claim Against 3<sup>rd</sup> Parties \_\_\_\_ Nondischargeable

Mandatory Abstention \_\_\_\_ Non-BK Claims Best Resolved in Non-BK Forum X  
Other:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); **5** (waiver of the 4001(a)(3) stay); **6** (binding and effective against the Debtor for 180 days); and **7** (order binding & effective against any debtor).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jillian Rhonda Peterson**

**Chapter 13**

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Jillian Rhonda Peterson

Represented By  
Christopher J Langley

**Movant(s):**

Jennifer Sartory

Represented By  
Hamid R Rafatjoo

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

**1:18-10645 Mohammad Hashim Hassankhail**

**Chapter 7**

**#24.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 8

**Tentative Ruling:**

Petition Date: 03/13/2018

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle 2015 Lexus GS350

Property Value: \$5,000 (listed as 2014 Lexus per debtor's schedules)

Amount Owed: \$37,492.62

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency:

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Mohammad Hashim Hassankhail

Represented By  
Ali R Nader

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**Trustee(s):**

David Seror (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:18-10747 Andy Hong

Chapter 13

#25.00 Motion for relief from stay

DESERT SHADOWS INVESTMENTS LLC

Docket 10

\*\*\* VACATED \*\*\* REASON: Lead case dismissed

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Andy Hong

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:17-12702 Jose R. Fernandez and Esther Fernandez

Chapter 13

#25.01 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 28

**Tentative Ruling:**

Petition Date: 10/8/2017  
Chapter: 13  
Service: Proper. Opposition filed on 4/23.  
Property: 16439 Jersey St., Granada Hills, CA 91344  
Property Value: \$ 542,000 (per debtor's schedules)  
Amount Owed: \$ 461,626.14 (per RFS motion)  
Equity Cushion (assumes 8% cost of sale): 7.0%  
Equity: \$80,373.86  
Post-Petition Delinquency: \$4,526.62

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the motion and argues that the value of the Property is \$562,367 based upon online valuation tools and realtor comments, and that the total amount of debt on the Property is \$461,626.14. Additionally, debtor claims to have incurred unforeseeable expenses because he traveled to Mexico to tend to his ill brother.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Jose R. Fernandez

Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Esther Fernandez

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jose R. Fernandez and Esther Fernandez**

**Chapter 13**

Donald E Iwuchuku

**Movant(s):**

U.S. Bank National Association, not

Represented By

Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11141 Hope H. Landeros**

**Chapter 13**

Adv#: 1:16-01155 Landeros v. HSBC BANK USA, NATIONAL ASSOCIATION et al

**#26.00** Status Conference re: Complaint

fr. 1/25/17; 3/29/17, 8/2/17; 8/23/17, 11/29/17,  
1/3/18, 1/17/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Lead case dismissed -CT**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Defendant(s):**

HSBC BANK USA, NATIONAL

Pro Se

Sylvia Villapando

Pro Se

Frank Villapando

Pro Se

**Plaintiff(s):**

Hope H. Landeros

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:17-12107 Rima Aboudaher

Chapter 7

Adv#: 1:17-01090 Solimani v. Aboudaher

#27.00 Status Conference Re: Second Amended Complaint

Docket 20

\*\*\* VACATED \*\*\* REASON: moved to 1:00 pm to be heard with the  
Motion of Dismiss (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan  
Sanaz S Bereliani

**Defendant(s):**

Rima Aboudaher

Represented By  
Sanaz S Bereliani

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12547 Joseph Peaks Durant**

**Chapter 7**

Adv#: 1:17-01113 Sajadi et al v. Durant

**#28.00** Status Conference re: Complaint

fr. 2/28/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Joseph Peaks Durant

Represented By  
Dominic Afzali

**Defendant(s):**

Joseph Peaks Durant

Pro Se

**Plaintiff(s):**

Shawn S Sajadi

Represented By  
Adela Z Ulloa

Zhila T Sajadi

Represented By  
Adela Z Ulloa

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:17-13122 Laurie Jean Steichen

Chapter 7

Adv#: 1:18-01015 American Express Bank FSB et al v. Steichen et al

#29.00 Status Conference re: Complaint

Docket 1

\*\*\* VACATED \*\*\* REASON: Stip for Judgment ent 4/2/18 - jc

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Laurie Jean Steichen

Represented By  
J. Bennett Friedman

**Defendant(s):**

Walter Clifford Ingram

Pro Se

Laurie Jean Steichen

Pro Se

**Joint Debtor(s):**

Walter Clifford Ingram

Represented By  
J. Bennett Friedman

**Plaintiff(s):**

American Express Centurion Bank

Represented By  
Dennis Winters

American Express Bank FSB

Represented By  
Dennis Winters

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

**#30.00** Pre-Trial Conference re: Complaint

fr. 4/26/17, 5/24/17, 7/26/17; 1/31/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/14/18 @1pm (eg)**

**Tentative Ruling:**

This matter will be continued to June 20 to be heard with the Motion for Summary Judgment. Plaintiff to provide notice of continued hearing.

APPEARANCES WAIVED on April 25.

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

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Does 1-100

Pro Se

Carol V D'Arco

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, April 25, 2018

Hearing Room 302

11:00 AM

1:11-12168 Doron Ezra and Nava Tomer-Ezra

Chapter 7

#31.00 Trustee's Final Report and Application for  
Compensation

Trustee:  
David Serror

Attorney for Trustee:  
Brutzkus Gubner

Accountant for Trustee:  
LEA Accountancy LLP

Docket 292

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Doron Ezra

Represented By  
Shalem Shem-Tov

**Joint Debtor(s):**

Nava Tomer-Ezra

Represented By  
Shalem Shem-Tov

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Corey R Weber  
Michael W Davis  
David Seror (TR)  
Richard Burstein  
Nina Z Javan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, April 25, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12107 Rima Aboudaher**

**Chapter 7**

Adv#: 1:17-01090 Solimani v. Aboudaher

**#32.00** Defendant's Motion to Dismiss Second Amended Complaint and All Causes of Action

Docket 22

**Tentative Ruling:**

I. BACKGROUND

On November 9, 2017, Plaintiff Arman Solimani (Plaintiff) filed this adversary complaint against chapter 7 Debtor Rima Aboudaher (Defendant). Three days later, Plaintiff filed its First Amended Complaint (FAC), to determine the nondischargeability of debt pursuant to 11 U.S.C. § 727(a)(2), (a)(3), (a)(4), (a)(5), and (a)(7). Defendant filed a Motion to Dismiss the Adversary Proceeding under FRCP 12(b)(6) and FRBP 7012, arguing that Plaintiff has failed to establish a claim upon which relief could be granted. At the hearing on January 17, 2018, this court acknowledged the vagueness of the FAC, commenting that the FAC lacked necessary facts to move forward to trial. This court also noted that § 727 is a high standard and suggested Plaintiff's counsel to research § 727 case law prior to amending the FAC. Defendant's Motion to Dismiss was granted with leave to amend.

The FAC alleges that Defendant asked Plaintiff to pay her attorney's fees in her dissolution of marriage case and fraudulent transfer case against Defendant's husband, Mohtadi (Husband). Plaintiff paid approximately \$27,500 in attorney's fees for Defendant in both cases. According to Defendant's allegations against her Husband, Plaintiff alleges that Defendant claimed an interest in a property located at 4950 Dobkin Avenue in Tarzana (Dobkin property), worth approximately \$500,000.000 as of August 2017. Plaintiff also alleges that Defendant claimed more than the \$17,000 settlement she received from a previous lawsuit against Griffith Park. On August 9, 2017, Defendant filed her chapter 7 petition and dismissed her Fraudulent Transfer case against her Husband with prejudice. Two days later, Defendant filed a stipulation ending the Dissolution of Marriage case.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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1:00 PM

**CONT...**

**Rima Aboudaher**

**Chapter 7**

On February 16, 2018, Plaintiff filed a Second Amended Complaint (SAC). The SAC heavily relies on previous allegations and claims Defendant made in her Dissolution of Marriage case against her husband back in 2015. Plaintiff's SAC adds that around January 28, 2016, Plaintiff and Defendant entered into a written agreement where Defendant agreed to repay the money Plaintiff loaned to her to litigate the Dissolution of Marriage case. The SAC alleges that in 2016, Plaintiff and Defendant attended a meeting with their attorney Michael Champ present. It was at this meeting where Defendant explained how her Husband defrauded her out of her interest in the Dobkin property. Additionally, the SAC alleges that Defendant dismissed the pending actions against her Husband because he offered her \$50,000 to settle the cases. Plaintiff also asserts the \$50,000 settlement offer was not listed in Defendant's schedules.

On March 26, 2018, Defendant filed a Motion to Dismiss. Plaintiff opposed the Motion. Defendant filed her Reply to the Opposition on April 16, 2018.

**II. STANDARD**

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint." A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008), *quoting* Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990).

In resolving a Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, and unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

**United States Bankruptcy Court  
Central District of California  
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1:00 PM

CONT...

**Rima Aboudaher**

**Chapter 7**

"While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, 550 U.S. at 555 (citations omitted). "In practice, a complaint ... must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Twombly, 550 U.S. at 562, *quoting Carriers, Inc. v. Ford Motor Co.*, 745 F.2d 1101, 1106 (7th Cir. 1984).

Moreover, Federal Rule of Civil Procedure 9(b) imposes heightened pleading requirements for claims of fraud. See Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud," but can allege generally "[m]alice, intent, knowledge, and other conditions of a person's mind." Id. The particularity requirement "has been interpreted to mean the pleader must state the time, place and specific content of the false representations as well as the identities of the parties to the misrepresentation." In re MannKind Sec. Actions, 2011 U.S. Dist. LEXIS 145253, 19-20 (C.D. Cal. Dec. 16, 2011).

The plaintiff "must specifically plead as to (1) how, (2) where, and (3) when the alleged misrepresentation was communicated as well as the (4) specific contents of the misrepresentation, rather than a vague and conclusory synopsis." Blake v. Dierdorff, 856 F.2d 1365, 1369 (9th Cir. 1988).

"Averments of fraud must be accompanied by the who, what, when, where and how of the misconduct charged." Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal quotations omitted) and Walling v. Beverly Enterprises, 476 F.2d 393, 397 (9th Cir. 1973). "Rule 9(b) ensures that allegations of fraud are 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." Semegen v. Weidner, 780 F.2d 727, 731 (9th Cir. 1985). "It also prevents the filing of a complaint as a pretext for the discovery of unknown wrongs and protects potential defendants - - especially professionals whose reputations in their fields of expertise are most sensitive to slander - - from the harm that comes from being charged with the commission of fraudulent acts." Id.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, April 25, 2018

Hearing Room 302

1:00 PM

CONT...

Rima Aboudaher

Chapter 7

III. ANALYSIS

a. **First Cause of Action: 11 U.S.C. § 727(a)(2) – Fraudulent Transfer or Concealment of Property**

The Bankruptcy code provides for situations when the Court shall not grant a discharge. This is covered in §727(a). In relevant part:

- (2) the debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed, or has permitted to be transferred, removed, destroyed, mutilated, or concealed--
- (A) property of the debtor, within one year before the date of the filing of the petition; or
- (B) property of the estate, after the date of the filing of the petition.

11 U.S.C. §727(a)(2). Section 727 is to be construed liberally in favor of debtors and strictly against the creditor. In re Neff, 505 B.R. 255, 262 (B.A.P. 9th Cir. 2014), aff'd, 824 F.3d 1181 (9th Cir. 2016). The 9th Circuit Bankruptcy Appellate Panel has specifically articulated the elements necessary to for the moving party to show that a §727(a)(2) claim has merit. The burden of proof is on the creditor to show that: (1) the debtor transferred or concealed property; (2) the property belonged to the debtor; (3) the transfer occurred within one year of the bankruptcy filing; and (4) the debtor executed the transfer with the intent to hinder, delay or defraud a creditor. In re Aubrey, 111 B.R. 268, 273 (9th Cir. B.A.P. 1990).

Here, Plaintiff fails to even allege the elements of a §727(a)(2) claim.

1. **The Debtor Transferred or Concealed Property**

First, this SAC contains no allegations that Defendant transferred or attempted to conceal property. Plaintiff merely alleges Defendant claimed an interest in the Dobkin property in a separate state court lawsuit. No facts are alleged that Defendant owned the property or attempted to transfer the property within the relevant one-year period for purposes of § 727(a)(2). Moreover, the allegations specify that Defendant's ex-husband fraudulently kept property from the Defendant

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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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1:00 PM

CONT...

**Rima Aboudaher**

**Chapter 7**

and the defendant was not able to get it back. This allegation is insufficient for denial of discharge under § 727(a)(2), which requires intentional or fraudulent action on the part of the Defendant.

2. The Property Belonged to the Debtor

Second, Plaintiff's allegations fail to state whether the property belonged to the Debtor. The SAC is ambiguous as to which property Plaintiff is alleging that Defendant has transferred, removed, destroyed, mutilated, or concealed. In addition to ambiguity regarding the alleged property, the SAC does not allege that the property was owned by the Defendant or belonged to the estate. The best that can be said is that the Defendant tried to make a claim to some property, but was unsuccessful. What the Plaintiff's theory is, on his third attempt, is unclear.

3. Transfer Occurred Within One Year of Bankruptcy Filing

Third, there are no allegations that pertain to Defendant attempting to transfer or transferring any property within one year of her bankruptcy filing.

4. Debtor Executed the Transfer with the Intent to Hinder, Delay, or Defraud a Creditor

Fourth, there are no facts that indicate an intent to hinder, delay, or defraud creditors. Defendant's schedules indicate that Defendant never received ownership in the Dobkin property, and the allegations do not explain anything about the intent to hinder, delay or defraud.

Plaintiff fails to sufficiently allege a viable §727(a)(2) claim because none of the four required elements have been met.

**b. Second Cause of Action: 11 U.S.C. § 727(a)(3) - Failure to Keep or Preserve Records**

Section 727(a)(3) provides for denial of a debtor's discharge if the debtor "has concealed, 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 was justified under all of the circumstances of the case." 11 U.S.C. § 727(a)(3).

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**Rima Aboudaher**

**Chapter 7**

The [Debtor] must present sufficient written evidence which will enable his creditors reasonably to ascertain his present financial condition and to follow his business transactions for a reasonable period in the past. In re Cox, 904 F.2d 1399, 1400 (9th Cir. 1990). In some cases, a failure to produce proper records will not justify a denial of discharge when the missing information can be reconstructed from records kept by others. See COLLIER ON BANKRUPTCY, ¶ 727.03 (Alan N. Resnick & Henry J. Sommer eds., 16th ed).

Here, the SAC contains no allegations regarding any information or documents to support a §727(a)(3) action. Although Plaintiff cites the text of §727(a)(3), Plaintiff does not plead any facts or allegations regarding Defendant's failure to keep or preserve records under §727(a)(3). Formulaic recitation of the elements of a cause of action are insufficient. Twombly, 550 U.S. at 555.

**c. Third Cause of Action: 11 U.S.C. § 727(a)(4) – Knowingly and Fraudulently Making a False Oath or Account**

Under §727(a)(4), a debtor may not be granted a discharge if:

- (4) the debtor knowingly and fraudulently, in or in connection with the case--
- (A) made a false oath or account;
  - (B) presented or used a false claim;
  - (C) gave, offered, received, or attempted to obtain money, property, or advantage, or a promise of money, property, or advantage, for acting or forbearing to act; or
  - (D) withheld from an officer of the estate entitled to possession under this title, any recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs.

11 U.S.C. §727(a)(4).

Thus, the code here reflects the overall twofold purpose of bankruptcy: 1) to secure the equitable distribution of the bankrupt's estate among his creditors and 2) to relieve the honest debtor from the weight of indebtedness and provide an opportunity for him to have a fresh start. In re Devers, 759 F.2d 751, 754 (9th Cir. 1985). The fundamental purpose of § 727(a)(4)(A) is to insure that the trustee and creditors have accurate information without having to conduct costly investigations. In re Wills, 243 B.R. 58, 63 (B.A.P. 9th Cir. 1999).

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**Rima Aboudaher**

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Here, like in Plaintiff's failure to establish a §727(a)(2) cause of action, Plaintiff again fails meet its burden in establishing a §727(a)(4) cause of action because Plaintiff lacks facts in its SAC. The SAC contains no allegations about what specifically is the false oath or omission Defendant has made. While Plaintiff alleges that Defendant "ha[s] violated 11 U.S.C. § 727(a)(4)(A), (B), (C), and/or (D)," there are no specific facts that seem to give rise to a plausible claim under any of those subsections. Plaintiff has not clearly expressed how, where, and when the alleged misrepresentation was communicated as nor the specific contents of the misrepresentation. Blake v. Dierdorff, 856 F.2d at 1369. The SAC fails to give Defendant notice of the particular misconduct alleged to constitute fraud, and therefore fails to satisfy the heightened pleading standard of Fed. R. Civ. P. 9(b). Plaintiff has failed to establish a cause of action under §727(a)(4).

**d. "Sixth" Cause of Action: 11 U.S.C. § 727(a)(5) – Explaining Loss of Assets**

The SAC skips from the third cause of action to the "sixth" cause of action. It is unclear which cause of action under § 727 is being pursued by Plaintiff in the "sixth" cause of action. While the heading of the sixth cause of action indicates a claim under § 727(a)(7), this portion of the complaint only provides the rule for § 727(a)(4)–(5). Because § 727(a)(4) is addressed under "Third Cause of Action" above, and because there is no indication that "(a)(7)" was anything other than a typographical error, the court will treat the "sixth" claim as a claim under § 727(a)(5).

Section 727(a)(5) is broadly drawn and gives the bankruptcy court broad power to decline to grant a discharge in bankruptcy when the debtor does not adequately explain a shortage, loss, or disappearance of assets." Aoki v. Atto Corp. (In re Aoki), 323 B.R. 803, 817 (B.A.P. 1st Cir. 2005). See In re D'Agnesse, 86 F.3d 732, 734 (7th Cir.1996)(*citing* First Fed. Life Ins. Co. v. Martin ( In re Martin), 698 F.2d 883, 886 (7th Cir.1983)).

Plaintiff's last cause of action is garbled and confusing, and there are no details about which assets have disappeared or been lost. Plaintiff simply restates the rule and then alleges that "[a]s stated in the factual allegations," Defendant has "violated 11 U.S.C. § 727(a)(5)." This inartful pleading is simply inadequate. As noted above, the SAC contains no additional allegations that contradict what Defendant has disclosed in her schedules. Plaintiff has not met its burden in establishing any basis for a § 727(a)(5) action.

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**Rima Aboudaher**

**Chapter 7**

IV. CONCLUSION

The Motion to Dismiss the Second Amended Complaint is granted as to all causes of action and Plaintiff's Second Amended Complaint is dismissed with prejudice because the factual allegations under each cause of action are insufficient to meet the applicable pleading standards under Fed. R. Civ. P. 12(b)(6) and 9(b). This Second Amended Complaint merely contains boiler-plate terms found civil complaints, and since Plaintiff has had two opportunities to amend the complaint, this third complaint should have been clear with well-plead factual allegations. Here, Plaintiff's allegations found in lines 15 – 26 under "General Allegations" make no sense in a §727 complaint, indicating how boilerplate this SAC is. Although only allegations – not evidence - are considered on a motion to dismiss, Plaintiff's boilerplate terms and allegations are insufficient and fail to meet the applicable pleading standard.

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

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan  
Sanaz S Bereliani

**Defendant(s):**

Rima Aboudaher

Represented By  
Sanaz S Bereliani

**Movant(s):**

Rima Aboudaher

Represented By  
Sanaz S Bereliani

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

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**Trustee(s):**

David Seror (TR)

Pro Se

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**1:17-12107 Rima Aboudaher**

**Chapter 7**

Adv#: 1:17-01090 Solimani v. Aboudaher

**#33.00** Status Conference Re: Second Amended Complaint

Docket 20

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Rima Aboudaher

Represented By  
Navid Kohan  
Sanaz S Bereliani

**Defendant(s):**

Rima Aboudaher

Represented By  
Sanaz S Bereliani

**Plaintiff(s):**

Arman Solimani

Represented By  
Jan T Aune

**Trustee(s):**

David Seror (TR)

Pro Se

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**1:17-12238 Juliana Njeim**

**Chapter 7**

Adv#: 1:18-01010 Seyedan v. Njeim

**#34.00** Motion to Dismiss Adversary Complaint to Object  
to Discharge Pursuant to 11 U.S.C. section 727

Docket 5

**Tentative Ruling:**

**I. Background**

Juliana Njeim ("Debtor") filed a voluntary chapter 7 bankruptcy on August 22, 2017. On November 14, the Court granted Maryam Seyedan's ("Plaintiff") motions for examination under Rule 2004 upon subpoena served upon Bank of America and Wells Fargo Bank. The Rule 2004 examinations were intended to determine whether Debtor made false statements or omissions in her schedules with respect to funds held in certain accounts at Bank of America and Wells Fargo Bank. Two days after the court granted the motions for the Rule 2004 examinations, Debtor filed an amended Statement of Financial Affairs. ECF doc. no. 22. Debtor's original Statement of Financial Affairs indicates that each of her three businesses operated until 1/2016 (January 2016). After those dates were called into question, Debtor amended the Statement of Financial Affairs. The only apparent change in the first amended Statement of Financial affairs was to change the dates that her businesses existed to reflect that the businesses closed in 2016, and that those dates are estimates only.

Plaintiff filed this adversary action on January 23, 2018 objecting to Debtor's discharge under § 727(a)(4)(A). Plaintiff's complaint alleges that the documents obtained pursuant to the Rule 2004 subpoenas contain evidence that Debtor knowingly and fraudulently made material false statements under in her original and first amended Statement of Financial Affairs. Specifically, Debtor lists her gross income from wages and tips in 2016 as \$35,280, but Debtor's personal bank statements allegedly show deposits of \$71,995 into her two bank accounts in 2016. Complaint 4:5-7. Further, the Complaint alleges that the bank statements for Debtor's corporation, Beauty Live Forever, Inc. ("Beauty Live Forever"), shows deposits of \$269,187 in 2016, none of which was disclosed in Debtor's original or first amended Statement of Financial Affairs. Although Part 11 of Debtor's original and first amended Statement of Financial Affairs indicate that Beauty Live Forever existed until "1/1/2016" and "2016" respectively, the complaint alleges that Beauty



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Live Forever had ongoing bank deposits from sales as late as May 2017. Complaint 4:25-5:2. Plaintiff's sole grounds for objecting to dischargeability is that Debtor made a false statement or omission in her schedules in this bankruptcy case.

On February 15, Debtor obtained new counsel for both the lead bankruptcy case and the adversary action. In early March, Debtor filed amended schedules A/B, C, I, and J as well as a second amended Statement of Financial Affairs. ECF doc. no. 36, March 5, 2018. The amended schedules and second amended Statement of Financial affairs contain a number of changes large and small, including disclosing a "Potential Malpractice Suit vs Debtor's Former Bankruptcy Attorney, Richard Garber." Debtor filed the instant Motion to Dismiss ("Motion") on March 13, 2018.

**II. Standard**

A motion to dismiss under Civil Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008) (*quoting* Balistreri v. Pacifica Police Dept., 901 F.2d 696, 699 (9th Cir. 1990)).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff, and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, and unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

"While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the 'grounds' of his 'entitlement to relief' requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." Twombly, 550 U.S. at 555 (citations omitted). "In practice, a complaint . . . must contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory." Id. at 562 (emphasis added) (*quoting* Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1106 (7th Cir. 1984)).

Moreover, Federal Rule of Civil Procedure 9(b) imposes heightened pleading requirements for claims of fraud. See Fed. R. Civ. P. 9(b). Under Rule 9(b), a plaintiff "must state with particularity the circumstances constituting fraud," but can allege

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generally "[m]alice, intent, knowledge, and other conditions of a person's mind." Twombly, 550 U.S. at 559. The particularity requirement "has been interpreted to mean the pleader must state the time, place and specific content of the false representations as well as the identities of the parties to the misrepresentation." In re MannKind Sec. Actions, 2011 U.S. Dist. LEXIS 145253, 19-20 (C.D. Cal. Dec. 16, 2011).

"Averments of fraud must be accompanied by the who, what, when, where and how of the misconduct charged." Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal quotations omitted) and Walling v. Beverly Enterprises, 476 F.2d 393, 397 (9th Cir. 1973). "Rule 9(b) ensures that allegations of fraud are 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." Semegen v. Weidner, 780 F.2d 727, 731 (9th Cir. 1985). "It also prevents the filing of a complaint as a pretext for the discovery of unknown wrongs and protects potential defendants - - especially professionals whose reputations in their fields of expertise are most sensitive to slander - - from the harm that comes from being charged with the commission of fraudulent acts." Id.

**III. Analysis**

**a) 11 U.S.C. 727(a)(4)(A)**

The sole grounds for nondischargeability alleged in the complaint is § 727(a)(4)(A). Pursuant to § 727(a)(4)(A), the court shall grant the debtor a discharge unless –

- (4) the debtor knowingly and fraudulently, in or in connection with the case—  
(A) made a false oath or account

§ 727(a)(4)(A). A false statement or omission in debtor's bankruptcy schedules or Statement of Financial Affairs can constitute a false oath within the meaning of § 727(a)(4). In re Khalil, 379 B.R. 163, 172 (B.A.P. 9th Cir. 2007), aff'd, 578 F.3d 1167 (9th Cir. 2009). "The fundamental purpose of § 727(a)(4)(A) is to insure that the trustee and creditors have accurate information without having to conduct costly investigations." Id. A false statement or omission must be material to the bankruptcy case to provide grounds for a denial of discharge. In re Khalil, 379 B.R. at 172. Therefore, there are three elements to an action under § 727(a)(4)(A): (1) Debtor made such a false statement or omission, (2) regarding a material fact, and (3) did

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so knowingly and fraudulently. Id.; In re Retz, 606 F.3d 1189, 1197 (9th Cir. 2010).

1) False Statement or Omission

When accepting all well-pleaded allegations in the complaint as true, the first element is clearly met. The allegation is clear that Debtor made certain misstatements in the original and first amended Statement of Financial Affairs as detailed above. This is bolstered by the fact that Debtor amended the Statement of Financial Affairs and various schedules after 1) the Order Granting Motion for 2004 Examination and 2) the filing of this adversary action. Those amendments indicate that earlier statements were changed.

2) Materiality

A fact is material "if it bears a relationship to the debtor's business transactions or estate, or concerns the discovery of assets, business dealings, or the existence and disposition of the debtor's property." In re Retz, 606 F.3d at 1198. An omission or misstatement that "detrimentally affects administration of the estate" is material. Id. (denying discharge under § 727(a)(4)(A) where debtor omitted information relating to his assets, property, and business dealings, making it almost impossible to reconstruct his financial affairs). A false oath may be "material" even though it does not cause direct financial prejudice to creditors. In re Wills, 243 B.R. 58, 63 (B.A.P. 9th Cir. 1999).

Here, Debtor has allegedly made misstatements regarding the amount of income received by her and her business for the years leading up to the bankruptcy. Plaintiff alleges that Debtor disclosed as income less than half of the money she deposited into her personal bank accounts. Furthermore, Plaintiff alleges a number of misstatements or omissions regarding the Debtor's fully-owned business. It would not be possible to "reconstruct" Debtor's financial affairs without an understanding of what happened to Debtor's business, which, Debtor now admits in the second amended Statement of Financial Affairs, received almost \$270,000 in gross income in 2016. ECF Doc. No. 36, p. 15.

With the limited discovery granted under the Rule 2004 motion, Plaintiff alleges to have discovered information that Debtor now seems to acknowledge should have been disclosed in the statement of financial affairs. The Plaintiff has met her burden of showing that the false statements or omissions were material.

3) Knowingly and Fraudulently

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The "knowing and fraudulent" intent standard of § 727(a)(4) means that Debtor must have actual (not constructive) intent in concealing records or making an omission in schedules. In re Wills, 243 B.R. at 64. However, for purposes of pleading under Fed. R. Civ. P. 9(b) and 12(b), Plaintiff may allege fraud generally. Twombly, 550 U.S. at 559. The complaint alleges as follows:

Plaintiff alleges that Defendant knowingly and fraudulently made material false statements under penalty of perjury in her Schedules and Statement of Financial Affairs filed on September 4, 2017 ("Original SOFA") and in her Amended Statement of Financial Affairs filed on November 16, 2017 ("Amended SOFA"), including those set forth below.

Complaint 3:22-27. The complaint goes on to allege particular misstatements or omissions from the original Statement of Financial Affairs, most or all of which were amended into the Statement of Financial Affairs following the filing of the complaint in this adversary. The complaint provides specific enough information regarding the details of the alleged fraud to enable Debtor to answer the allegations. The complaint contains sufficient details regarding the "who, what, when, where and how of the misconduct charged" to allow Debtor to defend herself. Vess v. Ciba-Geigy Corp. USA, 317 F.3d at 1106. Indeed, Debtor was eager to explain why the facts alleged by Plaintiff were misconstrued or out of context. In the Motion, Debtor explains that the alleged additional income evidenced by deposit and withdrawal discrepancies were contributions made by Debtor's family to keep the business running; however, this factual assertion is improper in the context of a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). Arpin v. Santa Clara Valley Transp. Agency, 261 F.3d 912, 925 (9th Cir. 2001). The Court is required to accept as true all well-pleaded allegations in the complaint, with exceptions not relevant here. Debtor's arguments go primarily to the weight of the evidence and whether Plaintiff can meet her burden of proof, issues which cannot be considered on a motion to dismiss.

The fact that Debtor amended her schedules does not excuse her from full disclosure at the time of filing the initial schedules and Statement of Financial Affairs. In re Shoemaker, No. 1:14-AP-01206-GM, 2018 WL 300524, at \*14 (Bankr. C.D. Cal. Jan. 4, 2018); In re Beauchamp, 236 B.R. 727, 734 (B.A.P. 9th Cir. 1999), aff'd, 5 F. App'x 743 (9th Cir. 2001) (no error in denying discharge under § 727, even though debtor amended schedules, where bankruptcy court found that the amendment was motivated by the setting of a Rule 2004 examination); In re Cummings, 595 F. App'x 707, 709 (9th Cir. 2015)(chapter 7 debtors' eventual disclosure, on their third amended Schedule B, of their interest in a limited liability

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company (LLC) did not negate their initial fraud for discharge denial purposes).

**b) Conversion to Motion for Summary Judgment**

The Court declines Debtor's invitation to treat the Motion as a motion for summary judgment pursuant to Fed. R. Civ. P. 12(d), which states:

(d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Courts have complete discretion to determine whether or not to accept the submission of any material beyond the pleadings that is offered in conjunction with a motion to dismiss under Fed. R. Civ. P. 12(b)(6), and conversion of a motion to dismiss to a motion for summary judgment is therefore in the discretion of the court. § 1366 Conversion of a Rule 12(b)(6) Motion Into a Summary Judgment Motion, 5C Fed. Prac. & Proc. Civ. § 1366 (3d ed.); Cooper v. Pickett, 137 F.3d 616, 622 (9th Cir. 1997)(refusing to rule on motion for summary because discovery had not taken place when case was dismissed, Rule 56(f) motion was pending, and court could not determine from record whether genuine issue of material fact existed). Consideration of materials outside of the pleadings is unlikely to dispose of this matter, as Plaintiff has had no opportunity for discovery other than the Rule 2004 motion. The Court excludes the declarations submitted by Debtor.

The Court may furthermore consider facts subject to judicial notice in deciding a motion to dismiss. Hsu v. Puma Biotechnology, Inc., 213 F. Supp. 3d 1275, 1280 (C.D. Cal. 2016). Debtor has filed a request for judicial notice under Federal Rule of Evidence Rule 201. However, the two documents attached have no bearing on this Motion. Both documents are related to Debtor's argument that the chapter 7 trustee in Michel Kanaan's case investigated all of Kanaan's assets and liabilities, including conducting a Rule 2004 examination against Debtor Juniana Njeim. Motion to Dismiss, 9:15-25. Debtor also points to the fact that the chapter 7 trustee in this case has not pursued any action related to Debtor's business entities. Motion to Dismiss, 9:26-10:4. While it is clear from the pleadings that Mr. Kanaan, Debtor's spouse, was closely involved with Debtor's business dealings, he is not the Debtor in this case and his actions are not relevant to whether Plaintiff has stated a plausible claim under § 727(a)(4)(A).

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**IV. Conclusion**

Plaintiff meets the heightened pleading standard for all three elements of an action under § 727(a)(4)(A). The declaration of Debtor and the declaration of Kevin Simon are excluded from consideration on this motion to dismiss.

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

**Debtor(s):**

Juliana Njeim

Represented By  
Kevin T Simon

**Defendant(s):**

Juliana Njeim

Represented By  
Kevin T Simon

**Movant(s):**

Juliana Njeim

Represented By  
Kevin T Simon

**Plaintiff(s):**

Maryam Seyedan

Represented By  
James R Selth

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**Wednesday, April 25, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12238 Juliana Njeim**

**Chapter 7**

Adv#: 1:18-01010 Seyedan v. Njeim

**#35.00** Status Conference re: Complaint

fr. 3/28/18

Docket 1

**Tentative Ruling:**

Continued to 4/25 at 1 pm to be heard with Motion to Dismiss

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

**Debtor(s):**

Juliana Njeim

Represented By  
Richard Mark Garber

**Defendant(s):**

Juliana Njeim

Pro Se

**Plaintiff(s):**

Maryam Seyedan

Represented By  
James R Selth

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Thursday, April 26, 2018**

**Hearing Room 302**

10:00 AM

**1:16-13445 Penelope Charlene Jeffries**

**Chapter 7**

Adv#: 1:17-01023 Zambo v. Jeffries

**#1.00** Trial re: Complaint for  
Nondischargeability of debt

fr. 6/14/17; 9/27/17; 3/28/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Penelope Charlene Jeffries

Represented By  
Ginger Marcos

**Defendant(s):**

Penelope Charlene Jeffries

Pro Se

**Plaintiff(s):**

Nicole Zambo

Pro Se

**Trustee(s):**

Diane Weil (TR)

Pro Se



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**Thursday, April 26, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#2.00** Status Conference re: Order to Show Cause  
Re: Civil Contempt Against (A) Mainstream Advertising;  
(B) Danny Bibi; and (C) Sheila Mishkan

fr. 2/13/18, 2/15/18; 3/8/18, 3/21/18

Docket 27

**\*\*\* VACATED \*\*\* REASON: Cont'd to 5/1/18 per Doc 77 -CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having reviewed the docket, and for good cause appearing, this matter will be continued to May 1, 2018, at 1:00 p.m. to be heard along with the Motion to Convert. Appearances waived on April 26.

<b>Party Information</b>
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**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

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**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:12-15406 Thomas J Hopkins PH.D., M.D., AMC**

**Chapter 11**

**#1.00 Application for Appearance and Examination  
Thomas J. Hopkins, PH.D, M.D.**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Thomas J Hopkins PH.D., M.D.,

Represented By  
Leslie S Gold  
Ira Benjamin Katz  
Martin P Cohn

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**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14747 Tony Servera Company, Inc.**

**Chapter 11**

**#2.00 Status and Case Management Conference**

fr. 12/18/14, 3/26/15; 6/4/15, 8/27/15, 10/29/15  
2/4/16, 4/7/16, 5/23/16, 1/19/17, 2/9/17, 8/16/17  
1/110/18

Docket 1

**Tentative Ruling:**

The status report was helpful and generally indicates progress, although not as good as projected. Given the slow payment to the trust funds, the status conference will remain on calendar in case any creditor appears. If no issue to address at the status conference, the matter will be continued at the hearing to September 26 at 9:30, as requested in the status report.

**Party Information**

**Debtor(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox

**Movant(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#3.00** Motion for approval of chapter 11 disclosure statement "Notice Of Motion And Motion for Order Approving 'Original Disclosure Statement Describing 'Debtor's Chapter 11 Plan'" As Containing Adequate Information

Docket 342

**Tentative Ruling:**

Debtor filed the disclosure statement at issue on April 25, 2018 (the "Disclosure Statement"). On May 24, a day after the deadline for objections under Local Bankruptcy Rule 3017-1(b), Sara Boodaie filed an objection to the approval of the Disclosure Statement. There is a question as to whether Ms. Boodaie has standing to bring this objection. Section 1109 states that:

A party in interest, including the debtor, the trustee, a creditors' committee, an equity security holders' committee, a creditor, an equity security holder, or any indenture trustee, may raise and may appear and be heard on any issue in a case under this chapter.

Ms. Boodaie is the co-trustee, along with her son Joseph Boodaie, of the Yahouda Boodaie Revocable Living Trust Dated July 6, 2007 (the "Trust"). Previously in the case, there was a dispute as to whether ownership of Osher and Osher, Inc. ("Debtor") was held by the Trust or by Joseph Boodaie individually. The Court granted relief from the automatic stay on February 29, 2016 to Kouros Voghgi and 26 Moorpark, LLC, the judgment creditors of Joseph Boodaie ("Judgment Creditors"), to continue litigation in the Superior Court of California for the County of Los Angeles (the "State Court") to determine the ownership of Debtor. The State Court determined that the Debtor was owned by Joseph Boodaie, individually, rather than the Trust. On August 2, 2016, the Court granted Judgment Creditors relief from stay to levy upon the stock of the Debtor. Following a claim objection, Ms. Boodaie's claim was disallowed in its entirety by the Court's order dated April 24, 2018 (Doc. No. 339).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Osher And Osher, Inc.**

**Chapter 11**

Ms. Boodaie argues that the Disclosure Statement contains inadequate information because "it fails to accurately characterize the contingencies associated [with] the proposed distribution." In particular, Ms. Boodaie points to a minute order issued by the State Court on March 1, 2016, stating "[t]he Court's finding is without prejudice to the Probate Court and any findings or disposition made by that Court." Ms. Boodaie asserts that the probate court is "poised to rule on that issue, possibly as early as the hearing on these issues that is currently scheduled to occur in the Probate Court on June 8, 2018."

Despite Ms. Boodaie's argument, the Disclosure Statement does disclose the existence the probate court proceeding in which Debtor may be a party in interest:

There are no significant adversary proceedings or motions pending at the present time. While OOI may be an interested party in connection with certain nonbankruptcy legal proceeding(s) involving Joseph Boodaie *et al.*, including probate court actions, *in re Yahouda Boodaie Revocable Living Trust, dated July 2, 2007*, Case No. 17STPB04365, OOI is currently not involved in any other nonbankruptcy legal proceeding(s).

(Disclosure Statement 13:13-21). It is unclear what additional information Ms. Boodaie believes should be included in the Disclosure Statement. The Disclosure Statement contains adequate information regarding the probate court action.

Ms. Boodaie also argues that the Disclosure Statement lacks adequate information because it fails to state from where the "\$1,000,000 in funds recovered by the equity security holders" was recovered and where the funds are currently located. The Disclosure Statement, in fact, explains that the equity security holders recovered the approximately \$1,000,000 in cash "as a result of a settlement with Aminpour dba DTC Holdings," and that "the Current Equity Holders will retain the recovered funds." Ms. Boodaie's second objection is without merit.

Ms. Boodaie's objection is overruled as untimely and for failing to raise any meritorious arguments. The Court finds that the Disclosure Statement contains adequate information.

**APPEARANCE REQUIRED**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Osher And Osher, Inc.**

**Chapter 11**

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#4.00 Disclosure Statement**

Docket 341

**\*\*\* VACATED \*\*\* REASON: Duplicate of #3**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#5.00 Scheduling and Case Management Conference**

fr. 11/3/16, 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17, 2/7/18, 5/2/18

Docket 1

**Tentative Ruling:**

The confirmation hearing will be August 1 at 9:30 am.

Debtor should upload an approval of disclosure statement and confirmation scheduling order by June 8.

The solicitation package with scheduling order, ballots, disclosure and plan, should be sent out by June 15.

Objections to the plan and ballots should be filed by July 13.

Reply to Objections, ballot summary and any confirmation brief are to be filed by July 20.

<b>Party Information</b>
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**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#6.00 Post-Confirmation Status Conference**

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#7.00 Chapter 11 Disclosure Statement**

Docket 60

**Tentative Ruling:**

Before a disclosure statement may be approved after notice and a hearing, the court must find that the proposed disclosure statement contains "adequate information" to solicit acceptance or rejection of a proposed plan of reorganization. 11 U.S.C. § 1125(b). The disclosure statement does not mention that the Court granted *in rem* relief from stay in March 2018 or that Debtor appealed that ruling.

Here, where the entire plan depends on a sale the real property on which *in rem* relief from stay was granted, a disclosure statement that has no information about the *in rem* Order and the appeal cannot satisfy the standards for approving a disclosure statement. "Adequate information" means information of a kind, and in sufficient detail, so far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization." 11 U.S.C. § 1125(a).

APPROVAL DENIED. APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan  
Michael R Sment

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#8.00** Scheduling and Case Management Conference

fr. 1/10/18, 1/17/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#9.00** Motion to Borrow and for Debt to be Secured by 2nd Priority Lien

fr. 5/16/18

Docket 69

**Tentative Ruling:**

This hearing was continued from 5/16/18, to allow Debtor the opportunity to file the lending agreement between Debtor and the "third party" vaguely referred to in the Motion to Borrow. Debtor was to have filed the lending agreement on or before May 23, 2018. Debtor filed nothing further in support of this Motion, and therefore has failed to address the U.S. Trustee's objection.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#10.00** Motion to Approve Compromise Under Rule 9019

fr. 5/16/18

Docket 70

**Tentative Ruling:**

This hearing was continued from 5/16/18, to allow Debtor the opportunity to file the settlement agreement between Debtor's principal Ahron Zilberstein and secured creditor Comerica for satisfaction of its claim. On May 23, 2018, Debtor filed the executed settlement agreement, ECF doc. 103.

While there is now sufficient evidence in the record in support of this Motion to Approve Compromise, Debtor's performance under this settlement agreement is dependent on obtaining the financing that is the subject of the Motion to Borrow. The Motion to Borrow, however, is not likely to be granted because Debtor did not file the evidence in support of the Motion to Borrow (*i.e.*, the lending agreement) by the Court-ordered deadline.

APPEARANCE REQUIRED.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10484 Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

**#11.00** U.S. Trustee's Motion To  
Dismiss Or Convert Case

Docket 84

**Tentative Ruling:**

APPEARANCE REQUIRED. Debtor also should address whether sufficient environmental issues have been disclosed.

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

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, June 06, 2018

Hearing Room 302

9:30 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#12.00 U.S. Trustee's Motion to Dismiss or Convert Case

Docket 12

\*\*\* VACATED \*\*\* REASON: Motion voluntarily withdrawn June 5. See  
Docket No. 25 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

MEJD PARTNERSHIP

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11003 Fatemah Dowlatinow**

**Chapter 11**

**#13.00 Status and Case Management Conference**

Docket 1

**Tentative Ruling:**

Proposed claim bar date: August 15, 2018 - serve order this week

Proposed disclosure statement filing deadline: September 26, 2018

**File motion to value and self calendar it before this date.**

**Check loan documents and make sure rents are cash collateral before filing any motion.**

**Is property insured for a tenant?**

Proposed disclosure statement hearing: November 14, 2018 at 9:30

**DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE INITIAL STATUS CONFERENCE**

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

**Debtor(s):**

Fatemah Dowlatinow

Represented By  
Dana M Douglas



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11040 01 BH Partnership**

**Chapter 11**

**#14.00** U.S. Trustee's Motion Under 11 USC 1112(b)  
To Dismiss Or Convert Case

Docket 11

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 6/4/18 (eg)**

**Tentative Ruling:**

Appearance required, unless withdrawn

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

**Debtor(s):**

01 BH Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12800 Jean'e Milika Blair**

**Chapter 13**

**#15.00** Motion for relief from stay

PACIFIC UNION FINANCIAL, LLC

Docket 34

**Tentative Ruling:**

Petition Date: 8/21/15  
Chapter 13 plan confirmed: 12/8/18  
Service: Proper. Opposition filed.  
Property: 14164 Paddock St., Sylmar, CA 91342  
Property Value: \$271,000 (per debtor's schedules)  
Amount Owed: \$181,772  
Equity Cushion: 32.9%  
Equity: \$89,228  
Postconfirmation Delinquency: \$2,458.41 (two payments of \$1,239.82), last payment received April 2018.

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that there is a sufficient equity cushion to protect Movant's claim and that, on that basis alone, relief should be denied. Debtor does not, however, address that the language of 362(d)(1) contemplates other grounds as cause for relief. See In re Ellis, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985) (failure to make post-confirmation payments can constitute cause for lifting the stay).

**APPEARANCE REQUIRED**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jean'e Milika Blair**

**Chapter 13**

**Debtor(s):**

Jean'e Milika Blair

Represented By  
Arsen Pogosov

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12377 Dorothy Lee Carter**

**Chapter 13**

**#16.00** Motion for relief from stay

REVERSE MORTGAGE SOLUTIONS INC

fr. 3/21/18, 5/2/18

Docket 26

**Tentative Ruling:**

this hearing was continued from 3/21/18 so that the parties could negotiate an APO. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED

**3/21/18 Tentative:**

Petition Date: 08/15/2016

Chapter: 13

Service: Proper. Opposition filed on 3/7/18.

Property: 8849 Comanche Avenue Canoga Park, CA 91306

Property Value: \$485,000 (per debtor's schedules)

Amount Owed: \$411,833.09 (per RFS motion)

Equity Cushion: 7%

Equity: \$73,166.91

Post-Petition Delinquency: \$3,779.95

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, contending that the Property is necessary for an effective reorganization. Debtor intends to file a plan for reorganization that requires the use of the Property. Debtor also claims that the Property is insured and Debtor is seeking an Adequate Protection Order to cure arrears that have accrued post-petition.

APPEARANCE REQUIRED.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Dorothy Lee Carter**

**Chapter 13**

**Debtor(s):**

Dorothy Lee Carter

Represented By  
Steven A Alpert

**Movant(s):**

REVERSE MORTGAGE

Represented By  
Anish Matchanickal  
Madison C Wilson  
Sean C Ferry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13032 Barry Lee Morgan**

**Chapter 13**

**#17.00** Motion for relief from stay  
MECHANICS BANK, INC.

Docket 39

**Tentative Ruling:**

Petition Date: 11/13/17  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: 2014 Nissan Sentra  
Property Value: \$8,000 (per debtor's schedules)  
Amount Owed: \$17,345  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$1,268.23 (three payments of \$396.33; four late charges of \$19.81)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Barry Lee Morgan

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11103 Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**#18.00** Motion for relief from stay

DAIMLER TRUST

Docket 12

**Tentative Ruling:**

Petition Date: 4/30/18  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2016 Toyota Prius  
Property Value: \$0 (lease)  
Amount Owed: \$24,305.36  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Delinquency: \$602.64

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jose Antonio Nanola Paredes

Represented By  
Navid Kohan

**Joint Debtor(s):**

Rowena Cruz Paredes

Represented By  
Navid Kohan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13194 Alycia Anne Holowchak**

**Chapter 7**

**#19.00** Motion for relief from stay

SANTANDER CONSUMER USA INC  
DBA CHRYSLER CAPITAL

Docket 12

**Tentative Ruling:**

Petition Date: 11/29/17

Chapter: 7

Service: Proper. No opposition filed.

Property: 2015 Jeep Cherokee

Property Value: \$26,300 (per Movant's evidence - NADA Guide)

Amount Owed: \$35,994.43

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$845.16

Movant alleges grounds for annulment of the stay because Debtor surrendered, and Movant accepted possession of, the subject vehicle post-petition.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **4** (annulment of stay); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alycia Anne Holowchak

Represented By  
James Geoffrey Beirne

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Alycia Anne Holowchak**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13384 Reynaldo Jesus Sosa**

**Chapter 13**

**#20.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 5/2/18

Docket 47

**\*\*\* VACATED \*\*\* REASON: Resolved via APO (doc. 54) - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Reynaldo Jesus Sosa

Represented By  
Tawni Takagi

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Kelsey X Luu  
Renee M Parker

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10004 Cynthia Deniese Sanders**

**Chapter 13**

**#21.00** Motion for relief from stay

US BANK NA

Docket 35

**Tentative Ruling:**

Petition Date: 1/3/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 14153 Claretta St.,

Property Value: \$469,000 (per debtor's schedules)

Amount Owed: \$500,568.42

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$5,015.97 (three payments of \$1,671.99)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay).

Debtor opposes the Motion, arguing that her proposed chapter 13 plan provides for treatment of this claim, and that all delinquent post-petition payments will be cured by the date of the hearing.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Cynthia Deniese Sanders

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Cynthia Deniese Sanders**

**Chapter 13**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10004 Cynthia Deniese Sanders**

**Chapter 13**

**#22.00** Motion for relief from stay

JPMORGAN CHASE BANK NA

Docket 33

**Tentative Ruling:**

Petition Date: 1/3/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 2012 Jeep Compass

Property Value: \$3,651 (per debtor's schedules)

Amount Owed: \$10,057

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$898.62 (three post-petition payments of \$299.54)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that her proposed chapter 13 plan provides for treatment of this claim, and that all delinquent post-petition payments will be cured by the date of the hearing.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Cynthia Deniese Sanders

Pro Se

**Movant(s):**

JPMORGAN CHASE BANK, N.A.

Represented By  
Jamie D Hanawalt

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 06, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Cynthia Deniese Sanders**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, June 06, 2018

Hearing Room 302

11:00 AM

1:18-10888 Bayline Holding

Chapter 7

#23.00 Motion for relief from stay

SALEM INVESTMENTS, LLC

Docket 10

**Tentative Ruling:**

Petition Date: 4/11/18

Dismissed: 4/11/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 1632 Ben Lomond Dr., Glendale, CA 91202

Property Value: no schedules filed

Amount Owed: not provided

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property. Movant also alleges cause for annulment of the stay because the Trustee's sale of the subject property went forward without notice or knowledge of the bankruptcy.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (annulment of stay); **7** (waiver of the 4001(a)(3) stay); **8** (law enforcement may evict); and **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.



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**CONT... Bayline Holding**

**Chapter 7**

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

**Debtor(s):**

Bayline Holding

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:18-10920 Ismael Gonzalez**

**Chapter 7**

**#24.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 9

**Tentative Ruling:**

Petition Date: 4/14/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 Toyota RAV 4

Property Value: \$16,150 (per Movant's evidence - NADA Guide)

Amount Owed: \$19,133

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,457 (3 payments of \$485.77)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ismael Gonzalez

Represented By  
Lauren M Foley

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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**1:18-10934 Maria Mercedes Arana**

**Chapter 13**

**#25.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

fr. 5/2/18

Docket 9

**\*\*\* VACATED \*\*\* REASON: Resolved via Order Granting Motion &  
APO (doc. 24) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Maria Mercedes Arana

Represented By  
Kevin T Simon

**Movant(s):**

Maria Mercedes Arana

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10964 Gonzalo Gonzalez**

**Chapter 13**

**#26.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket 13

**Tentative Ruling:**

Petition Date: 4/18/18

Chapter 13 dismissed w/ 180-day bar: 5/2/18

Service: Proper. No opposition filed.

Property: 34561 Red Rover Mine Rd., Acton, CA 93510

Property Value: no schedules filed

Amount Owed: \$416,895

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: n/a

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED PROPERTY.

**Party Information**

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**CONT... Gonzalo Gonzalez**

**Chapter 13**

**Debtor(s):**

Gonzalo Gonzalez

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:18-11076 Jeff Murdock**

**Chapter 7**

**#27.00** Motion for relief from stay

HPG MANAGMENT, INC.

Docket 10

**Tentative Ruling:**

Petition Date: 4/27/18

Ch: 7

Service: Proper. No opposition filed.

Movant: HPG Mgmt., Inc.

Property Address: 7230 De Soto Ave. #206, Canoga Park, CA 91303

Type of Property: residential

Occupancy: holdover after month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 3/7/18 (trial cont'd due to filing)

UD Judgment: n/a

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Jeff Murdock

Represented By  
Scott D Olsen

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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11:00 AM

**1:18-11261 Marcus Black**

**Chapter 13**

**#28.00** Motion for relief from stay

PALMER/BOSTON ST. PROPERTIES III

Docket 9

**Tentative Ruling:**

Petition Date: 5/16/18

Ch. 13 dismissed w/ 180-day bar: 6/1/18

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Palmer/Boston St. Properties III, LP

Property Address: 606 N. Figueroa St. #312, Los Angeles, CA 90012

Type of Property: Residential

Occupancy: unknown - debtor not a resident or party to the residential lease in

default

Foreclosure Sale: n/a

UD case filed: 2/20/18 (5/22/18 trial continued because of this filing)

UD Judgment: n/a

Movant requests extraordinary relief, due to multiple filings by unaffiliated debtors that are affecting the UD action.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (order is binding and effective for 180-days against any debtor)

APPEARANCE REQUIRED DUE TO SHORTENED TIME

RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

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**CONT... Marcus Black**

**Chapter 13**

**Debtor(s):**

Marcus Black

Pro Se

**Movant(s):**

Palmer/Boston St. Properties III, A

Represented By  
Joseph Cruz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:18-11240 Aaron Johnson**

**Chapter 13**

**#28.01** Motion for relief from stay

SHRI AGARWAL AND SUDHA AGARWAL

Docket 10

**Tentative Ruling:**

Petition Date: 5/14/18

Ch: 13

Service: Proper on Judge's shortened time procedures. No opposition filed.

Movant: Shri & Sudha Agarwal

Property Address: 20542 Como Lane, Porter Ranch, CA 91326

Type of Property: Residential

Occupancy: unknown - debtor not a resident or party to the residential lease in

default

Foreclosure Sale: n/a

UD case filed: 2/21/18 (5/16/18 trial continued to 6/6/18 because of this filing)

UD Judgment: n/a

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay).

APPEARANCE REQUIRED DUE TO SHORTENED TIME

RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Aaron Johnson

Pro Se

**Movant(s):**

Shri Agarwal and Sudha Agarwal

Represented By  
Sandeep G Agarwal

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**CONT... Aaron Johnson**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:16-13077 David Saghian**

**Chapter 7**

Adv#: 1:18-01039 Weil, Chapter 7 Trustee v. Saghian et al

**#29.00** Status Conference re: Complaint

Docket 1

**Tentative Ruling:**

Defendants must brief their assertion of a lack of jurisdiction by June 20 and notice it for July 18 at 1 pm or it is waived.

Discovery cut-off (all discovery to be completed\*): 3/15/19

Expert witness designation deadline (if necessary): 4/12/19

Case dispositive motion filing deadline (MSJ; 12(c)): 3/29/19 (may self calendar earlier)

Pretrial conference: 5/8/19 at 11 am

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A)- 4/24/19

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel/parties must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection,

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CONT... **David Saghian**

**Chapter 7**

answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

David Saghian

Represented By  
Edmond Nassirzadeh

**Defendant(s):**

David Saghian

Pro Se

PARVANEH SAGHIAN

Pro Se

**Plaintiff(s):**

Diane C. Weil, Chapter 7 Trustee

Represented By  
Michael G D'Alba

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Michael G D'Alba  
John N Tedford

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11:00 AM

**1:17-11323 Milad Mandavi**

**Chapter 7**

Adv#: 1:17-01072 LOANME, INC. v. Mandavi

**#30.00** Pre-Trial Conference re: Amended Complaint  
to Determine Nondischargeability of Debt

fr. 11/1/17, 11/8/17, 4/4/18

Docket 7

\*\*\* VACATED \*\*\* REASON: Stipulated Judgment entered 4/24/18 (doc.  
26) - hm

**Tentative Ruling:**

**Party Information**

**Debtor(s):**

Milad Mandavi

Represented By  
David S Hagen

**Defendant(s):**

Milad Mandavi

Represented By  
David S Hagen

**Plaintiff(s):**

LOANME, INC.

Represented By  
Tina M Pivonka

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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**1:18-10013 Carol Kayed**

**Chapter 7**

Adv#: 1:18-01040 American Express National Bank v. Kayed

**#31.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment entered per stipulation (ad. doc. 6) - hm**

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met

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CONT... Carol Kayed

Chapter 7

and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

Carol Kayed

Represented By  
Daniel King

**Defendant(s):**

Carol Kayed

Pro Se

**Plaintiff(s):**

American Express National Bank

Represented By  
Robert S Lampl

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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11:00 AM

**1:17-13429 Dawn O. Olivieri**

**Chapter 7**

**#32.00 Debtor's Motion to Convert Case to Chapter 13**

Docket 35

**Tentative Ruling:**

Debtor is an actress who receives residuals for her works through her wholly owned loan out production companies, Odawno, Inc. and/or Eternal Dawn, Inc. Based on Trustee's review and investigation, the estate and its creditors have a right to recover significant residual income stream post-petition from works that Debtor performed pre-petition ("Pre- Petition Work Residuals"). Pursuant to 11 U.S.C. § 541 (a)(6), residuals from post-petition works performed by Debtor ("Post-Petition Work Residuals") would not be property of the estate.

Debtor filed this voluntary chapter 7 on December 30, 2017. Trustee alleges that Debtor misstated her income in the schedules and means test, by failing to disclose income from residuals earned pre-petition. Debtor, through her original bankruptcy counsel John Faucher, filed Schedules I and J which report monthly income of \$5,000 and expenses of \$4,873, leaving monthly net income of \$127.00.

On March 15, 2018, Trustee made a written demand upon Debtor (through John Faucher), that Debtor immediately deliver to the estate all residual income or payment received by Debtor, directly or through her loan out production companies from and after the Petition Date, together with a monthly accounting of the same from SAG-AFTRA to verify such income and payments. Also on March 15, 2018, Trustee made a written demand upon SAG-AFTRA to direct all future royalty payments that are otherwise payable to Dawn O. Olivieri and/or her loan-out companies to Trustee.

On March 30, 2018, Trustee received a listing of all residual payments received by Debtor from December 30, 2017 through March 20, 2018. This listing showed that Debtor received total residuals of \$6,636.70 during this period. Trustee received a wire of this amount from John Faucher on March 23, 2018.

From and after March 20, 2018, Trustee alleges that he sent many written requests to John Faucher, and later to Larry Simons, Debtor's new bankruptcy lawyer, for further accounting of all residuals received on and after March 20, 2018 and delivery of the funds to Trustee. Trustee states that Debtor did not respond to



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**CONT... Dawn O. Olivieri**

**Chapter 7**

his request for further accounting.

On May 1, 2018, Debtor, with the assistance of her new lawyer, amended her Schedule C, exempting for the first time up to \$28,225 of Pre-Petition Work Residuals pursuant to C.C.P. § 703.140(b)(5). On May 15, 2018, Debtor then filed the Motion seeking to convert to Chapter 13. In the Motion, Debtor places blame on her prior counsel, arguing that he did not realize that Debtor's residual stream was an asset that could be monetized by Trustee. With the advice of new counsel, Larry Simmons, Debtor argues that she is eligible to be a chapter 13 debtor, and that if the case is converted, the proposed plan is to pay creditors 100% on their claims.

The chapter 7 trustee, David Gottlieb, opposes on the ground that the Motion, filed four and one-half months after the petition date, is prejudicially untimely to creditors, as Trustee has already collected more than three months of residual payments and was working towards recovering other Pre-Petition Work Residuals for recovery to creditors. Trustee notes that there has been interest for the sale of the residual stream, which would pay creditors more quickly. Furthermore, Trustee contends that the proposed plan is infeasible and that there is no evidence to support Debtor's proposed amendment to Sch. I that would reflect an increase in income and the proposed amendment to Sch. J that would inexplicably reduce Debtor's expenses (including reducing her tax payments to \$0 per month).

**Standard**

The Supreme Court has found that a chapter 7 debtor can forfeit their right to convert the case to chapter 13 where debtor engaged in bad-faith conduct which would warrant dismissal or re-conversion of the chapter 13 case. Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365, 373-74 (2007). The court, however, warned that such action should only be taken by the court in the case of an "atypical litigant," or alternatively stated, in "extraordinary circumstances." Id. at 375; See Id. at N. 11. The court in Marrama found a bankruptcy court's authority under section 105(a) was sufficiently broad to deny a motion to convert under section 706 where the conversion would "merely postpone the allowance of equivalent relief and may provide debtor with an opportunity to take action prejudicial to creditors." Id. In Marrama, the debtor engaged in pre-petition bad faith conduct by making misleading or inaccurate statements within his schedules, failed to disclose a pre-petition transfer of real property, attempted to obtain homestead exemption on rental property and failed to disclose an anticipated tax refund. The court reasoned that the debtor may exceed the debt limits under 11 U.S.C §109(e) and his aforementioned conduct was bad faith amounting to an abuse of process if he were allowed to

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**CONT... Dawn O. Olivieri**

**Chapter 7**

convert from Chapter 7 to Chapter 13. Id at 372-76.

While Trustee opposes the Motion for all of the reasons explained above, Trustee does request that, if the Motion is granted and Debtor is permitted to propose a chapter 13 plan, as conditions to the granting of the Motion, Debtor be required to (i) pay, prior to the effectiveness of the conversion, for all approved fees and expenses of Trustee and his counsel, and (ii) account for and deliver to Trustee and subsequently to the Chapter 13 trustee all Pre-Petition Work Residuals received by Debtor through the effective date of confirmation of the plan, with such funds to be returned to any subsequent chapter 7 trustee in the event of a "re-conversion" of the case to Chapter 7. Trustee argues that these conditions are necessary in order to protect creditors.

Debtor has known of the residual issue since at least February of 2018 when the trustee inquired about them at the 341(a) but waited until May 15 to file a motion to convert. Trustee has hired counsel and proceeded to administer this case, incurring fees and expenses.

Although debtor argues that she will pay 100% to creditors over 5 years, it is not clear that she will be able to do that. In addition, the trustee can have creditors paid more quickly by selling the residual stream. The Debtor has provided no evidence to support her proposed amendments to her income and expenses – without which feasibility and good faith are still questionable.

The court is inclined to deny the motion to convert.

<b>Party Information</b>
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**Debtor(s):**

Dawn O. Olivieri

Represented By  
Larry D Simons

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Monica Y Kim

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**1:18-10093 James Mark Eisenman**

**Chapter 7**

**#33.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 30

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED on June 6, 2018. Trustee to submit order within 7 days.

**Party Information**

**Debtor(s):**

James Mark Eisenman

Represented By  
Amelia Puertas-Samara

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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1:00 PM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#34.00** Plaintiff's Motion For Summary Judgment or, in the Alternative,  
Partial Summary Adjudication of the Facts

Docket 54

**Tentative Ruling:**

**I. Introduction**

Yoram Talasazan ("Debtor" or "Defendant") and Moeir and Hanrit Moussighi dba Roll Tex ("Plaintiffs") entered into approximately forty agreements, dating back to 2007, for purchasing discount "fire sales" of garments for resale to retailers. Debtor would locate potential merchandise, purchase it, then store it in the warehouse of a business he operated, Ban-V, Inc., until a purchaser was located. When the goods were sold, profits were split between Ban-V and Plaintiffs 60%-40%, respectively.

The parties' business relationship ended after Debtor allegedly failed to honor the terms of the agreements. The parties have previously been involved in litigation in the Superior Court of the State of California for the County of Los Angeles (the "Superior Court") in connection with the allegations at issue in this adversary action. That case, assigned case number BC459337 (the "State Court Action"), was resolved with a judgment (the "Third Amended Judgment") and Statement of Decision (the "Statement of Decision") being entered in favor of Plaintiffs and against Debtor on six causes of action: breach of contract, open book account, account stated, unjust enrichment, negligent misrepresentation, and dishonored checks. The Third Amended Judgment and the Statement of Decision were, however, silent on a number of other causes of action brought against Debtor, including fraud, conspiracy to defraud, conversion, assault, battery, and intentional infliction of emotional distress.

This matter comes before the Court on cross motions for summary judgment (referred to herein as "Plaintiffs' Motion," "Debtor's Motion," and, collectively, the "Motions"). Both parties agree that the Statement of Decision

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CONT... Yoram Talasazan

Chapter 7

and Third Amended Judgment have preclusive effect on the Motions, though they disagree on which issues are precluded from re-litigation. The extent of the application of collateral estoppel is the primary issue before the Court.

**II. Standard**

Under Federal Rule 56(c), on a summary judgment motion, the movant in order to succeed must establish the lack of a genuine issue of material fact *and* entitlement to judgment as a matter of law. In re Aubrey, 111 B.R. 268, 272 (BAP 9th Cir. 1990). The moving party must support its motion with credible evidence, as defined in Rule 56(c), which would entitle it to a directed verdict if not controverted at trial. Id. If a party fails to address another party's assertion of fact, the court may consider the fact undisputed for purposes of the summary judgment motion. Fed. R. Civ. P. 56(e)(2). Substantive law determines which facts are material for purposes of summary judgment; factual disputes that are irrelevant or unnecessary are not counted. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). "Summary judgment will not lie if the dispute about a material fact is 'genuine,' that is, if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Id. The court must view all the evidence in the light most favorable to the nonmoving party. In re Barboza, 545 F.3d 702, 707 (9th Cir. 2008). The court may not evaluate the credibility of a witness or weigh the evidence. California Steel & Tube v. Kaiser Steel Corp., 650 F.2d 1001, 1003 (9th Cir. 1981).

**III. Analysis**

Plaintiffs seek a judgment for nondischargeability under two theories: false representations under § 523(a)(2)(A) and embezzlement under § 523(a)(4). Defendant similarly seeks summary judgment on the claims under §§ 523(a)(2)(A) and (a)(4).

a. Requests for Judicial Notice

There are three separate requests for judicial notice filed in connection with the Motions. In the first, Plaintiffs request judicial notice of the Statement of Decision and the Third Amended Judgment entered in the State Court Action. (ECF Doc. No. 55). The Court takes judicial notice of these

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CONT... Yoram Talasazan

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documents under Federal Rule of Evidence 201.

In the second request for judicial notice (ECF Doc. No. 64), Debtor seeks to admit seven separate documents in support of Debtor's Motion. The documents, attached as exhibits A-G, are as follows: A) the first amended complaint filed in the State Court Action; B) the Statement of Decision in the State Court Action; C) the third amended judgment from the State Court Action; D) Case Summary for the State Court Action; E) the first amended complaint in this adversary; F) the Court's Notice of Tentative Ruling re: Motion to Dismiss First Amended Complaint in this adversary; and G) the order on the motion to dismiss the first amended complaint in this action. Each of these documents is a public record from prior court proceedings and is therefore properly subject to judicial notice.

The third request for judicial notice was submitted by Debtor in support of his opposition to Plaintiffs' Motion. (ECF Doc. No. 77). The documents listed are all the same documents subject to the Debtor's request for judicial notice in support of Debtor's Motion. As stated above, the Court will take judicial notice of each of these documents.

b. Section 523(a)(2)(A)

Section 523(a)(2)(A) excepts from discharge any debt "to the extent obtained by false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition." 11 U.S.C. § 523(a)(2)(A). A creditor's claim of nondischargeability based on § 523(a)(2)(A) must satisfy five elements: (1) the debtor made false statement or deceptive conduct; (2) the debtor knew the representation to be false; (3) the debtor made the representation with the intent to deceive the creditor; (4) the creditor justifiably relied on the representation; and (5) the creditor sustained damage resulting from its reliance on the debtor's representation. In re Slyman, 234 F.3d 1081, 1085 (9th Cir. 2000). Each element must be shown by a preponderance of the evidence. Id. In order to avoid unjustifiably impairing a debtor's fresh start, exceptions to discharge should be strictly construed against creditors and in favor of debtors. Klapp v. Landsman, 706 F.2d 998, 999 (9th Cir. 1983).

*i. Preponderance of Evidence Standard Applied to*

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*California Fraud Claim*

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Plaintiffs argue that the fraud claim was denied in the State Court Action because the evidentiary standard for fraud under California state law is clear and convincing evidence, whereas the burden under § 523(a)(2)(A) is preponderance of the evidence. Debtor correctly points out that Plaintiffs are wrong in stating that fraud under California law requires a showing by clear and convincing evidence. Liodas v. Sahadi, 19 Cal. 3d 278, 292, 562 P.2d 316, 324 (1977) (Standard of proof of fraud in civil cases is the usual preponderance of the evidence standard; fraud need not be proved by clear and convincing evidence). Plaintiffs provide no argument or authority otherwise in their reply. As the evidentiary standard for fraud under California law is preponderance of the evidence, Plaintiffs' argument fails.

*ii. Defendant's Motion*

Both parties request summary judgment in their favor on this claim based upon the collateral estoppel effect of the judgment in the State Court Action. Collateral estoppel principles apply in a discharge exception proceeding under § 523(a). Grogan v. Garner, 498 U.S. 279, 284 n.11 (1991). Under 28 U.S.C. 1738, as a matter of full faith and credit, federal courts are required to apply the pertinent state's collateral estoppel principles. Gayden v. Nourbakhsh (In re Nourbakhsh), 67 F.3d 798, 800 (9th Cir. 1995). Under California law, collateral estoppel applies only if certain threshold requirements are met: 1) the issue sought to be precluded from relitigation is identical to that decided in the former proceeding; 2) the issue was actually litigated in the former proceeding; 3) the issue was necessarily decided in the former proceeding; 4) the decision in the former proceeding was final and on the merits; and 5) the party against whom preclusion is sought is the same, or in privity with, the party to the former proceeding. Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir. 2001). If the threshold requirements are met, the court must also find that giving the previous judgment preclusive effect would further the public policies underlying the collateral estoppel doctrine. Id. at 1245.

Debtor's argues in his Motion that the judge in the State Court Action ruled in favor of the Debtor on the fraud action based upon the same facts as



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presented here, and therefore, collateral estoppel precludes Plaintiffs from seeking a nondischargeable judgment under § 523(a)(2)(A). Neither the Statement of Decision nor the Third Amended Judgment, however, explicitly indicate that the Superior Court ruled in favor of the Debtor on the fraud cause of action. The Superior Court was simply silent as to a number of causes of action, including fraud and other intentional torts.

No authority has been presented for how collateral estoppel should be applied where the previous court was silent as to the cause of action upon which issue preclusion is sought. The rule has typically been that "a court's silence concerning a pleaded allegation does not constitute adjudication of the issue" for purposes of collateral estoppel. In re Harmon, 250 F.3d at 1247; see also People v. Sims, 32 Cal.3d 468, 186 (1982) (stating that an issue is "actually litigated" when it is properly raised by a party's pleadings or otherwise, when it is submitted to the court for determination, and when the court actually determines the issue).

There is authority to support the proposition that where an affirmative defense is pled and the court enters judgment against defendant without any explicit finding on the affirmative defense, it must be assumed that the court rejected the affirmative defense. Kaye v. Jacobs, 122 Cal. App. 421, 431 (Cal. Ct. App. 1932), overruled on other grounds in Bumb v. Bennett, 51 Cal. 2d 294 (1958); Calzada v. Sinclair, 6 Cal. App. 3d 903, 916, 86 Cal. Rptr. 387, 396 (Ct. App. 1970) ("Appellant by his answer raised the issue of laches. While no express finding was made by the court upon this issue, it must be assumed in support of the judgment that it was decided adversely to appellant"); Wabakken v. CA. Dep't of Corr. & Rehab., 2013 WL 12218259, at \*5 (C.D. Cal. Feb. 25, 2013) (discussing and requesting further briefing on whether state agency's silence regarding pleaded affirmative defense constituted an implied rejection of that affirmative defense for purposes of collateral estoppel). In these cases, however, the court explicitly made a ruling against the defendant on the underlying cause of action.

Debtor cites several out-of-circuit cases to support the proposition that an arbitrator's determination that there is no merit to a state law fraud action is preclusive as to that creditor's ability to assert a nondischargeability claim under § 523(a)(2)(A). In re Schurtenberger, 2014 WL 92828, at \*6 (Bankr.



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S.D. Fla. Jan. 9, 2014); 114 Kimbell Square, Ltd. v. Ritter, 2007 WL 1660676, at \*6 (N.D. Tex. June 8, 2007). However, these cases are not on point. The arbitration panel in Schurtenberger did not make any specific findings supporting fraud. Here, the Superior Court made a number of specific findings in the Statement of Decision which, taken together, seem to amount to a claim for fraud. Similarly, the Kimbell Square case is also not helpful because the underlying judgment specifically denied to fraud claim and did not make other findings of fact that supported the elements of fraud. Kimbell Square, 2007 WL 1660676, at \*2.

In short, it is unclear based upon the Statement of Decision and applicable law whether the claim for fraud was "actually litigated" and "necessarily decided" in the State Court Action. By way of explanation for why the Statement of Decision only addresses certain causes of action, Debtor attaches a Declaration of Steve P. Scandura, Debtor's attorney in the State Court Action. (ECF Doc. No. 76). Scandura's declaration explains the process by which the Statement of Decision was drafted. Apparently, the request for statement of decision was deemed to be applicable to the first amended judgment, which was similarly silent as to causes of action including fraud.

Implicit in the tentative/proposed judgments and the Final Judgment is that the plaintiffs did not prove their causes of action for fraud[, etc.] . . . all of which were prosecuted by the plaintiffs at trial and in many of the post trial briefs. . . . I have a clear recollection of plaintiff's counsel arguing in one of the post-judgment hearings that the Court should make a finding of fraud, and the Court very clearly rejecting that cause of action. I recall the Court asking Plaintiffs' counsel what evidence he had of *intent*, and that he could not identify any such evidence.

(Scandura Declaration, ECF Doc. No. 76 6:5-25). The exhibits attached to Scandura's Declaration include a number of documents filed in the State Court Action including post-trial briefs, objections to the tentative decision, and previous iterations of the judgment and statement of decision. Notably, none of the drafts of the Statement of Decision, the judgment, or any of the objections thereto address the additional causes of action, including fraud, as to Debtor. The defendants in the State Court Action worked diligently to

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ensure that language was added to the judgment and Statement of Decision to make it clear that the Court had ruled in favor of Noga Talasazan, Debtor's wife, on all causes of action alleged in the first amended complaint. No such effort was made to clarify the ruling with respect to the fraud cause of action against Debtor. No authority has been presented to show that it is proper for the Court to read an implicit ruling on the fraud cause of action into the Statement of Decision. For the reasons stated above, Debtor's Motion is DENIED as to the action under § 523(a)(2)(A).

*iii. Plaintiffs' Motion*

This motion comes down to the question of whether the findings made by the Superior Court under the subheading "negligent misrepresentation" are sufficient for a claim under § 523(a)(2)(A). It seems although the cause of action is called negligent misrepresentation, the court found all the elements for fraud. The findings made by the Superior Court are fairly serious against Debtor. It details consistent misrepresentations inducing investment, an outright ongoing scheme to defraud using false invoices and bad checks, and disappearance of inventory. Debtor seems to have played games with discovery and supplying exhibit and witness lists, and then lied at trial. This is clearly not a typical breach of contract action turned into a § 523(a)(2)(A) claim.

In the Statement of Decision, the roughly forty transactions between the parties are divided into two agreements: the Y-Agreement (transactions 1-38), and the YD Agreement (aka Greenwest Deal or transaction 39). The Superior Court, however, did not award separate damages for these two agreements. The Court instead reasoned that the Debtor's misrepresentations in connection with the Y-Agreement induced Plaintiffs to make further investments and incur further expenses by further entering into the YD-Agreement. The Court determined that Debtor was liable to Plaintiffs in connection with both agreements in the amount of \$779,841, plus costs in the amount of \$16,595.21 and interest in the amount of \$473,061.29 for a total of \$1,269,498.50 as of the day of the judgment. Plaintiffs calculate the current amount for this claim as \$1,575,413.90.

A. Y-Agreement

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According to the Statement of Decision, Debtor made several misstatements in connection with the Y-Agreement: 1) the merchandise would be sold under the name Rolltex; 2) Plaintiff Moeir Moussighi would have full access to the records and the warehouse; 3) Debtor would pay Moeir Moussighi in the amount of his investment prior to taking profits himself; and 4) the checks issued to Moeir Moussighi would be honored by the Bank. (Statement of Decision, 11:11-18).

The Statement of Decision establishes that the Debtor knew that the bank accounts contained insufficient funds to honor the checks written to Plaintiffs, and furthermore placed a stop payment on some of the checks. (Statement of Decision, 11:18-25). This is sufficient to satisfy the knowledge requirement of § 523(a)(2)(A).

Debtor "made the misleading statements in order to induce [Plaintiffs] to continue investing with him in the deals. The timing of the checks . . . directly correlates with the beginning of the Greenwest Deal and had an impact on Moussighi's willingness to invest in the Greenwest Deal." (Statement of Decision, 12:1-5). This establishes intent.

The Statement of decision states that Plaintiffs' reliance on Debtor's representations was justified because Debtor 1) showed Moeir Moussighi invoices; 2) initially granted Moeir Moussighi access to the warehouse and merchandise; 3) issued hundreds of thousands of dollars in checks; and 4) received profits on some of the initial deals which were shared with Plaintiffs. (Statement of Decision, 12:5-12).

The Statement of Decision finds that Plaintiffs were damaged as a proximate result by the misrepresentations in connection with the Y-Agreement because they induced Plaintiffs to make further investments with Debtor. This statement of damages is ambiguous. It indicates that all of Plaintiffs' losses were from funds extended after the Y-Agreement.

**B. YD-Agreement**

In connection with the YD-Agreement, Debtor falsely represented that he had pre-sold the merchandise and showed Plaintiffs a purchase order for the alleged pre-sale. False invoices were presented to Moeir Moussighi which

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indicated that the payment for the pre-sold merchandise was payable to Plaintiffs' company. (Statement of Decision, 12:18-23).

Knowledge is established based upon the Statement of Decision indicating that invoices presented to Plaintiffs were false.

Debtor's use of the false invoices and representations that the merchandise was pre-sold were done with the intent to defraud Moeir Moussighi by inducing him to make further investments. (Statement of Decision, 12:20-24).

Justifiable reliance is established by Debtor presenting Plaintiffs with falsified invoices, as well as checks in connection with the Y-Agreement (which ultimately were not honored and, indeed, certain checks were canceled).

The Statement of Decision finds that, as a result of the misrepresentations at issue, Plaintiffs were damaged in the amount of \$779,841 plus costs and interest, as calculated above.

c. Section 523(a)(4): Embezzlement

Section 523(a)(4) excepts from discharge any debt "for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny." 11 U.S.C. § 523(a)(4). The FAC requests nondischargeability under § 523(a)(4), but was ambiguous as to which theory Plaintiffs were pursuing. In its tentative ruling on the Debtor's Motion to Dismiss the FAC, which was subsequently adopted, the Court found that the Plaintiffs failed to state a claim as to embezzlement under § 523(a)(4). (ECF Doc. No. 27). However, the Court found that the Plaintiffs stated a plausible claim under § 523(a)(4) as to fraud or defalcation while acting in a fiduciary capacity. An order was entered to that effect on April 21, 2017. (ECF Doc. No. 30).

Plaintiffs' Motion argues that summary judgment should be granted under § 523(a)(4) because all of the requirements of embezzlement under that subsection have previously been found by the Superior Court. The Court need not address whether the elements of collateral estoppel are met. Debtor correctly argues that this cause of action was dismissed pursuant to the

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Court's order on the Motion to Dismiss the FAC. Section 523(a)(4) contains multiple theories for relief, each with their own elements and case law. Plaintiffs argue in their reply that Debtor failed to address whether summary judgment should be granted as to (a)(4) for fraud or defalcation while acting in a fiduciary capacity, but Plaintiff's motions simply does not contain any request for judgment on that cause of action. The memorandum of points and authorities in support of Plaintiffs' Motion cites no law regarding fraud or defalcation while acting in a fiduciary capacity. Nothing in the Plaintiffs' Motion indicates that Debtors should defend against such allegations. As Plaintiff apparently wants to move for summary judgment under (a)(4) for fraud or defalcation while acting in a fiduciary capacity, the Court will set an extended briefing schedule for the parties to more fully address the issue.

Summary judgment is therefore GRANTED in favor of Debtor on the claim for embezzlement under § 523(a)(4). Parties should come prepared to discuss a briefing schedule for the claim for fraud or defalcation while acting in a fiduciary capacity.

**Party Information**

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Ashkan Ashour

Hanrit Moussighi

Represented By  
Ashkan Ashour

Moeir and Hanrit Moussighi dba

Represented By  
Ashkan Ashour

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**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#35.00** Defendant's Motion For Summary Judgment Or, In The Alternative, Summary Adjudication: First Claim For Relief For Determination Of Dischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a) (2)(A); And Third Claim For Relief For Determination Of Dischargeability Of Debt Pursuant To 11 U.S.C. Section 523(a)(4)

Docket 60

**Tentative Ruling:**

See calendar number 34

**Party Information**

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Ashkan Ashour

Hanrit Moussighi

Represented By  
Ashkan Ashour

Moeir and Hanrit Moussighi dba

Represented By  
Ashkan Ashour

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#36.00** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17, 1/31/18, 2/14/18,  
5/30/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

Defendant states that he is planning a motion for summary judgment and possible discovery motions. The parties should be ready to discuss deadlines for both events, and a pretrial conference following that.

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

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By  
Donna R Dishbak  
Donna R Dishbak

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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1:10-10209 R.J. Financial, Inc.

Chapter 7

#37.00 Motion for Protective Order

fr. 11/4/15; 12/16/15, 2/3/16, 3/30/16; 5/11/16;  
8/17/16, 2/8/16, 11/16/16, 2/8/17, 6/14/17,10/18/17,  
2/21/18

Docket 619

**\*\*\* VACATED \*\*\* REASON: Vacated per Stipulation re Withdrawal of  
Motion for Protective Order (doc. 792) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

R.J. Financial, Inc. Pro Se

**Movant(s):**

MBNB Financial, Inc. Represented By  
Daniel J McCarthy

Diamonds Trading Company of Represented By  
Daniel J McCarthy

Diamond Trading Company of Represented By  
Daniel J McCarthy

Diamond Trading Company of Represented By  
Daniel J McCarthy

Diamond Trading Company of Main Represented By  
Daniel J McCarthy

Diamond Trading Company of Plaza Represented By  
Daniel J McCarthy

Diamond Trading Company of Represented By  
Daniel J McCarthy

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**CONT... R.J. Financial, Inc.**

**Chapter 7**

California Diamonds Trading

Represented By  
Daniel J McCarthy

Branden & Company, Inc.

Represented By  
Daniel J McCarthy

Romano's Jewelers, Inc.

Represented By  
Daniel J McCarthy

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

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**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#1.00 Motion for relief from stay**

**TEMPLE BETH SHALOM**

Docket 112

**Tentative Ruling:**

Debtor does not actually dispute that payments were not timely made to meet the requirements of section 362(d)(3). The statute provides that the court shall grant RFS where the debtor has not commenced the payments required by 362(d)(3)(B)(ii) within 90 days. While the court can terminate, annul, modify or condition the stay, it is not clear that any additional conditions would suffice where the bad checks do indicate that the debtor does not have the financial ability to reorganize.

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**Movant(s):**

Temple Beth Shalom

Represented By  
William S Brody  
Brian T Harvey

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**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#2.00** Motion for relief from stay

US BANK TRUST NA

Docket 62

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**Movant(s):**

U.S. Bank Trust, N.A. as Trustee for

Represented By  
Darlene C Vigil

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**1:18-11288 Neli Maria Negrea**

**Chapter 13**

**#3.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 15

**\*\*\* VACATED \*\*\* REASON: moved to 11:00 am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Movant(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:15-13495 Picture Car Warehouse Inc**

**Chapter 11**

**#4.00** Motion for Issuance of Order Clarifying Title to Vehicle  
(1969 Corvette) and to Resolve Future Title Issues

Docket 349

**Tentative Ruling:**

No opposition. GRANTED. NO APPEARANCE REQUIRED.  
Debtor should submit appropriate order

<b>Party Information</b>
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**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**Movant(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye



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**1:18-10484 Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

**#5.00 Creditor County of Ventura's Objection to Claim of Exemption**

fr. 5/23/18

Docket 79

**Tentative Ruling:**

**5/23/18 Tentative**

The County of Ventura ("Ventura County") objects to the \$175,000 homestead exemption in the property located at 3106 Calusa Ave, Simi Valley, CA 93093 ("Calusa Property") claimed by Barton and Carol Fishback ("Debtors") under California Code of Civil Procedure § 704.730.

In order to qualify for an enhanced \$175,000 homestead exemption under § 704.730(a)(3), Debtor must meet one of three conditions, as spelled out in subsections (A)-(C). While Debtors have not filed an opposition to the objection to their claimed exemption, there have been previous statements filed with the Court that indicate that Carol Fishback "requires constant oxygen because of emphysema and COPD." Dec. of Barton Fishback 7:16-20, ECF No. 41. This may fall within the ambit of subsection (3)(B), which grants a \$175,000 exemption if the Debtor is disabled.

More importantly, Ventura County alleges that Debtors have not resided in the Calusa Property since January 10, 2018, so they are not entitled to a homestead exemption in that property. They point to the same declaration filed by Barton Fishback cited above:

Since the home invasion robbery, my wife and I have lived at the ranch house on the Chatsworth Property as our primary residence. Currently, my wife is in San Antonio, Texas, being cared for by our son and has no plans of returning to California until the perpetrators are caught.

Dec. of Barton Fishback 7:16-8:1, ECF No. 41. The robbery referenced occurred on January 10, 2018, a month and a half before this case was filed. Entitlement to a homestead exemption is determined as of the petition date. In re Whitman, 106 B.R.

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**CONT... Barton Wayne Fishback and Carol Fishback Chapter 11**

654, 656 (Bankr. S.D. Cal. 1989). Debtors have the burden of proof under California state law as to whether exemption was properly claimed. In re Diaz, 547 B.R. 329, 337 (B.A.P. 9th Cir. 2016).

"Homestead" is defined as:

the principal dwelling (1) in which the judgment debtor or the judgment debtor's spouse resided on the date the judgment creditor's lien attached to the dwelling, and (2) in which the judgment debtor or the judgment debtor's spouse resided continuously thereafter until the date of the court determination that the dwelling is a homestead.

C.C.P. §704.710(c). Under California law, the factors a court should consider in determining residency for homestead purposes are 1) physical occupancy of the property and 2) the intention with which the property is occupied. In re Kelley, 300 B.R. 11, 21 (B.A.P. 9th Cir. 2003).

It appears from the Declaration filed on the Court's docket that the Calusa Property does not qualify as a Homestead. Debtor did not live in the property at the time of the filing, and neither Debtor expressed any intent to return to the property "until the perpetrators [of the robbery and assault] are caught." Indeed, Debtors have expressed an intent to rent out the Calusa Property for \$5,000 per month. Because no opposition has been filed explaining otherwise, and because it appears by debtor Barton Fishback's own admission that neither debtor resides at the Calusa Property, the motion is GRANTED

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

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San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10484 Barton Wayne Fishback and Carol Fishback**

**Chapter 11**

**#5.01 U.S. Trustee's Motion To  
Dismiss Or Convert Case**

fr. 6/6/18

Docket 84

**Tentative Ruling:**

APPEARANCE REQUIRED.

Debtor also should address whether sufficient environmental issues have been disclosed.

Without appropriate insurance on the properties, there is nothing further to discuss, and the case must be dismissed.

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#6.00** Hearing re: Debtor's First Amended Disclosure Statement Describing First Amended Chapter 11 Plan of Reorganization

Docket 231

**Tentative Ruling:**

Debtor failed to include his First Amended Chapter 11 Plan of Reorganization, as pointed out by the U.S. Trustee.

Trustee objects on the grounds that Debtor's projection of \$5,000 per month from employment is unrealistic where the monthly operating reports reveal on average \$993 per month in employment income. Trustee correctly argues that the plan is infeasible because Debtor has not received rental income on four of the rental properties for a year. Trustee points out that the balance of the Debtor in Possession account, since August 2016, has decreased from \$97,884.87 to \$6,800.39. Debtor's other accounts show a significant number of checks that were outstanding as of December 2017, which were voided in January 2017. No explanation seems to be provided of these checks, particularly whether they represent unpaid mortgage payments.

The Trustee also points out inconsistent statements regarding the payment of unsecured creditors:

The Disclosure Statement provides inconsistent information about the treatment of unsecured claims. First on page 5, it states that the plan provides for payment of 100% of all allowed claims. Then, on page 17 of the Disclosure statement it states that unsecured creditors will be paid \$60,000 over five years or approximately 14% of their unsecured claims. On page 26 i[t] states that the unsecured class will be paid \$48,000 over 48 months, and finally on page 35 it states that unsecured creditors will receive a 16% payout on their claims. The Disclosure Statement needs to be amended to rectify these inconsistencies so unsecured creditors know how much the plan is proposing to pay them.

U.S. Trustee Objection, 5:4-11.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Samuel James Esworthy**

**Chapter 11**

For the reasons above, Court finds that the Disclosure Statement does not contain adequate information.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Samuel James Esworthy

Represented By  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#7.00 Status and Case Management Conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18, 4/25/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Samuel James Esworthy

Represented By  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#8.00 Disclosure Statement Describing Chapter 11 Plan**

Docket 65

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 8/29/18 at 9:30  
a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#9.00 Scheduling and Case Management Conference**

fr. 1/17/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13063 S.B.R.S., Inc.**

**Chapter 11**

**#10.00 U.S. Trustee's Motion to Dismiss or Convert Case**

Docket 75

**Tentative Ruling:**

On 5/21/18, Debtor filed a notice of non-opposition to the Trustee's Motion to Dismiss or Convert requesting dismissal because there are no assets to administer. Debtor's primary asset was real property located at 3442 Malaga Court, Calabasas, CA 91302. On April 2, 2018, the Court entered an order granting relief from stay to Bayview Loan Servicing, LLC, a creditor with a claim secured by the Malaga Property, under §§ 362(d)(1), (d)(2), and (d)(4). The Court found that the filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved transfer of ownership in the property and multiple (3) bankruptcy filings by Debtor to prevent foreclosure on the property.

Because there is no property to administer and because Debtor no longer wishes to pursue this case, the Motion is GRANTED and the case is dismissed.

NO APPEARANCE REQUIRED

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

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger  
Todd S Garan

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson**

**Chapter 11**

**#10.01 U.S. Trustee Motion to dismiss or convert Case**

fr. 5/16/18, 5/30/18

Docket 43

**Tentative Ruling:**

Nothing new has been filed. What is the status of Debtor's compliance efforts?

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

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

**Joint Debtor(s):**

Keri Ingvarsson

Represented By

Matthew D Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

10:00 AM

**1:12-10229 C.M. Meiers Company, Inc.**

**Chapter 11**

**#11.00 Status and Case management Conference**

fr. 2/21/12, 3/1/12, 4/10/12, 6/7/12, 6/12/12, 8/22/12,  
9/27/12, 11/8/12, 1/17/13, 2/28/13, 4/4/13, 7/18/13,  
1/9/14, 5/15/14, 6/11/14, 12/11/14, 2/18/15, 5/13/15,  
12/9/15, 2/10/16; 2/17/16, 6/2/16, 12/8/16, 4/6/17;  
4/12/17, 8/23/17, 12/13/17

Docket 1

**Tentative Ruling:**

Having reviewed the joint status report and finding good cause, the Court continues this status conference to September 26, 2018, at 9:30 a.m.

Trustee's litigation counsel to give notice of the continued status conference.

APPEARANCES WAIVED ON 6/13/18.

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

**Debtor(s):**

C.M. Meiers Company, Inc.

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
David Gould

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

10:00 AM

**1:12-10229 C.M. Meiers Company, Inc.**

**Chapter 11**

Adv#: 1:14-01042 Sharp v. Essex Insurance Company

**#12.00** Status Conference on Complaint for:  
1- Declaratory Relief;  
2- Breach of COnttract;  
3- Breach of the Implied Covenant of Good  
Faith and Fair Dealing

fr. 5/7/14, 10/29/14, 11/12/14, 12/3/14, 2/18/15,  
5/13/15; 12/9/15, 2/10/16; 2/17/16, 2/24/16, 4/11/16,  
4/12/16, 9/13/16, 10/18/16, 11/8/16; 11/16/16,4/6/17,  
4/12/17, 8/23/17, 12/13/17

Docket 1

**Tentative Ruling:**

Having reviewed the joint status report and finding good cause, the Court continues this status conference to September 26, 2018, at 9:30 a.m.

Trustee's litigation counsel to give notice of the continued status conference.

APPEARANCES WAIVED ON 6/13/18.

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

**Debtor(s):**

C.M. Meiers Company, Inc. Pro Se

**Defendant(s):**

Essex Insurance Company Pro Se

**Plaintiff(s):**

Bradley D Sharp Represented By  
Larry W Gabriel

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

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10:00 AM

**CONT... C.M. Meiers Company, Inc.**

**Chapter 11**

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
David Gould  
Stanley H Shure  
Larry W Gabriel

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#13.00** Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18

Docket 78

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Movant(s):**

COMPASS BANK, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, June 13, 2018

Hearing Room 302

11:00 AM

**1:13-15364 Graham Peter Henderson and Louise Henderson**

**Chapter 13**

**#14.00** Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 62

**Tentative Ruling:**

Petition Date: 08/14/2013  
Service: Proper. Opposition filed.  
Property: 19846 Mayall St, Chatsworth, CA 91311  
Property Value: \$ 631,934.00 (per debtor's schedules)  
Amount Owed: \$ 521,172.05  
Equity Cushion: 10.0%  
Equity: \$3,137.84.  
Post-Petition Delinquency: \$25,342.91 (10 payments of \$2,628.11; \$0.00 in post-petition advances; \$1,031 in attorneys' fees; less \$1,969.19 in suspense account or partial paid balance)

Debtors file an opposition to the motion, arguing that Nationstar should have brought this relief from stay motion before Debtors were 10 months late on payments. This plan expires in August 2018. Debtors request an adequate protection order for the \$25,342.91 payments to be made over twelve months. Debtor's proposed APO seems reasonable, especially in light of the equity cushion.

Movants requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Graham Peter Henderson

Represented By  
Jeffrey J Hagen

**Joint Debtor(s):**

Louise Henderson

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Graham Peter Henderson and Louise Henderson**  
Jeffrey J Hagen

**Chapter 13**

**Movant(s):**

Nationstar Mortgage LLC as

Represented By  
Nancy L Lee

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12101 Jean M. Yi**

**Chapter 13**

**#15.00** Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 34

**Tentative Ruling:**

Petition Date: 06/16/2015

Service: Proper. No opposition filed.

Property: 7611 Ben Ave, North Hollywood, CA 91605

Property Value: \$ 450,000.00 (per debtor's schedules)

Amount Owed: \$ 317,503.01

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$4,926.90 (3 payments of \$1,041.67; 1 payment of \$1,998.17; \$0.00 in post-petition advances; \$0.00 in attorneys' fees; less \$196.28 in suspense account or partial paid balance)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code § 2923.5).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jean M. Yi

Represented By  
Jaenam J Coe

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Kristin A Zilberstein  
Jonathan Williams  
Shanita L Washington

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jean M. Yi**

Angie M Marth

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, June 13, 2018

Hearing Room 302

11:00 AM

1:17-12056 Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

#16.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

Docket 34

\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 8/15/18 at 11:00  
a.m. - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Samuel Araos Pasag

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Nellie Garingan Pasag

Represented By  
Hasmik Jasmine Papian

**Movant(s):**

Deutsche Bank National Trust Co.,

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#17.00** Motion for relief from stay

ROSAMOND COMMUNITY SERVICES  
DISTRICT

fr. 4/25/18

Docket 97

**Tentative Ruling:**

This hearing was continued to allow for further briefing and to allow Debtor to file an objection to the Movant's claim. No claim objection has been filed. The Court requested further briefing on the effect of the language in the plan that Debtor would make regular payments directly to the Kern County Tax collector, Los Angeles County Tax Collector, Rosamond Community Services District, and the San Bernadino County Treasurer. However, no amounts are indicated under the "monthly payments" to be made to those creditors.

Nothing in Debtor's brief addresses this issue. Debtor apparently believes that this provision of the plan should be ignored entirely, and that failure to comply with the provision should not be considered cause for relief from the automatic stay. The Court disagrees.

APPEARANCE REQUIRED

**4/25/18 Tentative**

APPEARANCE REQUIRED

The plan provided for direct payments to the Rosamond Comm. Services District, so there is no improper amendment to the plan. The claim was timely filed. There is no automatic stay in place. To the extent there is any confusion, an order can be entered confirming such.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Richard Khatibi**

**Chapter 13**

**Debtor(s):**

Richard Khatibi

Represented By

Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11103 Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**#18.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 14

**Tentative Ruling:**

Petition Date: 04/30/2018  
Service: Proper. No opposition filed.  
Property: 2016 Toyota Prius  
Property Value: N/A – Leased  
Amount Owed: \$ 24,305.36  
Equity Cushion: N/A – Leased  
Equity: N/A – Leased  
Delinquency: \$ 1,807.92

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jose Antonio Nanola Paredes

Represented By  
Navid Kohan

**Joint Debtor(s):**

Rowena Cruz Paredes

Represented By  
Navid Kohan

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11187 Jonathan E. Shoucair and Christine L. Shoucair**

**Chapter 7**

**#19.00** Motion for relief from stay

TD AUTO FINANCE LLC

Docket 7

**Tentative Ruling:**

Petition Date: 05/08/2018  
Service: Proper. No opposition filed.  
Property: 2012 Mercedes-Benz C Class  
Property Value: \$11,000.00 (per debtor's schedules)  
Amount Owed: \$ 22,264.66  
Equity Cushion: 0.0%  
Equity: \$0.00  
Delinquency: \$ 433.76

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jonathan E. Shoucair

Represented By  
Stephen Parry

**Joint Debtor(s):**

Christine L. Shoucair

Represented By  
Stephen Parry

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11269 Grace K Lee**

**Chapter 7**

**#19.01** Motion for relief from stay

MACERICH BUENAVENTURA LIMITED  
PARTNERSHIP

Docket 8

**Tentative Ruling:**

Petition Date: 5/17/18

Ch: 7

Service: Proper on shortened time (see doc. 12). No opposition filed.

Movant: Macerich Buenaventura Ltd.

Property Address: 3301 E. Main St. #2101, Ventura, CA 93003

Type of Property: non-residential

Occupancy: holdover after lease in default

Foreclosure Sale: n/a

UD case filed: 4/6/18 (trial cont'd to 6/18/18)

UD Judgment: n/a

Movant alleges cause for extraordinary relief because Debtor and non-debtor James Lee filed Prejudgment Claims of Right to Possession of the Property. Debtor and non-debtor James Lee filed the Claims, each asserting a right to occupy the property, even though the property is a retail space in an indoor mall and Debtor and non-debtor are not parties to the lease.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); and **9** (binding and effective against any debtor for 180-days from the date of this hearing).

APPEARANCE REQUIRED DUE TO SHORTENED TIME  
RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Grace K Lee**

**Chapter 7**

**Party Information**

**Debtor(s):**

Grace K Lee

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11327 Mary Culp**

**Chapter 13**

**#20.00** Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems.

Docket 11

**Tentative Ruling:**

On May 23, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 1:16-bk-11375-VK, was filed on May 5, 2016 and dismissed on April 26, 2018 for failure to make plan payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because she had unanticipated expenses and did not have sufficient income to cure delinquent payments. Debtor was previously unable to make all required payments because, in part, she was contributing to pay for her adult daughter's tuition and living expenses. Debtor states that she now has sufficient disposable income to make the monthly plan payments because she is contributing less to her daughter's living expenses and tuition.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Mary Culp

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11288 Neli Maria Negrea**

**Chapter 13**

**#20.01** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 15

**Tentative Ruling:**

On May 18, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The first dismissed Chapter 13 case, 16-13051-VK, was filed on October 26, 2016 and dismissed on March 7, 2018 because failure to make payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because she did not have sufficient income for Chapter 13 plan payments after losing her job and having surgery. Debtor contends boyfriend and mother will be providing contribution income. Debtor was able to compromise and pay off a large percentage of her unsecured debt leaving only her student loans and mortgage arrears. Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3)(C)(i) because Debtor has the ability to catch up on the payments because of contribution from her boyfriend and mother. Further, Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3)(C)(ii) because Debtor has the ability to make payments on the mortgage.

No opposition has been filed. MOTION GRANTED.

APPEARANCE REQUIRED DUE TO SHORTENED NOTICE.

**Party Information**

**Debtor(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Movant(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Neli Maria Negrea**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13194 Alycia Anne Holowchak**

**Chapter 7**

Adv#: 1:18-01026 Navy Federal Credit Union v. Holowchak

**#21.00** Status Conference Re: Complaint to  
Determine Dischargeability of a Debt

fr. 5/23/18

Docket 1

**Tentative Ruling:**

The parties should advise whether any objection to a September 14 discovery cut off and a pretrial of October 24 at 11 am. Please also submit a mediation order

**Party Information**

**Debtor(s):**

Alycia Anne Holowchak

Represented By  
James Geoffrey Beirne

**Defendant(s):**

Alycia Anne Holowchak

Pro Se

**Plaintiff(s):**

Navy Federal Credit Union

Represented By  
Robert S Lampl

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11814 Paul Allen Smith**

**Chapter 7**

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

**#22.00** Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17

Docket 1

**Tentative Ruling:**

**6/13/18 Tentative**

No status report has been filed. What is the status of the ongoing state court litigation?

APPEARANCE REQUIRED

**12/6/17 Tentative**

Plaintiff's unilateral status report indicates that the state court litigation is ongoing. The status conference will be continued to June 13. No appearance will be required on December 6.

**07/12/17 Tentative**

Based on the status report, this status conference will be continued until December 6 at 11 am to see if state court litigation has been completed. No appearance required on July 12.

**Party Information**

**Debtor(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Defendant(s):**

Paul Allen SMITH

Pro Se

**Plaintiff(s):**

Courtney Smith, individually and as

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Paul Allen Smith**

William Harold Brownstein

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:15-14037 David Brown Levy**

**Chapter 7**

Adv#: 1:16-01024 Poteet et al v. Levy

**#23.00** Status Conference re Complaint to determine dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: This matter is set for 8/15/18at 11:00 a.m. -  
jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

David Brown Levy	Pro Se
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**Defendant(s):**

David Brown Levy	Pro Se
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**Plaintiff(s):**

The Workshop LLC	Represented By Bernard J Kornberg
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Gene Salkind	Represented By Bernard J Kornberg
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Michael Clofine	Represented By Bernard J Kornberg
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Victor Poteet	Represented By Bernard J Kornberg
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**Trustee(s):**

Nancy J Zamora (TR)	Represented By Wesley H Avery
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... David Brown Levy**

**Chapter 7**

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10493 Rodney Dean Sellard**

**Chapter 7**

**#24.00** Motion for Protective Order Re Rule 2004  
Order Compelling Examination and for the  
Production of Documents

Docket 36

**\*\*\* VACATED \*\*\* REASON: Motion granted at hearing held on 5/23/18 -  
hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Rodney Dean Sellard

Represented By  
Jason Wallach

**Movant(s):**

Rodney Dean Sellard

Represented By  
Jason Wallach  
Jason Wallach  
Jason Wallach

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, June 13, 2018

Hearing Room 302

11:00 AM

1:17-12011 Craig Huxley

Chapter 7

#25.00 Motion to Avoid Lien Judicial Lien  
with General Electric Capital Corp

Docket 25

**Tentative Ruling:**

If Debtor seeks to argue further that In re Meyer, 373 B.R. 84, 87 (B.A.P. 9th Cir. 2007), does not require that § 522(f) motions be brought against the most junior judicial lien encumbering a piece of exempted property before such motions may be brought against a more senior judicial lien, he may provide authority to that effect. Specifically, Debtor would have to address In re Hanger, 217 B.R. 592, 595 (B.A.P. 9th Cir. 1997), aff'd, 196 F.3d 1292 (9th Cir. 1999) and its progeny. Unless and until a compelling argument is presented otherwise, the Court will continue requiring judicial liens to be avoided in order of reverse priority. Please note that the Court is not overly rigid in its application of this rule; Debtors may file multiple § 522(f) motions on the docket in any order they please, the Court will simply address them in order of reverse priority. Therefore, it is not necessary for Debtor to refile the § 522(f) motions that have already been filed. Debtor must, however, avoid junior judicial liens before the Court will consider any motions to avoid more senior judicial liens. Similarly, if a motion to avoid a judicial lien was denied for any reason, for example, for improper service, the court would not grant any pending motions to avoid more senior judicial liens until the service issue was resolved.

APPEARANCE REQUIRED

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

**Debtor(s):**

Craig Huxley

Represented By  
Julie J Villalobos

**Movant(s):**

Craig Huxley

Represented By  
Julie J Villalobos

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Craig Huxley**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12011 Craig Huxley**

**Chapter 7**

**#26.00** Motion to Avoid Lien Judicial Lien  
with Pacific Western National Bank

Docket 30

**Tentative Ruling:**

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

**Debtor(s):**

Craig Huxley

Represented By  
Julie J Villalobos

**Movant(s):**

Craig Huxley

Represented By  
Julie J Villalobos

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10505 Rouzanna E Tokatlian**

**Chapter 7**

**#27.00** Motion for fine and/or disgorgement of fees  
against bankruptcy petition preparer Eva Arakelyan

Docket 10

**Tentative Ruling:**

No opposition was filed. The Motion is GRANTED. NO APPEARANCE REQUIRED

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

**Debtor(s):**

Rouzanna E Tokatlian

Pro Se

**Movant(s):**

United States Trustee (SV)

Represented By  
S Margaux Ross

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 13, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11951 Kenneth Paul Lui**

**Chapter 7**

Adv#: 1:17-01085 Lui v. NAVIENT SOLUTIONS,INC

**#28.00** Pre-Trial Conference Re:  
Determination that Student Loan Debt is  
Dischargeable Pursuant to 11 USC Sec.  
523(a)(8)

fr. 11/8/17

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 8/15/18 at 11 a.m. -  
hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Defendant(s):**

NAVIENT SOLUTIONS,INC

Pro Se

**Plaintiff(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Trustee(s):**

Diane C Weil (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:17-12517 Fary Talei**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between Debtor  
and American Honda Finance Corporation**

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition date: 9/20/17 (converted to 7 on 3/5/18)

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Honda Civic

Debtor's valuation of property (Sch. B): \$15,449

Amount to be reaffirmed: \$5,845.28

APR: 0% (fixed)

Contract terms: \$208.76 per month for 28 months

Monthly Income (Schedule I): \$5,272

Monthly expenses: (Schedule J): \$5,175

Disposable income: \$96.93

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor lists this payment on Am. Sch. J. In Am. Sch. J, Debtor states that her son gives her money for a car payment and insurance. It is unclear whether this vehicle is Debtor's son's car.

Debtor has a right to rescind agreement anytime prior to discharge, or until July 30, 2018,

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Fary Talei**  
whichever is later.

**Chapter 7**

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**Debtor(s):**

Fary Talei

Represented By  
Daniel King

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10308 Cel Z Silva and Virgille Babayson Silva**

**Chapter 7**

**#2.00 Pro se Reaffirmation Agreement with  
Ford Motor Credit Company LLC**

fr. 5/15/18

Docket 19

**Courtroom Deputy:**

This matter was continued at the request of debtor (see doc. #22) - jc

**Tentative Ruling:**

Petition date: 2/1/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Ford Escape

Debtor's valuation of property (Sch. B): \$16,886

Amount to be reaffirmed: \$22,998

APR: 0% (fixed)

Contract terms: \$499.95 per month for 46 months

Monthly Income (Schedule I): \$3,056

Monthly expenses: (Schedule J): \$3,071.63

Disposable income: <\$15.21>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explained that this payment is listed in Sch. J, and that he will reduce any other expenses necessary to afford this payment.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Cel Z Silva and Virgille Babayson Silva**

**Chapter 7**

Debtor has a right to rescind agreement anytime prior to discharge, or until June 3, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

<b>Party Information</b>
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**Debtor(s):**

Cel Z Silva	Pro Se
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**Joint Debtor(s):**

Virgille Babayson Silva	Pro Se
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**Trustee(s):**

David Keith Gottlieb (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10494 Velma J Sharp**

**Chapter 7**

**#3.00 Pro se Reaffirmation Agreement Between Debtor and  
Mercedes-Benz Financial Services USA LLC**

fr. 5/15/18

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued so that Debtor had an opportunity to discuss lower payments with the creditor. What is the status of this reaffirmation agreement?

APPEARANCE REQUIRED

5/15/18 TENTATIVE BELOW

Petition date: 2/26/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Mercedes Benz C300W

Debtor's valuation of property (Sch. B): \$0 (*Creditor's valuation is \$27,100*)

Amount to be reaffirmed: \$37,324

APR: 2.99% (fixed)

Contract terms: \$725.72 per month for 54 months

Monthly Income (Schedule I): \$3,621

Monthly expenses: (Schedule J): \$3,610

Disposable income: \$11.00

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Velma J Sharp Chapter 7**

of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor did not explain how she will pay this reaffirmed debt. The payment for the vehicle is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until July 2, 2018, whichever is later.

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

**Debtor(s):**

Velma J Sharp

Pro Se

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10545 Irma Deleon Soufer**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between Debtor  
and TD Auto Finance LLC (2015 Scion XB)**

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition date: 3/1/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Scion XB

Debtor's valuation of property (Sch. B): \$12,853

Amount to be reaffirmed: \$13,254

APR: 2.79% (fixed)

Contract terms: \$355.75 per month for 39 months

Monthly Income (Schedule I): \$3,650

Monthly expenses: (Schedule J): \$3,686

Disposable income: <\$36.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that this vehicle belongs to her niece, who makes all of the payments

Debtor has a right to rescind agreement anytime prior to discharge, or until August 4, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Irma Deleon Soufer**

**Chapter 7**

**Party Information**

**Debtor(s):**

Irma Deleon Soufer

Represented By  
Hector Vega

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10619 Marlena Marie Tyler**

**Chapter 7**

**#5.00 Reaffirmation Agreement Between Debtor  
and ACAR Leasing LTD dba GM Financial Leasing**

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition date: 3/9/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Chevrolet Cruze (LEASE)

Debtor's valuation of property (Sch. B): \$9,425

Amount to be reaffirmed: \$1,260

APR: 0%

Contract terms: \$126.02 per month for 7 months

Monthly Income (Schedule I): \$2,975

Monthly expenses: (Schedule J): \$2,971

Disposable income: \$3.99

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor does not explain how she will make this payment. This payment is listed on Sch. J

Debtor has a right to rescind agreement anytime prior to discharge, or until July 14, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Marlena Marie Tyler**

**Chapter 7**

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

**Debtor(s):**

Marlena Marie Tyler

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**1:18-10830 Makayla Kunz**

**Chapter 7**

**#6.00 Reaffirmation Agreement Between Debtor  
and Goldenwest Credit Union**

Docket 8

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition date: 4/2/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Audi A4

Debtor's valuation of property (Sch. B): \$15,626

Amount to be reaffirmed: \$20,756

APR: 4.64% (fixed)

Contract terms: \$322.65 per month for 74 months

Monthly Income (Schedule I): \$1,790

Monthly expenses: (Schedule J): \$1,987

Disposable income: <\$197.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor did not explain how she will afford these payments. This payment is listed in Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until Aug. 1, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Makayla Kunz**

**Chapter 7**

**Party Information**

**Debtor(s):**

Makayla Kunz

Represented By  
Daniel King

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#37.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18; 4/24/18

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#38.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18; 3/27/18; 4/24/18

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**4/24/18 Tentative**

At the March 27 hearing, the parties indicated that this matter was settled, but they needed two weeks to close the deal. What is the status of the settlement?

APPEARANCE REQUIRED

**3/27/18 Tentative**

Nothing new has been filed in this case since the 1/23/18 hearing. This case expired over a year ago. Are parties cooperating to resolve this dispute, or is an evidentiary hearing needed?

APPEARANCE REQUIRED

**1/23/18 Tentative**

This matter has now been continued for six months. What progress has been made toward resolving this claim?

APPEARANCE REQUIRED

**11/29/17 Tentative**

At 9/26 hearing, parties requested a continuance in order to allow time to work toward a deal. What is the status of this motion?

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Victoria Ruiz**  
APPEARANCE REQUIRED

**Chapter 13**

**9/26/17 Tentative**

At 7/25/17 hearing, debtor and Selene Finance indicated that they were working toward a deal. Nothing new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#39.00 Trustee's Motion to Dismiss Case**

fr. 11/28/17, 1/23/18; 2/27/18; 4/24/18, 5/22/18

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**5/22/18 Tentative**

At the April 24 hearing, the parties indicated that the sale went through on April 20, and the only issues remaining were a \$600 payoff plus the amount approved on the fee applications.

APPEARANCE REQUIRED

**4/24/18 Tentative**

The Court granted Debtor's Motion for Authority to Sell Real Property. A motion for relief from stay regarding the subject real property was filed on April 13. What is the status of the sale?

APPEARANCE REQUIRED

**2/27/18 Tentative**

It appears that Debtors are making progress toward selling the property.

**1/23/18 Tentative**

Nothing new has been filed. What is the status of Debtor's attempt to sell property?



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Christine Grimes Shore**  
APPEARANCE REQUIRED

**Chapter 13**

**11/28/17 Tentative**

Trustee moves to dismiss due to expiration of the plan and failure to pay remaining balance of \$14,100. Debtor opposes the motion on the grounds that debtor is prepared to make the final payment with funds from the proceeds from the sale of her house. The house was listed in the past week, and debtor will file a motion to sell once a buyer is found. See Doc. No. 101.

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14490 Charlene Decoff**

**Chapter 13**

**#40.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 5/22/18

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Charlene Decoff

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:14-12307 Nedra Sneed**

**Chapter 13**

**#41.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18

Docket 99

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nedra Sneed

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10010 Raul Mendoza, Jr.**

**Chapter 13**

**#42.00 Trustee's Motion to Dismiss Case**

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Raul Mendoza Jr.

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 303 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 303**

11:00 AM

**1:15-12582 Robert Thomas Bell and Kerry Aileen Bell**

**Chapter 13**

**#43.00** Motion to Disallow Claims No 7-1 of  
Navient Solutions Inc.

Docket 80

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 5/31/18 (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Robert Thomas Bell

Represented By  
Desiree V Causey

**Joint Debtor(s):**

Kerry Aileen Bell

Represented By  
Desiree V Causey

**Movant(s):**

Robert Thomas Bell

Represented By  
Desiree V Causey

Kerry Aileen Bell

Represented By  
Desiree V Causey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12942 Seth Eric Simon**

**Chapter 13**

**#44.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18, 5/22/18

Docket 64

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Seth Eric Simon

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11417 Farshid Tebyani**

**Chapter 13**

**#45.00 Trustee's Motion to Dismiss Case**

fr. 4/24/18

Docket 59

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farshid Tebyani

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12264 Alicia Butterfield**

**Chapter 13**

**#46.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18, 5/22/18

Docket 50

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alicia Butterfield

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10231 Vladimir Fernado Macapagal and Myla Rutaquio**

**Chapter 13**

**#47.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 4/24/18

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vladimir Fernado Macapagal

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Myla Rutaquio Macapagal

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10701 Leonor Cecilia Garcia**

**Chapter 13**

**#48.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 4/24/18, 5/22/18

Docket 73

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Leonor Cecilia Garcia

Represented By  
Andrew Moher

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#49.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 4/24/18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11131 Yoddy Milton Muguertegui**

**Chapter 13**

**#50.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yoddy Milton Muguertegui

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11159 Levia Blane Arbuckle**

**Chapter 13**

**#51.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 4/24/18

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Levia Blane Arbuckle

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13384 Reynaldo Jesus Sosa**

**Chapter 13**

**#52.00** Motion RE: Objection to Claim of US Bank/Nationstar

Docket 39

**\*\*\* VACATED \*\*\* REASON: Duplicate of hearing held on 5/22 -CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Reynaldo Jesus Sosa

Represented By  
Tawni Takagi

**Movant(s):**

Reynaldo Jesus Sosa

Represented By  
Tawni Takagi  
Tawni Takagi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10382 John Edward Wilds and Lisa Irene Wilds**

**Chapter 13**

**#53.00** Trustee's Objection to Debtor's Homestead Exemption

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtors have twice amended their Schedule C since this objection was filed.  
The motion is therefore DENIED as moot.

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

**Debtor(s):**

John Edward Wilds

Represented By  
Randall V Sutter

**Joint Debtor(s):**

Lisa Irene Wilds

Represented By  
Randall V Sutter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10425 Jose Barreto**

**Chapter 13**

**#54.00 Motion for Order Determining Value**

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service: Proper. No Opposition.

Property: 2007 Mercedes-Benz C-230

Fair market value (per KBB and declaration): \$6,000

Amount owed: \$15,212.47

Secured Amount: \$6,000

Unsecured Amount: \$9,212.47

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

Disposition: GRANTED.

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

**Debtor(s):**

Jose Barreto

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10524 Peter A. Holliday**

**Chapter 13**

**#55.00** Motion RE: Objection to Claim Number 6,7  
by Claimant Kristie Laurel Holliday

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Peter A. Holliday

Represented By  
Stephen Parry

**Movant(s):**

Peter A. Holliday

Represented By  
Stephen Parry  
Stephen Parry  
Stephen Parry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11007 Mary Jo Howe**

**Chapter 13**

**#56.00** Motion for Order Compelling Attorney to File Disclosure  
of Compensation and Disgorgement of Fees  
Pursuant to 11 U.S.C. § 329

Docket 14

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed by OUST on 5/25/18 - doc.  
#17. lf**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mary Jo Howe

Represented By  
D Justin Harelik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11090 Jason R. Corralejo and Claudine P. Corralejo**

**Chapter 13**

**#57.00 Motion to Junior Lien with Bank of America, N.A.**

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service: Proper. No Opposition Filed.

Property Address: 13927 Carol Lane, Sylmar, CA 91342

First trust deed: \$ \$650,684.33 (Bank of America)

Second trust deed (to be avoided): \$ 74,347.22 (Bank of America)

Fair market value per appraisal: \$ 630,000

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

Disposition: GRANTED.

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

**Party Information**

**Debtor(s):**

Jason R. Corralejo

Represented By  
Gregory M Shanfeld

**Joint Debtor(s):**

Claudine P. Corralejo

Represented By  
Gregory M Shanfeld

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, June 19, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jason R. Corralejo and Claudine P. Corralejo**

**Chapter 13**

**Movant(s):**

Jason R. Corralejo

Represented By  
Gregory M Shanfeld  
Gregory M Shanfeld

Claudine P. Corralejo

Represented By  
Gregory M Shanfeld  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11423 Henry W Hardison, Jr**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry W Hardison Jr

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12702 Jose R. Fernandez and Esther Fernandez**

**Chapter 13**

**#1.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 4/25/18, 5/23/18

Docket 28

**\*\*\* VACATED \*\*\* REASON: Resolved via APO (doc. 39) - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jose R. Fernandez

Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Esther Fernandez

Represented By  
Donald E Iwuchuku

**Movant(s):**

U.S. Bank National Association, not

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11003 Fatemah Dowlatinow**

**Chapter 11**

**#2.00** Motion for relief from stay

PENNYMAC CORP

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: April 23, 2018  
Chapter: 11  
Service: Proper. No opposition filed.  
Property: 5077 Nestle Ave., Los Angeles, CA 91356  
Property Value: \$ 250,000 (per debtor's schedules)  
Amount Owed: \$ 1,569,250.99 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: N/A

Debtor is not the original borrower on the property. The motion describes repeated fractional transfers of a 5% interest in the property and subsequent bankruptcies filed by the transferees. The Motion describes at least six such transfers and bankruptcies over the past four years. Attached to the Motion are copies of deeds of trust granting the transferees a 5% interest in the property. The Court finds that these transfers and bankruptcy filings were part of a scheme to hinder, delay, or defraud creditor within the meaning of § 362(d)(4).

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2), and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (waiver of the 4001(a)(3) stay); **9** (order binding and effective in any other bankruptcy case purporting to affect the property within 2 years of the Court's order); and **10** (Order binding and effective against any debtor for 180 days).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Fatemah Dowlatinow**

**Chapter 11**

**Party Information**

**Debtor(s):**

Fatemah Dowlatinow

Represented By  
Dana M Douglas

**Movant(s):**

PennyMac Corp.

Represented By  
Robert P Zahradka



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11003 Fatemah Dowlatinow**

**Chapter 11**

**#3.00 U.S. Trustee Motion to dismiss or convert Case**

Docket 20

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 6/5/18 (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fatemah Dowlatinow

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11686 Vladimir Vekic**

**Chapter 11**

**#4.00 Motion for relief from the Automatic Stay**

WILMINGTON TRUST

fr. 4/25/18, 5/2/18

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the previous hearing, the court instructed Debtor to make \$4,000 payments for the months of May and June. The Court furthermore set a deadline of June 11 for Debtor to file a plan. No plan has yet been filed and nothing has been filed to indicate whether Debtor has made the two \$4,000 payments.

APPEARANCE REQUIRED

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

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11686 Vladimir Vekic**

**Chapter 11**

**#5.00 U.S. Trustee's Motion To Dismiss Or Convert Case**

Docket 70

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

On May 22, Debtor filed monthly operating reports for February and March, 2018.  
What is the status of Debtor's compliance efforts?

APPEARANCE REQUIRED

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

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11686 Vladimir Vekic**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 8/2/17, 3/21/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No status report has been filed. Trustee withdrew its Motion to dismiss or convert on December 11, 2017. What progress has Debtor made toward proposing a plan?

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11040 01 BH Partnership**

**Chapter 11**

**#7.00 Status and Case Management Conference**

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

01 BH Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13063 S.B.R.S., Inc.**

**Chapter 11**

**#8.00** Scheduling and Case Management Conference

fr. 1/10/18

Docket 0

**\*\*\* VACATED \*\*\* REASON: Case dismissed at 6/13 hearing (doc. 80) -  
CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor should submit a claims bar date order.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

S.B.R.S., Inc.

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12315 Martha Alicia Ybanez**

**Chapter 11**

**#9.00 Status and Case Management Conference**

fr. 10/6/16; 3/2/17, 3/8/17; 4/12/17, 7/12/17; 1/10/18;  
5/28/18, 5/23/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case closed on 6/6/18 -CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Martha Alicia Ybanez

Represented By  
Matthew D Resnik  
Matthew D Resnik

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#10.00** Motion to Allow the Filing of An Administrative Expense Claim Under 11 U.S.C. Section 503(b)(1)(A)(i)

Docket 382

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Menco Pacific ("Reorganized Debtor") is a "signatory employer" to a collective bargaining agreement ("CBA"), requiring it to pay certain contributions to Union Roofers Trust Funds ("Movant") for benefits for its member roofers ("Union Roofer Employees") under the Employee Retirement Income Security Act ("ERISA"). Movant seeks an order allowing an administrative expense for delinquent union roofer benefit contribution payments of \$16,459.84 and audit fees of \$2,801.96, for the months between October 2016 and July 2017 (the "Contributions"). Movant contends that labor provided post-petition by the Union Roofer Employees to Reorganized Debtor was an "actual and necessary" cost of preserving the bankruptcy estate for the benefit of creditors, and thus the amount owed to it for the Contributions should be allowed as an administrative expense under § 503(b)(1)(A)(i).

Claims Allowed as an Administrative Expense under § 503(b)(1)(A)(i)

Compensation for post-bankruptcy claims is generally entitled to priority over pre-bankruptcy claimants. Administrative expenses allowed under § 503(b) are entitled to first priority in payment under § 507(a)(1). Priority is given to administrative expenses and costs incurred to encourage general creditors to provide goods and services to the debtor that are necessary to the orderly administration of the estate. In re Palau, 139 B.R. 942, 944 (9th Cir. BAP 1992). For this reason, the terms "actual" and "necessary" are construed narrowly, and claims for administrative priority must preserve the estate for the benefit of creditors. In re Dant & Russell, 853 F.2d 700, 706 (9th Cir.1988).

When determining whether an expense was a benefit to the estate, the B.A.P. explained:



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Menco Pacific, Inc.**

**Chapter 11**

[A court] must look not only to the benefit to the estate, but also to the consideration due the creditor for providing such benefit. Such consideration must encompass the entire bargain between the parties, including performance due upon foreseen and bargained for contingencies.... Where the performance for which such compensation is due accrues post-petition, the payment owing by the estate must be afforded administrative priority.

Teamsters Indus. Sec. Fund v. World Sales, Inc. (In re World Sales), 183 B.R. 872, 877 (B.A.P. 9th Cir. 1995).

In opposition, Reorganized Debtor argues that Movant has not presented any evidence that the Contributions are costs that were "actual" and "necessary." Reorganized Debtor also argues that collective bargaining agreements are subject to rejection "like any other executory contract," and that it rejected all executory contracts pursuant to its Third Amended Chapter 11 Plan, confirmed in an order entered October 12, 2017.

Movant explains in reply that Reorganized Debtor, a signatory to the CBA, utilized Union Roofer Employees whom provided labor for the debtor-in-possession in the ordinary course of its construction business. Movant also correctly argues that the language in Debtor's confirmed plan providing for rejection of executory contracts is not valid as pertains to the CBA.

In the Order Confirming Debtor's Third Amended Chapter 11 Plan (the "Confirmation Order"), Debtor included the following language in paragraph 8, "Any and all executory contracts not previously rejected are hereby rejected." ECF No. 325, October 12, 2017. Reorganized Debtor relies on this language and cites to Bildisco for support of the broad proposition that "collective bargaining agreements, like any other executory contract, are subject to rejection by a debtor in possession." Opposition, 3:1-3, citing Bildisco v. Bildisco, 465 U.S. 513 (1984). This position ignores § 1113, which provides the mechanism for rejecting a collective bargaining agreement.

Section 1113 applies to collective bargaining agreements in chapter 11 cases, other than railroad reorganization cases. Section 1113 provides the exclusive standards and procedures for rejecting a collective bargaining agreement in a chapter 11 case. 11 U.S.C. § 1113(a). A plan of reorganization that provides for

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**CONT... Menco Pacific, Inc.**

**Chapter 11**

rejection of a collective bargaining agreement cannot be confirmed unless the trustee has satisfied the requirements of section 1113. See § 1129(a); United Food & Commercial Workers Union v. Family Snacks, Inc. (In re Family Snacks, Inc.), 257 B.R. 884, 898 (B.A.P. 8th Cir. 2001); In re Journal Register Co., 488 B.R. 835, 840 (Bankr. S.D.N.Y. 2013)

The provisions of a collective bargaining agreement may continue subsequent to confirmation if the agreement is not rejected in accordance with section 1113. Section 1113(f) of the Code preserves post-bankruptcy claims arising under an unrejected CBA. This treatment is different than for claims arising from rejection of executory contracts under § 365. See 11 U.S.C. § 365(g) (deeming rejection to constitute a breach of the contract as of the day before filing, thus allowing damages for the breach to be assigned general unsecured status). Section 1113 makes clear that collective bargaining agreements cannot be rejected through § 365. Chicago Dist. Council of Carpenters Pension Fund v. Cotter, 914 F. Supp. 237, 242 (N.D. Ill. 1996) (citing In re Alabama Symphony Assoc., 155 Bankr. 556, 571 (Bankr. N.D. Ala. 1993) ("[Section 1113] has been interpreted to mean that no other provision of the Code may be used to allow a debtor to bypass the requirements of Section 1113. In other words, a CBA cannot be rejected under Section 365."). Menco admits it did not move to reject the CBA under § 1113. Opposition, fn. 1.

As stated above, Section 1113(f) of the Code preserves post-bankruptcy claims arising under an unrejected CBA. Here, the labor was accepted by and benefitted the bankruptcy estate by generating income for the reorganized business. Movant points out that without the labor provided by the Union Roofer Employees, Menco would not have been able to obtain construction projects that generate the necessary income for the Reorganized Debtor to operate. The work done was actual and necessary under § 503(b)(1)(A)(i). See In re Tucson Yellow Cab Co., 789 F.2d 701, 704-05 (9th Cir. 1986) (finding that post-petition work done by cab drivers under a subsequently rejected CBA was a benefit to the estate, such that the severance pay due to the drivers was an allowed administrative expense, entitled to priority). According to the unmodified and unrejected CBA, the actual and necessary cost for the labor that preserved the estate for the benefit of creditors by generating income for the reorganized Debtor includes the Contributions and fees owed in the amount of \$16,459.84, and \$2,801.96 in audit fees, for a total allowed administrative expense claim of \$19,261.80. See In re World Sales, 183 B.R. at 878 (fees provided for in the CBA that were incurred post-petition are included in the administrative expense claim).

Motion granted.

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**CONT... Menco Pacific, Inc.**

**Chapter 11**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**Movant(s):**

Union Roofers Trust Fund

Represented By  
Casey M Jensen

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1:17-13263 Eduardo Antonio Canas

Chapter 11

#11.00 Motion Re: Objection to Claim Number 2  
by Claimant Internal Revenue Service

Docket 49

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 8/15/18 at 9:30  
a.m. (doc. 59) - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**Movant(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

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**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#12.00** Motion to Disallow Claims of Mortgage Electronic  
Registration Systems, Inc.

Docket 79

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service IMPROPER. Motion is DENIED. Debtor must serve creditors at proper address under FRBP 7004. Resources for proper service can be found at the California Secretary of State Business Search webpage, the FDIC BankFind database, and, for certain governmental entities, in the Court Manual located on the Court's website.

NO APPEARANCE REQUIRED

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

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

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9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#13.00** Motion to Disallow Claims of U.S. Small  
Business Administration

Docket 81

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service IMPROPER. Motion is DENIED. Debtor must serve creditors at proper address under FRBP 7004. Resources for proper service can be found at the California Secretary of State Business Search webpage, the FDIC BankFind database, and, for certain governmental entities, in the Court Manual located on the Court's website.

NO APPEARANCE REQUIRED

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

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

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9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#14.00** Motion to Disallow Claims Of Phillips Lerner et al

Docket 83

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper, no opposition filed. The motion is GRANTED. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

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9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#15.00** Motion to Disallow Claims Of Bank of New York Mellon

Docket 85

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service IMPROPER. Motion is DENIED. Debtor must serve creditors at proper address under FRBP 7004. Resources for proper service can be found at the California Secretary of State Business Search webpage, the FDIC BankFind database, and, for certain governmental entities, in the Court Manual located on the Court's website.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend



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9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#16.00** Motion to Disallow Claims of Unifund CCR, LLC

Docket 87

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service IMPROPER. Motion is DENIED. Debtor must serve creditors at proper address under FRBP 7004. Resources for proper service can be found at the California Secretary of State Business Search webpage, the FDIC BankFind database, and, for certain governmental entities, in the Court Manual located on the Court's website.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

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9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#17.00** Motion to Disallow Claims of Chase Bank USA, N.A.

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service IMPROPER. Motion is DENIED. Debtor must serve creditors at proper address under FRBP 7004. Resources for proper service can be found at the California Secretary of State Business Search webpage, the FDIC BankFind database, and, for certain governmental entities, in the Court Manual located on the Court's website.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

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11:00 AM

**1:14-10410 Shinka Mohaghegh**

**Chapter 13**

**#18.00** Motion for relief from stay

WELLS FARGO BANK N.A.

fr. 5/23/18

Docket 46

**\*\*\* VACATED \*\*\* REASON: Settled by stip per order entered 6/5/18**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Shinka Mohaghegh

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:16-10137 Anaida Prazyan-Vartanyan**

**Chapter 13**

**#19.00** Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 4/18/18, 5/23/18

Docket 85

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Nothing new has been filed. Has the payment discrepancy been resolved?

**5/23/18 Tentative**

This hearing was continued from April 18, 2018, to allow the parties to discuss a resolution to Debtor's asserted payment discrepancy. What is the status of this Motion?

APPEARANCE REQUIRED

**4/18/18 Tentative**

Petition Date: 01/18/2016

Chapter: 13

Service: Proper. Opposition filed on 4/4/18.

Property: 13338 Friar Street, Los Angeles, CA 91401

Property Value: \$560,000 (per debtor's schedules)

Amount Owed: \$582,644.22 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$13,203.19 (5 payments of \$2,686.87, \$88 in postpetition advances or other charges, \$0.46 in attorneys' fees and costs, less \$319.62)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

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**CONT... Anaida Prazyan-Vartanyan Chapter 13**

Debtor opposes the motion, arguing that more payments have been made to Movant than the Motion accounts for, attaching canceled checks as Exhibit A. Additionally, Debtor argues that the Property is necessary for an effective reorganization because the Property is Debtor's primary residence. Debtor also requests to enter into a repayment agreement with Movant, by curing remaining delinquencies through an Adequate Protection Order.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Anaida Prazyan-Vartanyan

Represented By  
Kevin T Simon

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By  
Edward G Schloss  
Joseph C Delmotte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:17-12596 Lynne Suzanne Boyarsky**

**Chapter 13**

**#20.00** Motion for relief from stay

CITIZENS BUSINESS BANK

fr. 5/16/18

Docket 31

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Nothing new has been filed. Have the parties made progress on an APO?

APPEARANCE REQUIRED

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

**Debtor(s):**

Lynne Suzanne Boyarsky

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#21.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY FSB

Docket 33

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 09/28/2017

Service: Proper. Opposition filed.

Property: 4991 Medina Drive, Woodland Hills, California 91364

Property Value: \$ 1,287,000.00 (per debtor's schedules)

Amount Owed: \$ 1,217,708.52

Equity Cushion: 0%

Equity: \$117,098.00

Post-Petition Delinquency: \$28,049.04 (8 payments of \$3,506.13; \$0.00 in post-petition advances; \$0.00 in attorneys' fees; less \$0.00 in suspense account or partial paid balance)

Debtor's response states that he is seeking an APO to cure any post-petition delinquency.

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **13** (If relief from stay is not granted, adequate protection shall be ordered).

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By  
Barry E Borowitz

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**CONT... Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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11:00 AM

**1:18-10004 Cynthia Deniese Sanders**

**Chapter 13**

**#21.01** Motion for relief from stay

US BANK NA

fr. 6/6/18

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This matter was continued so Debtor could work with the bank. What is the status of this motion?

APPEARANCE REQUIRED

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

**Debtor(s):**

Cynthia Deniese Sanders

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:18-11308 Mary Jo Howe**

**Chapter 13**

**#22.00** 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:**

On May 21, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed Chapter 13 case, 1:18-bk-11007, was filed on April 23, 2018 and dismissed on April 30, 2018 for failure to file required documents.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because her attorney in the previous case failed to file all required documents within 72 hours of filing the case. Debtor argues that she is able to make regular monthly payments and has a full time job. Importantly, Debtor appears to have filed all required documents in this case.

No opposition has been filed. The motion is GRANTED.

NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Mary Jo Howe

Represented By  
D Justin Harelik

**Movant(s):**

Mary Jo Howe

Represented By  
D Justin Harelik

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11:00 AM

**CONT... Mary Jo Howe**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:18-11242 4868 Adele LLC**

**Chapter 7**

**#23.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 5/14/18

Chapter: 7

Service: Proper; co-debtor obligor served. Opposition filed.

Property: 4868 Adele Court, Los Angeles, CA 91364

Property Value: \$1,136,000 (per debtor's schedules)

Amount Owed: \$1,297,368

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$180,015.90 (approx. 24 payments of \$9,320.10)

Movant requests relief under 11 U.S.C. 362(d)(1); (d)(2); and (d)(4), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (relief from the co-debtor stay); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4)); and **10** (relief binding & effective for 180 days against any debtor).

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property. Movant alleges that on February 21, 2018, an unauthorized grant deed was executed and subsequently recorded on March 6, 2018, whereby Sousan Hashemikhiabani purported to transfer interest in the subject property, as a gift, to this entity debtor. "Sousan Khiabani" signed the petition as "owner."

Debtor opposes the Motion, arguing that this case was not filed in bad faith, and that the transfer "is of little consequence" as Ms. Khiabani has not filed

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**CONT... 4868 Adele LLC**

**Chapter 7**

any previous bankruptcies. Debtor does not address the sizeable mortgage delinquency.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

4868 Adele LLC

Represented By  
Alan D Irwin

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Kelsey X Luu

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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11:00 AM

1:18-10484 Barton Wayne Fishback

Chapter 11

Adv#: 1:18-01043 COUNTY OF VENTURA v. Fishback et al

#24.00 Status Conference re: Complaint

Docket 1

\*\*\* VACATED \*\*\* REASON: Alias summons issued, new hrg. 7/18/18  
@11am (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Defendant(s):**

Barton Wayne Fishback

Pro Se

Carol Fishback

Pro Se

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Plaintiff(s):**

COUNTY OF VENTURA

Represented By  
David J Cook

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**1:18-10193 Shannon Nicole Mosqueda**

**Chapter 7**

Adv#: 1:18-01046 First National Bank Of Omaha v. Mosqueda

**#25.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Stipulated Judgment entered 6/12/18 - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Shannon Nicole Mosqueda

Represented By  
Allan S Williams

**Defendant(s):**

Shannon Nicole Mosqueda

Pro Se

**Plaintiff(s):**

First National Bank Of Omaha

Represented By  
Cory Rooney  
Cory J Rooney

**Trustee(s):**

David Seror (TR)

Pro Se

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11:00 AM

**1:17-11870 Neil D Gitnick**

**Chapter 7**

Adv#: 1:17-01083 Vargas et al v. Gitnick et al

**#26.00** Status Conference Re: Complaint to Determine  
Non-Dischargeability of Debt

fr. 12/13/17

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

NO PRETRIAL STIPULATION HAS BEEN FILED

Exchange of exhibit lists: \_\_\_\_\_

Parties to file and serve Notice of Cross-Examination of Witness:

\_\_\_\_\_

Hard copies of exhibit books exchanged (if not already done): \_\_\_\_\_

Parties to file and serve trial briefs: \_\_\_\_\_

TRIAL TO BE HELD ON: \_\_\_\_\_

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Neil D Gitnick

Represented By  
James R Selth



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CONT... Neil D Gitnick

**Chapter 7**

**Defendant(s):**

Neil D Gitnick Pro Se

Anita Marton Pro Se

**Joint Debtor(s):**

Anita Marton Represented By  
James R Selth

**Plaintiff(s):**

Patricia Vargas Represented By  
Jay W Smith

Ana Contreras Represented By  
Jay W Smith

**Trustee(s):**

Amy L Goldman (TR) Pro Se

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11:00 AM

**1:13-14536 People of the State Of California, ex rel**

**Chapter 7**

Adv#: 1:13-01231 People of the State Of California, ex rel et al v. Amidon

**#27.00** Status Conference re Complaint for: Non-Dischargeability of Debt Pursuant to 11 USC 523(a)(2), 523(a)(4) and 523(a)(6)

fr. 12/18/13, 1/15/14, 1/29/14, 12/3/14; 10/14/15, 3/15/17; 10/18/17, 2/7/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having reviewed the status reports and for good cause appearing, this status conference is continued to September 26, 2018, at 11:00 a.m.. Debtor to give notice of continued status conference.

APPEARANCES WAIVED on June 20, 2018.

**Party Information**

**Defendant(s):**

Robert B Amidon

Represented By  
Michael Goch

Robert B Amidon

Represented By  
Michael Goch

**Movant(s):**

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By

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**CONT... People of the State Of California, ex rel Chapter 7**

Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

**Plaintiff(s):**

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass  
Kirsten A Worley

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:00 AM

**CONT... People of the State Of California, ex rel Chapter 7**

Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

**Trustee(s):**

Diane Weil (TR) Pro Se

Diane Weil (TR) Pro Se

**US Trustee(s):**

United States Trustee (SV) Pro Se

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10062 Joshua Ross Allen**

**Chapter 7**

Adv#: 1:16-01133 Kutasi et al v. Allen et al

**#28.00** Status Conference re: Complaint to Except debt from Discharge pursuant to 11 U.S.C. section 523(a)(2)(A) 523(a)(4) and 523(a)(6)

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18; 2/14/18; 3/7/18, 5/23/18

Docket 1

**Courtroom Deputy:**

H.D. for Settled

**Tentative Ruling:**

At the previous status conference on May 23, 2018, the parties represented to the Court that there was a settlement-in-principal of this matter. The status conference was continued to this date so that the parties could document the settlement. Nothing filed since the last status conference. What is the status of the settlement documentation?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Joshua Ross Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

Joshua Ross Allen

Pro Se

Amy Jill Allen

Pro Se

**Joint Debtor(s):**

Amy Jill Allen

Represented By  
Glenn Ward Calsada

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Joshua Ross Allen**

**Chapter 7**

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10068 David B. Allen**

**Chapter 13**

Adv#: 1:16-01134 Kutasi et al v. Allen

**#29.00** Status Conference re: Complaint

fr. 12/7/16; 3/1/17, 3/22/17, 6/13/17, 1/24/18; 2/14/18  
3/7/18, 5/23/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

See tentative for cal. #28. APPEARANCE REQUIRED

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

**Debtor(s):**

David B. Allen

Represented By  
Glenn Ward Calsada

**Defendant(s):**

David B. Allen

Pro Se

**Plaintiff(s):**

John Kutasi

Represented By  
Jeffrey F Gersh

West Valley Collection Services,

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, June 20, 2018

Hearing Room 302

11:00 AM

1:17-13339 Yehuda Elady

Chapter 7

Adv#: 1:18-01032 The GERSH LAW FIRM INC a CA corporation et al v. Elady et al

**#30.00** Status Conference re: Crossclaim by Yehuda Elady against Paul Brentwood Derby; Jeffrey F Gersh; Gersh Derby LLP a California corporation; Gersh Derby, LLP; Paul B Derby A Professional Corporation, a California corporation, and dba Gersh Derby LLP; The GERSH LAW FIRM INC a California corporation

Docket 5

\*\*\* VACATED \*\*\* REASON: Continued to 7/18/18 at 11:00 a.m.  
(Another summons issued)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Yehuda Elady**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:00 AM

**1:09-12032 Double S Development LLP**

**Chapter 7**

**#31.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 276

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Double S Development LLP

Represented By  
David R Silberstein

**Trustee(s):**

David Seror (TR)

Represented By  
Benjamin Seigel  
Austin K Barron  
David Seror (TR)  
Angella D Yates

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13402 LA Kitchen City Inc.**

**Chapter 7**

**#32.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.  
APPEARANCES WAIVED on June 20, 2018.

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

**Debtor(s):**

LA Kitchen City Inc.

Represented By  
Steven L. Kimmel

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:30 AM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#32.01** Motion to Dismiss Adversary Proceeding Complaint  
of Plaintiff, David Seror, filed by Open Bank

fr. 5/23/18, 5/30/18

Docket 12

**\*\*\* VACATED \*\*\* REASON: Matter continued in error -CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:30 AM

**CONT... R.J. Financial, Inc.**

**Chapter 7**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR) Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

11:30 AM

**1:16-12749 Bradley N Berman**

**Chapter 7**

**#32.02** Order to Show Cause Why James Finigan, Esq., and Arthur Shapiro, Individually and as Agent for AMZ Packing, Inc. Should Not Be Held in Contempt for Willful Violation of the Discharge Injunction

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Bradley N Berman

Represented By  
Daniel J Winfree

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**1:16-12749 Bradley N Berman**

**Chapter 7**

**#33.00** Order to Show Cause Why James Finigan, Esq., and Arthur Shapiro, Individually and as Agent for AMZ Packing, Inc. Should Not Be Held in Contempt for Willful Violation of the Discharge Injunction

Docket 0

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11:30 a.m. Per Court (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bradley N Berman

Represented By  
Daniel J Winfree

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#34.00** Motion to Dismiss Adversary Proceeding Complaint  
of Plaintiff, David Seror, filed by Open Bank

fr. 5/23/18, 5/30/18

Docket 12

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11:30 a.m. Per Court (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**I. Introduction**

The Complaint alleges two causes of action against defendants Wells Fargo Bank, N.A. ("Wells Fargo") and Open Bank fka First Standard Bank ("Open Bank") (collectively, the "Banks"): 1) aiding and abetting breach of fiduciary duty, and 2) unjust enrichment/restitution. The conduct at issue concerns the cashing of 46 checks written by Debtor's principal, Randy Abalkhad, made payable to "cash" for amounts just under \$10,000 during a two-month period from July to August of 2014. Because the issues raised with regard to the Banks are essentially identical, the Court will address both motions to dismiss (the "Motions") filed by the Banks together. The Banks argue that David Seror, the chapter 7 trustee in this case ("Trustee"), has failed to state a claim upon which relief may be granted and that the claims alleged are time-barred. Trustee's opposition cites the doctrine of equitable tolling to defeat the Banks' statute of limitations arguments.

**II. Standard**

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or on 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008).



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, June 20, 2018

Hearing Room 302

1:00 PM

CONT...

**R.J. Financial, Inc.**

**Chapter 7**

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

**III. Analysis**

The threshold question is whether the claims are time-barred. The Banks assert that a three-year statute of limitation applies to both claims under Cal. Civ. Proc. Code. § 338. The alleged wrongful conduct occurred in July and August of 2014 which would mean that statute of limitations expired in July or August 2017, i.e. before the filing of this action on March 14, 2018.

Trustee agrees that the applicable statute of limitations is three years, but argues that, under the doctrine of equitable tolling, the three years did not begin to run until either July 14, 2015, when Trustee was appointed upon conversion of the underlying bankruptcy case, or November 2015, when Trustee learned of the alleged improper conduct during the § 341 meeting of creditors.<sup>1</sup>

a) Equitable Tolling

Trustee relies upon In re Hosseinpour-Esfahani, 198 B.R. 574 (B.A.P. 9th Cir. 1996), and In re Milby, 545 B.R. 613 (B.A.P. 9th Cir. 2016), aff'd, 875 F.3d 1229 (9th Cir. 2017). Hosseinpour and Milby both discuss the application of the federal doctrine of equitable tolling in the context of the trustee's avoidance powers, which are subject to a two-year statute of limitation under § 546(a)(1). The Banks correctly argue that these cases are inapplicable in the context of the state law causes of action currently before the Court, and point out that, if Trustee is bringing this action pursuant to his avoidance powers, the two-year statute of limitations under § 546(a)(1) has run. Trustee stands in Debtor's shoes for purposes of this action, so Trustee must show that equitable tolling would apply had Debtor brought the suit itself. As explained below, the Court agrees with the Banks.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, June 20, 2018

Hearing Room 302

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1:00 PM

CONT...

**R.J. Financial, Inc.**

**Chapter 7**

Trustees are empowered to commence actions on behalf of the estate under 11 U.S.C. § 323. Colliers provides some clarity on this subject:

Such actions will fall within two categories: (1) those brought by the trustee as successor to the debtor's interest in the estate under section 541 or those assigned to the trustee against third parties for the benefit of the estate; and (2) those brought under one or more of the trustee's avoidance powers. With respect to the former, the trustee stands in the shoes of the debtor and can assert only those causes of action possessed by the debtor. The trustee is, of course, subject to the same defenses as could have been asserted by the defendant had the action been instituted by the debtor.

3 Collier on Bankruptcy ¶ 323.03[2] (16th ed.). Section 541 determines what property the estate is comprised of, including "all legal or equitable interests of the debtor in property as of the commencement of the case." § 541(a)(1).

Although paragraph (1) [of § 541(a)] includes choses in action and claims by the debtor against others, it is not intended to expand the debtor's rights against others beyond what rights existed at the commencement of the case. For example, if a debtor's claim is barred by the statute of limitations at the commencement of the case, the trustee too will be barred. The trustee can assert no greater rights than the debtor had on the date the case was commenced. *But see* 11 U.S.C. § 108, which permits an extension of time for filing certain actions when the time had not expired before the filing of the bankruptcy petition.

5 Collier on Bankruptcy ¶ 541.03 (16th ed.).

The underlying question is whether, under the applicable standard, Trustee steps into Debtor's shoes and has Debtor's knowledge imputed to him for equitable tolling purposes, or whether Trustee is not imputed with Debtor's knowledge. A similar question was considered in Nasr v. De Leon, 18 F. App'x 601, 605 (9th Cir. 2001). In Nasr, the issue was whether equitable tolling applied to state law actions brought by a chapter 7 trustee. The Court drew a distinction between when a trustee asserts a claim "for the benefit of

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, June 20, 2018

Hearing Room 302

1:00 PM

CONT...

**R.J. Financial, Inc.**

**Chapter 7**

debtors' creditors," such as avoidance actions, and when a trustee brings "state law claims on behalf of the Debtor Corporations," pursuant to §§ 323(a) (stating trustee is the representative of the bankruptcy estate) and 541(a)(1) (stating that legal claims of the debtor are property of the bankruptcy estate). In the latter situation:

The Trustee steps into the shoes of the debtor of the Debtor Corporations in bringing the claims. . . . Thus, it matters not only when the Trustee discovered the claims, but also when the Debtor Corporations discovered them. And since Reeder was in sole control of the Debtor Corporations until the conversion of the bankruptcy cases, his knowledge of the fraud is imputable to the Debtor Corporations and, in turn, to the Trustee.

Nasr v. De Leon, 18 F. App'x at 604-05.

Trustee does not provide any support that the equitable tolling doctrine, which is read into every federal statute of limitations, In re United Ins. Mgmt., Inc., 14 F.3d 1380, 1384 (9th Cir. 1994), also applies to California common law claims. The two cases cited by Trustee in his oppositions to the Motions both involve equitable tolling of the two-year statute of limitations under § 546(a). If Trustee is asserting this action as Debtor's successor in interest to the claims, Trustee has not shown that equitable tolling is available for these state law claims. If Trustee is asserting an action subject to the shorter § 546 statute of limitations, the case is time-barred. Furthermore, Trustee has not addressed the Banks' argument that Trustee is imputed with the Debtor's knowledge for purposes of a statute of limitations defense. See In re Stotz Fredenhagen Indus., Inc., 554 B.R. 777, 781 (Bankr. D.S.C. 2016) (Trustee stands in Debtor's shoes and must be imputed with its knowledge for purposes of equitable tolling).

**IV. Conclusion**

For the reasons set forth above, the Motions are granted with prejudice due to the actions being time-barred by the applicable statute of limitations.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc.**

**Chapter 7**

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

MELINA ABALKHAD

Represented By  
Daniel J McCarthy

Randy Abalkhad

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc.**

**Chapter 7**

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror

Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, June 20, 2018

Hearing Room 302

1:00 PM

1:15-10446 Thomas R D'Arco

Chapter 7

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

#35.00 Motion For Summary Judgment (Carol D'Arco)

Docket 32

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to September 26,  
2018 at 1:00 p.m. - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Represented By  
Chris Gautschi

Does 1-100

Pro Se

**Movant(s):**

Carol V D'Arco

Represented By  
Chris Gautschi

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar  
Michael T Delaney  
Ashley M McDow

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

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1:00 PM

**CONT...**

**Thomas R D'Arco**

Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

**#36.00** Pre-Trial Conference re: Complaint

fr. 4/26/17, 5/24/17, 7/26/17; 1/31/18,  
4/25/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to September 26,  
2018 at 1:00 p.m. - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This matter will be continued to June 20 to be heard with the Motion for Summary Judgment. Plaintiff to provide notice of continued hearing.

APPEARANCES WAIVED on April 25.

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Pro Se

Does 1-100

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 20, 2018**

**Hearing Room 302**

1:00 PM

**CONT...**

**Thomas R D'Arco**

Michael T Delaney  
Fahim Farivar

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#1.00** Cynergy's Amended Motion to Confirm Recoupment Rights  
or for Relief from Automatic Stay to Effect Setoff

fr. 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16,  
2/8/17, 4/26/17, 7/11/17, 9/5/17, 11/1/17; 11/30/17, 1/9/18,  
5/1/18

Docket 465

**\*\*\* VACATED \*\*\* REASON: Denied without prejudice (see bankr. doc.  
521; 522) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Movant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#2.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

Applied Funding, Inc.

Pro Se

KBS Dreams, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Process America, Inc. Chapter 11**

Like Zebra, LLC Pro Se

Stripe Entertainment Group, Inc. Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#3.00** Debtor Process America, Inc.s Motion For Immediate Turnover  
Of Property Of The Estate And Request That The Court May  
Grant Summary Judgment Sua Sponte Pursuant To Fed.R.Civ.P. 56(F)

fr.7/11/17, 9/6/17, 11/1/17; 11/30/17, 1/9/18; 5/1/18

Docket 77

**\*\*\* VACATED \*\*\* REASON: Denied without prejudice (see adv. doc. 112;  
113) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #4.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
7/22/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18

Docket 76

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

---

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

1:00 PM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#5.00** Motion by JP Morgan to Convert Case From Chapter 11 to 7 or in the Alternative to Dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14, 10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16; 6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17, 4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17, 8/17/17, 9/13/17; 10/11/17, 12/14/17, 2/7/18; 3/7/18, 5/1/18

Docket 210

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 7/18/18 at 10:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, June 21, 2018**

**Hearing Room 302**

1:00 PM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17, 2/7/18; 3/7/18,  
5/1/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 7/18/18 at 10:00  
a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Chief Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, June 27, 2018**

**Hearing Room 302**

3:30 PM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#1.00** Motion for Turnover of Assets Seized in Enforcement  
of Writ of Execution Pursuant to 11 U.S.C. Sections 542  
and 543.

Docket 6

**Party Information**

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, July 16, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#1.00** Motion for Order: (1) Designating Danny Bibi under Fed. R. Bankr.P. 9001(5); (2) Directing the Debtor, Through Bibi, to Turnover to the Trustee Property and Documents; (3) Requiring the Debtor, Through Bibi, to Appear in Court for Examination under Oath; and (4) for Apprehension of the Debtor, Through Bibi, Pursuant to Fed.R.Bankr.P. 2005

Docket 100

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**Movant(s):**

Amy L Goldman (TR)

Represented By  
David B Golubchik  
Peter J Mastan

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
David B Golubchik  
Peter J Mastan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, July 16, 2018**

**Hearing Room 302**

1:00 PM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#2.00 Motion to Modify Order Granting Motion to Sell Real Property**

Docket 140

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11224 Virginia D. Navarro**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between  
Debtor and San Diego County Credit Union**

Docket 10

**Tentative Ruling:**

Petition date: 5/11/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2018 Ford F150

Debtor's valuation of property (Sch. B): \$39,000

Amount to be reaffirmed: \$38,271.18

APR: 4.29% (fixed)

Contract terms: \$595.88 per month for 73 months

Monthly Income (Schedule I): \$3,884

Monthly expenses: (Schedule J): \$3,976

Disposable income: <\$92.00>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor does not explain how she will afford these payments. The monthly payment for this vehicle is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until 8/16/18, whichever is later.

Disposition: reaffirmation agreement is \_\_\_\_\_.

**RULING MAY BE MODIFIED AT HEARING.**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Virginia D. Navarro**

**Chapter 7**

**Party Information**

**Debtor(s):**

Virginia D. Navarro

Represented By  
Jennifer Ann Aragon

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11195 Oscar Sotelo Meza and Maria Silvia Segura Cardenas**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between  
Debtor and Ford Motor Credit Company LLC**

Docket 13

**Tentative Ruling:**

Petition date: 5/8/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Ford Edge

Debtor's valuation of property (Sch. B): \$10,373

Amount to be reaffirmed: \$14,740

APR: 3.9% (fixed)

Contract terms: \$438.87 per month for 34 months

Monthly Income (Schedule I): \$4,058

Monthly expenses: (Schedule J): \$5,486

Disposable income: <\$1,428>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtors state that "joint debtor" brother-in-law uses the vehicle and pays this payment. This payment is not listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until 8/25/18, whichever is later.

Disposition: reaffirmation agreement is \_\_\_\_\_.

**RULING MAY BE MODIFIED AT HEARING.**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Oscar Sotelo Meza and Maria Silvia Segura Cardenas**

**Chapter 7**

**Party Information**

**Debtor(s):**

Oscar Sotelo Meza

Represented By  
Carlos A Delgado Ibarcena

**Joint Debtor(s):**

Maria Silvia Segura Cardenas

Represented By  
Carlos A Delgado Ibarcena

**Trustee(s):**

David Seror (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 17, 2018**

**Hearing Room 302**

10:00 AM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#3.00** Motion for Turnover of Assets Seized in Enforcement  
of Writ of Execution Pursuant to 11 U.S.C. Sections 542  
and 543.

fr. 6/27/18

Docket 6

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11526 George Mortensen**

**Chapter 13**

**#1.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

George Mortensen

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11542 Loreta Acosta**

**Chapter 13**

**#2.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Loreta Acosta

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11551    Everton Davis**

**Chapter 13**

**#3.00**    Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket      0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Everton Davis

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11566 Laura S Gomez**

**Chapter 13**

**#4.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Laura S Gomez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

9:30 AM

1:17-13113 Benzeen Inc.

Chapter 11

#5.00 Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

Docket 87

**Tentative Ruling:**

Petition Date: 11/20/17

Chapter: 11

Dismissed: 6/28/18

Service: Proper. No opposition filed.

Property: 8951 Appian Way, Los Angeles, CA 90049

Property Value: \$250,000 (per debtor's schedules, only 25% interest of \$800,000)

Amount Owed: \$2,746,951

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,70,177 (approx. 143 payments of \$11,474, foreclosure sale currently set for 8/14/18)

Movant alleges cause for relief under § 362(d)(4) because of multiple unauthorized transfers of the subject property and multiple bankruptcy cases affecting the subject property. Movant recount the extensive unauthorized transfers and the bankruptcies in its declaration ISO the RFS motion.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); **9** (relief under § 362(d)(4)).

APPEARANCE REQUIRED. RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Benzeen Inc.**

Michael R Sment

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13113 Benzeen Inc.**

**Chapter 11**

**#6.00** Motion RE: Objection to Claim Number 2  
by Claimant JP Morgan Chase.

Docket 78

**\*\*\* VACATED \*\*\* REASON: Dismissed 6/28/18 (doc. 90) - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan  
Michael R Sment



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

9:30 AM

1:17-13113 Benzeen Inc.

Chapter 11

#7.00 Motion RE: Objection to Claim Number 3  
by Claimant Riverside Investors LLC

Docket 83

\*\*\* VACATED \*\*\* REASON: Dismissed 6/28/18 (doc. 90) - hm

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Benzeen Inc.

Represented By  
Robert Reganyan  
Michael R Sment

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#8.00 Hearing on Disclosure Statement**

Docket 53

**Tentative Ruling:**

In the Declaration of Income and Expenses filed along with Debtor's Disclosure statement, Debtor indicates unspecified "deductions" in the amount of \$778, which apparently do not fall under the more specific categories of Payroll taxes and social security, Insurance, or Union dues. What are these unspecified deductions? Debtor also lists an expense under the "other" category of "Misc." in the amount of \$100 per month. What is this unspecified expense for?

The IRS claim was subject to an objection, which was withdrawn after the IRS amended its claim, before a hearing was held. Nevertheless, the Plan filed on the docket as Doc. #54 does not contain any provision for the unsecured priority claims exceeding \$70,000. The Disclosure statement itself, in a footnote, states that the IRS will have an unsecured priority claim of \$69,635.42 and the FTB will have an unsecured priority claim of \$5,806.93.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#9.00 Scheduling and Case Management Conference**

fr. 4/4/18

Docket 36

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#10.00** Motion RE: Objection to Claim by  
Claimant Internal Revenue Service with  
request for valuation of security, payment of  
fully secured claims, and modification of  
undersecured claims

Docket 107

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 7/3/18 - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

9:30 AM

1:17-12420 M.N.E. Funding, Inc.

Chapter 11

#11.00 Motion RE: Objection to Claim by  
Claimant California Franchise Tax Board  
with request for valuation of security, payment  
of fully secured claims, and modification of  
undersecured claims

Docket 108

**Tentative Ruling:**

Debtor's objection to claim is, in part, based on the fact that Eric and Deborah Chen (the "Chens," former owners of the Venture Drive property), are liable for the underlying tax debt and not Debtor. Service was proper on Claimant, however, the Chens were not served with the Objection.

The term "party in interest" is not defined in the Bankruptcy Code, and must be determined on an ad hoc basis, with reference to the interest asserted and how that interest is affected by the bankruptcy. See generally In re Kronemyer, 405 B.R. 915, 919 (B.A.P. 9th Cir. 2009) (citing In re Woodberry, 383 B.R. 373, 378 (Bankr. D.S.C. 2008)). Here, the Chens are necessarily implicated in this Objection, and service of this objection on them is required.

The hearing on this objection will be continued to **August 15, 2018, at 9:30 a.m.** Proof of service of the Objection on the Chens shall be filed with the Court on or before July 25, 2018.

APPEARANCES WAIVED FOR THIS MATTER on July 18, 2018.

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

9:30 AM

1:17-12420 M.N.E. Funding, Inc.

Chapter 11

#12.00 Motion RE: Objection to Claim Number  
Claimant A & R I Partnership with request  
for valuation of security, payment of fully  
secured claims, and modification of  
undersecured claims..

Docket 109

**Tentative Ruling:**

Debtor's objection to claim is, in part, based on the fact that 14520 Hesby, LLC ("Hesby," former holder of title to the Venture Drive property) is liable for the underlying debt and not Debtor. Service was proper on Claimant, however, Hesby were not served with the Objection.

The term "party in interest" is not defined in the Bankruptcy Code, and must be determined on an ad hoc basis, with reference to the interest asserted and how that interest is affected by the bankruptcy. See generally In re Kronemyer, 405 B.R. 915, 919 (B.A.P. 9th Cir. 2009) (citing In re Woodberry, 383 B.R. 373, 378 (Bankr. D.S.C. 2008)). Here, Hesby is necessarily implicated in this Objection, and service of this objection on it is required.

The hearing on this objection will be continued to **August 15, 2018, at 9:30 a.m.** Proof of service of the Objection on Hesby shall be filed with the Court on or before July 25, 2018.

APPEARANCES WAIVED FOR THIS MATTER on July 18, 2018.

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#13.00** Motion for Order Confirming Second  
Amended Chapter 11 Plan

Docket 77

**Tentative Ruling:**

This confirmation cannot be heard until the objections to the claims of the Franchise Tax Board and A & RI Investments are resolved (see cal. no. 11 & 12).

The hearing on this confirmation will be continued to **August 15, 2018, at 9:30 a.m.** Debtor to give notice of continued hearing on confirmation.

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#14.00 Scheduling and Case Management Conference**

fr. 11/1/17, 10/25/17, 1/17/18, 2/28/18, 5/2/18,  
5/30/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend



United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, July 18, 2018

Hearing Room 302

9:30 AM

1:17-11686 Vladimir Vekic

Chapter 11

#15.00 Motion to Vacate Dismissal

Docket 84

\*\*\* VACATED \*\*\* REASON: Motion vol. dismissed by Debtor (doc. 91) -  
hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**Movant(s):**

Vladimir Vekic

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#16.00** U.S. Trustee's Motion to Dismiss or Convert  
Case withand Order Directing Payment of  
Quarterly Fees and for Judgment Thereon

fr. 3/28/18, 5/2/18, 5/23/18

Docket 106

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#16.01 Motion to Modify Order Granting  
Motion to Sell Real Property**

fr. 7/16/18

Docket 140

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#17.00 Status and Case Management Conference**

fr. 9/8/16; 1/19/17; 1/26/17, 7/12/17; 9/27/17,  
11/29/17, 2/28/18, 5/2/18, 5/23/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#18.00 U.S. Trustee's Motion Under 11 USC section 1112(b)  
To Dismiss Or Convert Case**

Docket 208

**Tentative Ruling:**

UST moves to dismiss, arguing that there is cause under 11 U.S.C. § 1112(b) to dismiss or convert this case. First, Debtor, an individual, has had almost four years to obtain approval of a disclosure statement and plan. Despite this significant amount of time, Debtor has been unable to obtain approval of a disclosure statement delaying creditors' rights to receive any payment on their claims. In addition, the Court has advised Debtor that he needs to wrap up the case and was to notice a hearing on his amended disclosure statement and plan for July 18, 2018, which would have required Debtor to file the amended disclosure statement and plan by June 6, 2018. Regardless of this warning and the July 18, 2018 deadline, Debtor has not filed or noticed an amended disclosure statement for a July 18, 2018 hearing. Lastly, UST contends that Debtor is delinquent in filing the May MOR and providing proof of current insurance for the Honda Accord.

On June 23, 2018, Debtor filed his opposition to the Motion, contending that he has filed proof of his current insurance and the May MOR. Debtor also represents that he has received the accounting from the lender Ditech Financial. In the Opposition, filed a mere 25 days on what is usually a 42-day notice period under LBR 3017-1(a), Debtor states that he will be filing his disclosure statement. An amended disclosure statement was filed on July 11, 2018 - one week before it was set to be heard.

The Court is inclined to grant this Motion.  
APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#19.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17,  
2/7/18; 3/7/18; 4/4/18, 5/23/18,

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:11-13493 Jack Piandaryan**

**Chapter 11**

**#20.00** Motion for Entry of Final Decree Pursuant to  
Federal Rule of Bankruptcy Procedure 3022

Docket 156

**Tentative Ruling:**

After having reviewed the Motion for Final Decree, the Confirmed Plan, and Reorganized Debtor's declaration in support, the Court finds that the case has been fully administered and all requirements for entry of final decree have been met.

Motion GRANTED. Movant to lodge order within 7 days.  
NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Jack Piandaryan

Represented By  
Vahe Khojayan  
Jeffrey I Golden

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#21.00 Debtor's Disclosure Statement in Support  
of Debtor's Chapter 11 Plan of Reorganization**

Docket 180

**Tentative Ruling:**

Two objections have been filed to the adequacy of this disclosure statement. The United States Trustee objects on the grounds that the discharge standard in the disclosure statement is incorrect. The discharge provision provides:

Upon completion of all payments to Class 4, Debtor may, after notice and a hearing, request the Court grant a discharge of all pre-confirmation debts, whether or not a creditor filed a proof of claim or accepted the Plan. Such discharge will not discharge Debtor from any debts that are non-dischargeable under section 523 or the obligations created by this Plan.

Disclosure Statement 21:16-20. As Trustee point out, in an individual chapter 11 case, the debtor does not receive a discharge until the debtor completes all payments under the plan, not only the members of a particular class. 11 U.S.C. § 1141(d)(5). Debtor should amend the disclosure statement to make the discharge provision mirror the requirements of § 1141.

Another objection was filed by creditor U.S. Bank, N.A. U.S. Bank first objects on the grounds that the disclosure statement only provides for a secured claim in its favor in the amount of \$625,000, which the Court has determined is the value of the property located at 3037 W. 12<sup>th</sup> St., Los Angeles, CA 90006 (the "Property"). U.S. Bank argues that Debtor has failed to account for its security interest in the post-petition, pre-confirmation rents generated by the Property. Those rents constitute cash collateral due to an assignment of rents provision in the deed of trust against the Property. Debtor's disclosure statement fails to add any and all net cash collateral that has accrued in Debtor's DIP account for purposes of determining U.S. Bank's secured claim.

Furthermore, U.S. Bank argues that by providing for only 4% of its total \$312,351.29 unsecured claim, Debtor's Chapter 11 plan is not fair and equitable because it violates the absolute priority rule of § 1129(b)(2)(B)(ii) and is therefore patently



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Farideh Warda**

**Chapter 11**

unconfirmable. U.S. Bank relies on Zachary v. California Bank & Trust, 811 F.3d 1191, 1194 (9th Cir. 2016). This Court agrees that, absent any new value contribution, the absolute priority rule as set forth in § 1129(b)(2)(B)(ii), applicable in individual chapter 11 cases per Zachary, precludes confirmation of this plan.

All objections to the disclosure statement are SUSTAINED and approval of the disclosure statement is DENIED.

APPEARANCE REQUIRED

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

**Debtor(s):**

Farideh Warda

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#22.00 Status and Case Management Conference**

fr. 4/4/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farideh Warda

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#23.00 Status and Case Management Conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18, 4/25/18,  
6/13/18

Docket 1

**Tentative Ruling:**

Having considered Debtor's explanation of the status of the case in the chapter 11 status report, and for good cause appearing, the status conference will be continued to **September 12, 2018 at 9:30 a.m.**

APPEARANCE WAIVED on July 18, 2018. Debtor to give notice of continued hearing.

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12066 Muntaser A. Ammari**

**Chapter 11**

**#24.00 Status and Case Management Conference**

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17; 4/12/17  
11/15/17; 2/7/18; 3/28/18, 5/23/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 9/26/18 at 9:30  
a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Muntaser A. Ammari

Represented By

Mark S Horoupian

Mark S Horoupian

Mark S Horoupian

Jason Balitzer

Jason Balitzer

Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#25.00** Motion to Sell Property of the Estate Free  
and Clear of Liens under Section 363(f)

Docket 121

**Tentative Ruling:**

APPEARANCE REQUIRED

The conditions seem reasonable, and the sale should be fine with such conditions. All appearances may be telephonic, if needed.

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**Movant(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

10:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#26.00** Motion by JP Morgan to Convert Case From Chapter 11 to 7 or in the Alternative to Dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14, 10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16; 6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17, 4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17, 8/17/17, 9/13/17; 10/11/17, 12/14/17, 2/7/18; 3/7/18, 5/1/18, 6/21/18

Docket 210

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

10:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#27.00 Status and Case Management Conference**

fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17, 2/7/18; 3/7/18,  
5/1/18, 6/21/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:14-14889 Guy Pierre Hector and Brenda Buell Hector**

**Chapter 13**

**#28.00 Motion for relief from stay  
US BANK NATIONAL ASSOCIATION**

Docket 63

**Tentative Ruling:**

Petition Date: 10/29/2014  
Service: Proper. No opposition filed.  
Property: 2012 Audi A7-V6  
Property Value: \$39,957.00 (per debtor's schedules)  
Amount Owed: \$ 18,124.87  
Equity Cushion: 47.0%  
Equity: \$21,832.13  
Delinquency: \$4,922.26 (1 payment of \$885.64, 4 payments of 1,005.58, \$15 in postpetition advances or other charges)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Guy Pierre Hector

Represented By  
Leon D Bayer

**Joint Debtor(s):**

Brenda Buell Hector

Represented By  
Leon D Bayer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10694 Elvira Catimbang Arandia**

**Chapter 13**

**#29.00** Motion for relief from stay

HSBC BANK USA NATIONAL ASSOCIATION

Docket 86

**Tentative Ruling:**

Petition Date: 03/02/2015

Service: Proper. Opposition filed.

Property: 17453 Elkwood Street, Los Angeles, California 91325

Property Value: \$ 432,000.00 (per debtor's schedules)

Amount Owed: \$ 519,735.58

Equity Cushion: 0%

Equity: \$0.00

Post-Petition Delinquency: \$11,090.30 (6 payments of \$1,935.95; \$0.00 in post-petition advances; \$0.00 in attorneys' fees; less \$525.40 in suspense account or partial paid balance)

Debtor opposes the Motion, arguing that more payments have been made to Movant than the Motion accounts for. Debtor attaches copies of canceled checks as evidence that the payments that have been made. If there is any delinquency remaining the Debtor would like to enter into a repayment agreement or APO with Movant. Debtor also asserts all postpetition arrearages will be cured by the hearing date on this motion.

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **13** (If relief from stay is not granted, adequate protection shall be ordered).

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Elvira Catimbang Arandia

Represented By  
Kevin T Simon

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Elvira Catimbang Arandia**

**Chapter 13**

**Movant(s):**

HSBC Bank USA National

Represented By  
Keith Labell  
Sean C Ferry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

11:00 AM

1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

#30.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 35

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 9/26/18 at 11 a.m. -  
hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Romeo J Pettinelli

Represented By  
Eliza Ghanooni

**Joint Debtor(s):**

Gloria J Pettinelli

Represented By  
Eliza Ghanooni

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12800 Jean'e Milika Blair**

**Chapter 13**

**#31.00** Motion for relief from stay

PACIFIC UNION FINANCIAL, LLC

fr. 6/6/18

Docket 34

**Tentative Ruling:**

At the previous hearing, there was an accounting dispute between the parties. This matter was continued to allow the parties to work on resolving the accounting dispute and paying any remaining arrearage. Debtor filed a supplemental opposition on June 27, indicating that Debtor has made progress toward reducing the arrearage on the loan. Debtor argues that, even accepting Movant's accounting, the post-petition arrearage as of June 27 is only \$143.60, and the Motion should therefore be denied.

If Debtor could reduce her mortgage arrearage by \$2,314.81 in two months, she can likely finish paying off the additional \$143 arrearage. If the parties still disagree over the amount owed, the remedy is not to deny the Motion, as Debtor requests, but to continue this matter to allow the parties more time to work together to resolve the accounting issues.

APPEARANCE REQUIRED

**6/6/18 Tentative**

Petition Date: 8/21/15

Chapter 13 plan confirmed: 12/8/18

Service: Proper. Opposition filed.

Property: 14164 Paddock St., Sylmar, CA 91342

Property Value: \$271,000 (per debtor's schedules)

Amount Owed: \$181,772

Equity Cushion: 32.9%

Equity: \$89,228

Postconfirmation Delinquency: \$2,458.41 (two payments of \$1,239.82), last payment received April 2018.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jean'e Milika Blair**

**Chapter 13**

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that there is a sufficient equity cushion to protect Movant's claim and that, on that basis alone, relief should be denied. Debtor does not, however, address that the language of 362(d)(1) contemplates other grounds as cause for relief. See In re Ellis, 60 B.R. 432, 435 (B.A.P. 9th Cir. 1985) (failure to make post-confirmation payments can constitute cause for lifting the stay).

APPEARANCE REQUIRED

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

**Debtor(s):**

Jean'e Milika Blair

Represented By  
Arsen Pogosov

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

11:00 AM

1:16-10137 Anaida Prazyan-Vartanyan

Chapter 13

#32.00 Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 4/18/18, 5/23/18, 6/20/18

Docket 85

**Tentative Ruling:**

At the previous hearing, parties requested a hearing to allow creditor time to work out the numbers. Nothing new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Anaida Prazyan-Vartanyan

Represented By  
Kevin T Simon

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By  
Edward G Schloss  
Joseph C Delmotte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11641 John A, Gillett and Pearlene Gillett**

**Chapter 13**

**#33.00** Motion for relief from stay

NATIONSTAR MORTGAGE LLC

Docket 47

**Tentative Ruling:**

SERVICE IMPROPER. Lienholder Wells Fargo was not served at address listed on proofs of claims or at FDIC insured address per Rule 7004(h). Movant may re-notice the motion for August 15, 2018.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By  
Julie J Villalobos

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Merdaud Jafarnia  
Nancy L Lee

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11807 Arturo Juarez**

**Chapter 13**

**#34.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 5/16/18

Docket 55

**Tentative Ruling:**

At the previous hearing, the parties indicated that they were working on an adequate protection agreement. Since the hearing, Debtor filed an opposition to the motion, arguing that more payments have been made to Movant than the Motion accounts for. Debtor seeks to cure through APO to make up post-petition payments over a 12 month.

What is the status of the APO efforts?

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

**Debtor(s):**

Arturo Juarez

Represented By  
Shirlee L Bliss

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12596 Lynne Suzanne Boyarsky**

**Chapter 13**

**#35.00** Motion for relief from stay

CITIZENS BUSINESS BANK

fr. 5/16/18, 6/20/18

Docket 31

**Tentative Ruling:**

At the previous hearing, the parties requested a hearing to work out the terms of an APO. What is the status of parties' efforts?

APPEARANCE REQUIRED

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

**Debtor(s):**

Lynne Suzanne Boyarsky

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#36.00** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY FSB

fr. 6/20/18

Docket 33

**Tentative Ruling:**

At the previous hearing, the parties requested a continuance to pursue an APO.  
What is the status of those efforts?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By  
Barry E Borowitz

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13196 Isaac Nessim Azoulay**

**Chapter 13**

**#37.00** Motion for relief from stay

LA CITY INVESTMENTS LLC

Docket 25

**Tentative Ruling:**

Petition Date: 11/29/2017  
Service: Proper. Opposition filed.  
Movant: LA City Investments (Owner of the Property)  
Property Address: 5243 Yarmouth Ave. # 21 Encino, CA 91316  
Type of Property: Residential  
Occupancy: Defaulted lease  
Foreclosure Sale: N/A  
UD case filed: 3/20/18  
UD Judgment: None

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2)). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (confirmation that no stay in effect); **4** (annulment of stay); **6** (waiver of 4001(a)(3) stay); **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **8** (relief under §362(d)(4)); **10** (binding and effective for 2 years); and **11** (binding and effective against Debtor for 180 days such that no stay arises) because no grounds alleged for such relief (no repeat filings, no fractional interest transfers).

This chapter 13 case was filed on November 29, 2017. On March 19, 2018, Debtor was in default on the lease in the amount of \$4,152. An unlawful detainer action was filed on March 20, 2018. Movant claims that it had no knowledge of the instant bankruptcy until May 14<sup>th</sup>, after it had filed the unlawful detainer action in State Court.

Debtor filed a limited opposition to motion, requesting that no lock out, foreclosure or repossession take place before 08/30/2018. Debtor alleges that Movant willfully violated the automatic stay by obtaining a default judgment in state court despite Movant's attorney being notified of the bankruptcy by text message on May 3, 2018. No evidence of a default judgment in the unlawful detainer action has been provided

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CONT... Isaac Nessim Azoulay

Chapter 13

to the Court. The opposition is confusing and based upon illegible pictures sent in text message to an unknown recipient. The declaration of Debtor's attorney in the unlawful detainer action, Richard Jacobs, states that the recipient was Wayne Abb, Movant's attorney in the unlawful detainer action. Mr. Jacobs' declaration seems to indicate that service in the unlawful detainer action was improper, which led to the entry of a default judgment and a Sheriff's notice to quit being posted on June 26, 2018. Debtor argues that annulment should not be granted due to Mr. Abb's alleged knowledge of this bankruptcy proceeding.

In appropriate circumstances, the court may annul the automatic stay retroactively to validate an act that was committed in violation of the stay and would otherwise be void. See In re Siciliano, 13 F.3d 748, 751 (3rd Cir. 1994); see also Schwartz v. United States (In re Schartz), 954 F.2d 569, 573 (9th Cir. 1992). Generally, the bankruptcy court has wide latitude to determine whether annulment of the automatic stay is appropriate and makes a case-by-case determination by balancing the equities. In re Fjeldsted, 293 B.R. 12, 26 (9th Cir. B.A.P. 2003).

Although no one factor is dispositive, courts typically focus on two factors, including: (1) whether the creditor was aware of the bankruptcy petition; and (2) whether the debtor engaged in unreasonable or inequitable conduct, or prejudice would result to the creditor. Other factors courts consider include: (1) the number of filings; (2) whether, in a repeat filing case, the circumstances indicate an intention to delay and hinder creditors; (3) a weighing of the extent of prejudice to creditors or third parties if the stay relief is not made retroactive, including whether harm exists to a bona fide purchaser; (4) the debtor's overall good faith (based upon the totality of the circumstances); (5) whether creditors knew of the stay, but nonetheless took action, thus compounding the problem; (6) whether the debtor has complied, and is otherwise complying, with the Bankruptcy Code and Rules; (7) the relative ease of restoring parties to the status quo ante; (8) the costs of annulment to debtors and creditors; (9) how quickly creditors moved for annulment, or how quickly debtors moved to set aside the sale or violative conduct; (10) whether, after learning of the bankruptcy, creditors proceeded to take steps in continued violation of the stay, or whether they moved expeditiously to gain relief; (11) whether annulment of the stay will cause irreparable injury to the debtor; and (12) whether stay relief will promote judicial economy or other efficiencies. Id. at 25.

Here, the landlord had sufficient notice of the bankruptcy to cease the unlawful detainer proceedings and file a motion in this court before any sheriff's notice was issued. Movant has not attached a writ of possession to the Motion, so it is unclear when that issued. It may be that a motion could also have been filed before that

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**CONT... Isaac Nessim Azoulay Chapter 13**

point. As such, the movant has not met its burden of proof. The stay will not be retroactively annulled. The debtor's agreement to move by August 30 is sufficient.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Isaac Nessim Azoulay

Represented By  
Steven L Bryson

**Movant(s):**

LA City Investments, LLC.

Represented By  
Lane M Nussbaum

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:18-10494 Velma J Sharp

Chapter 7

#38.00 Motion for relief from stay

MERCEDES-BENZ FINANCIAL SERVICES USA LLC

Docket 15

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 6/11/18 - jc

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Velma J Sharp

Pro Se

**Movant(s):**

Mercedes-Benz Financial Services

Represented By  
Sheryl K Ith

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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**1:18-10626 Carla Fabiola Leon**

**Chapter 7**

**#39.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 11

**Tentative Ruling:**

Petition Date: 03/12/2018

Chapter: 7

Service: Proper. No opposition filed.

Property: 2279 W Falmouth Ave, Anaheim, California 92801

Property Value: \$513,000

Amount Owed: \$ 650,252.43 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$0.00

Post-Petition Delinquency: \$256,814.93 (93 payments of \$2,674.59)

This property was not listed in Debtor's schedules, and borrowers according to the note attached to the Motion are Daniel and Elisa Martinez.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Carla Fabiola Leon

Pro Se

**Movant(s):**

U.S. Bank National Association

Represented By  
Sean C Ferry

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**CONT... Carla Fabiola Leon**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



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**1:18-10638 Lisandra Fuerte**

**Chapter 13**

**#40.00** Motion for relief from stay

THE RAMA FUND, LLC

Docket 26

**Tentative Ruling:**

Petition Date: 03/13/2018

Service: Proper. Opposition filed.

Property: 10176 Morehart Avenue, Pacoima, California 91331

Property Value: \$ 109,318.00 (per debtor's schedules)

Amount Owed: \$ 297,875.39

Equity Cushion: 0%

Equity: \$0.00

Post-Petition Delinquency: \$7,718.04 (3 payments of \$2,478.84; 3 late charges of \$281.51; \$0.00 in post-petition advances; \$0.00 in attorneys' fees; less \$0.00 in suspense account or partial paid balance)

Debtor opposes the Motion, disputing allegations/evidence contained in the motion and stating that she intends to cure the delinquency in an APO.

Movants requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (Co-debtor stay annulled); and **7** (waiver of the 4001(a) (3) stay).

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Lisandra Fuerte

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10891 Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

**#41.00** Motion for Relief from stay

NOUSHIN LAALY AND KOUROSH LAALY

Docket 22

**Tentative Ruling:**

Petition Date: 04/11/2018  
Service: Proper. Opposition filed.

Movant: Noushin Laaly and Kourosh Laaly  
Relief Sought to: Pursue Pending Litigation X  
Case Name: Laaly v DAF Construction Inc., et al.  
Court/Agency: Los Angeles Superior Court, West District, Santa Monica Courthouse

Date Filed: 01/06/2017  
Judgment Entered: None  
Trial Start Date: 05/07/2018

Movants request relief from the stay to pursue an action against Debtors and other non-debtor defendants in state court relating to a construction project on Movants' home. Movants have also filed an adversary action alleging a nondischargeable debt. Movants would like to liquidate the claim in state court.

Debtors opposes the Motion, arguing that this dispute should be resolved in the bankruptcy court in the related adversary case filed by Movants. Debtors argue that Movants have not established cause for relief from the automatic stay under 11 U.S.C. § 362(d)(1). Debtors argue that Debtor are not a necessary party to the state court litigation because "the only issue against the Debtors are [sic] whether the Debtors' conduct, if any, was nondischargeable in accordance with bankruptcy law." It appears that the purpose of proceeding in state court is not to determine dischargeability but to determine Debtors' liability to Movants. Debtors argue that proceeding in state court would be of limited value because any state court judgment would not be res judicata as to a dischargeability action. "That is, even if. . . the state court makes a determination against the debtors, this Court would have an opportunity to consider additional evidence to determine whether the judgment is nondischargeable." Therefore, Debtor argues that granting relief from stay will allow,

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at best, a partial resolution of the issues and will result in additional legal expenses.

The bankruptcy court is required to give full faith and credit to state court judgments. In re Nourbakhsh, 67 F.3d 798, 801 (9th Cir. 1995). Debtor's argument that any state court judgment would not be res judicata in the dischargeability action ignores the expansive body of precedent applying collateral estoppel principles in dischargeability proceedings. Grogan v. Garner, 498 U.S. 279, 284 (1991); In re Harmon, 250 F.3d 1240, 1245 (9th Cir. 2001).

While the parties dispute whether Debtor Farkhondeh was a consultant or a contractor, that issue is not properly decided in this Motion for Relief from Stay. Any determination on the merits of Movant's claim should be reserved for the proper proceeding.

Each side presents authority providing a list of factors used in determining cause:

- (1) Whether the relief will result in a partial or complete resolution of the issues.
- (2) The lack of any connection with or interference with the bankruptcy case.
- (3) Whether the non-bankruptcy proceeding involves the debtor as a fiduciary.
- (4) Whether a specialized tribunal has been established to hear the particular cause of action and that tribunal has the expertise to hear such cases.
- (5) Whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation.
- (6) Whether the action primarily involves third parties.
- (7) Whether litigation in another forum would prejudice the interests of other creditors, the creditors' committee or other interested parties.
- (8) Whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c).
- (9) Whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f).
- (10) The interest of judicial economy and the expeditious and economical determination of litigation for the parties.
- (11) Whether the non-bankruptcy proceedings have progressed to the point where the parties are prepared for trial.
- (12) The impact of the stay on the parties and the "balance of hurt."

In re Chan, 355 B.R. 494, 499 (Bankr. E.D. Pa. 2006).

In balancing these factors, the motion will be denied. There would be unnecessary litigation in the state court that would not be necessary for the dischargeability action.

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**CONT... Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

Any ruling in state court is unlikely to provide sufficient findings to determine the discharge action, resulting in duplicative litigation.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Hamid Farkhondeh	Pro Se
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**Joint Debtor(s):**

Mary Dadyan	Pro Se
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**Movant(s):**

Noushin Laaly and Kourosch Laaly	Represented By Stella Rafiei
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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1:18-10948 George Kazanjian

Chapter 7

#42.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 11

\*\*\* VACATED \*\*\* REASON: Resolved by stipulation Doc No. 15 -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

George Kazanjian

Represented By  
Karine Karadjian

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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**1:18-10988 Steven Devan**

**Chapter 7**

**#43.00** Motion for relief from stay

SELECT PORTFOLIO SERVICING INC.

Docket 13

**Tentative Ruling:**

Petition Date: 04/20/2018  
Service: Proper. Opposition filed.  
Property: 303 Wood Loop Street, Houston, TX 77015  
Property Value: \$162,000.00 (per debtor's schedules)  
Amount Owed: \$ 143,782.28  
Equity Cushion: 3% (assuming 8% cost of sale)  
Equity: \$18,271.72  
Post-Petition Delinquency: \$13,944.46 (8 payments of \$1,743.05)

Debtor opposes the Motion, arguing that a sufficient equity cushion exists to provide Movant with adequate protection. Debtor also intends to cure the arrearage in an APO or to enter into a loan modification with movant.

Movants requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

**APPEARANCE REQUIRED**

<b>Party Information</b>
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**Debtor(s):**

Steven Devan

Represented By  
Larry D Simons

**Trustee(s):**

David Seror (TR)

Pro Se

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**1:18-11136 Jorge Alberto Sanchez Guzman**

**Chapter 7**

**#44.00** Motion for relief from stay

TD AUTO FINANCIAL LLC.

Docket 9

**Tentative Ruling:**

Petition Date: 05/02/2018  
Service: Proper. No opposition filed.  
Property: 2016 Mitsubishi Lancer  
Property Value: \$17,000.00 (per debtor's schedules)  
Amount Owed: \$ 21,121.02  
Equity Cushion: 0.0%  
Equity: \$0.00  
Delinquency: \$918.10 (2 payments of \$449.31)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jorge Alberto Sanchez Guzman

Represented By  
Jasmine Firooz

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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1:18-11149 Tamara Tammy Dadyan and Arthur Ayvazyan

Chapter 7

#45.00 Motion for relief from stay

WFG NATIONAL TITLE INSURANCE CO

Docket 23

\*\*\* VACATED \*\*\* REASON: Case dismissed with bar to refileing 6/14/18 -  
CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Tamara Tammy Dadyan

Represented By  
Raymond H. Aver

**Joint Debtor(s):**

Arthur Ayvazyan

Represented By  
Raymond H. Aver

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



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1:18-11351 Sam Aliano and Nancy Marija Aliano

Chapter 7

#46.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 12

**Tentative Ruling:**

Petition Date: 05/25/2018  
Service: Proper. No opposition filed.  
Property: 2016 HONDA PILOT  
Property Value: \$9,472 (per debtor's schedules)  
Amount Owed: \$ 29,045.27  
Equity Cushion: N/A - Leased  
Equity: N/A - Leased  
Delinquency: \$752.02 (2 payments @ 451.06)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Sam Aliano

Represented By  
Harout G Bouldoukian

**Joint Debtor(s):**

Nancy Marija Aliano

Represented By  
Harout G Bouldoukian

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

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**CONT... Sam Aliano and Nancy Marija Aliano**

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**Trustee(s):**

David Seror (TR)

Pro Se

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**1:18-11351 Sam Aliano and Nancy Marija Aliano**

**Chapter 7**

**#47.00** Motion for relief from stay

TD AUTO FINANCE LLC

Docket 8

**Tentative Ruling:**

Petition Date: 05/25/2018  
Service: Proper. No opposition filed.  
Property: 2011 BMW 328IS  
Property Value: \$12,000.00 (per debtor's schedules)  
Amount Owed: \$ 15,214.68  
Equity Cushion: 0%  
Equity: \$0.00  
Delinquency: \$2,171.27 (5 payments @ 417.55)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

**Party Information**

**Debtor(s):**

Sam Aliano

Represented By  
Harout G Bouldoukian

**Joint Debtor(s):**

Nancy Marija Aliano

Represented By  
Harout G Bouldoukian

**Movant(s):**

TD Auto Finance LLC

Represented By  
Sheryl K Ith

**Trustee(s):**

David Seror (TR)

Pro Se

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**1:18-11529 Elva De la Torre**

**Chapter 7**

**#48.00** Motion for relief from stay

YAYA GROUP I, LLC

Docket 8

**Tentative Ruling:**

Petition Date: 06/18/2018  
Service: Proper. Opposition filed.  
Movant: Yaya Group I, LLC (legal owner of Property)  
Property Address: 7651 Laurel Canyon Blvd., #211, North Hollywood, CA 91605  
Type of Property: Residential  
Occupancy: a lease that is in default  
Foreclosure Sale: N/A  
UD case filed: 05/14/2018  
UD Judgment: None

Debtor opposes the Motion, arguing Debtor may have ground to successfully oppose the pending motion in state court. Debtor does not wish to be locked out prior to having her day in state court so that she can plead her side of the case. Debtor alleges that she is currently still employed by Yaya Group in the capacity of a resident manager, and her supervisor, is still giving her orders and telling her to work and to continue to manage the property. Debtor is both an employee and a tenant, and believes that she received inadequate notice of termination of her employment, which is linked with her rights as a tenant. There is also a question of whether the property is properly registered with the City of Los Angeles under the Rent Control Stabilization Ordinance.

The motion indicates that trial was continued to August 6, 2018.

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2)). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (waiver of 4001(a)(3) stay); and **12** (if relief from stay not granted, establishment of a deadline for assumption or rejection of the lease).

**APPEARANCE REQUIRED**

**Party Information**

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**CONT... Elva De la Torre**

**Chapter 7**

**Debtor(s):**

Elva De la Torre

Represented By  
Jennifer Ann Aragon

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:18-11699 Latifa Williams**

**Chapter 7**

**#48.01 Motion for relief from stay**

**GP MANAGEMENT**

Docket 7

**Tentative Ruling:**

Petition Date: July 6, 2018  
Chapter: 7  
Service: Proper. No opposition filed.  
Movant: GP Management  
Property Address: 9947 De Soto Ave. Unit 5, Chatsworth, CA 91311  
Type of Property: Residential  
Occupancy: Lease in default

Foreclosure Sale:  
UD case filed: April 16, 2018  
UD Judgment: N/A. Trial cont'd to 8/15/18

Movant requests a finding that the automatic stay is not in effect. Debtor has a number of previous bankruptcy cases. Debtor filed this case on July 6, 2018. Debtor filed a previous case, 1:17-bk-11154-MB, on May 1, 2017; that case was dismissed on July 24. The next most previous case, 1:17-bk-10900-MB, was filed on April 6, 2017 and dismissed on April 7, 2017. Section 362(c)(3) provides that if a debtor had a previous case pending within the past year that was dismissed, the stay shall terminate after 30 days. Section 362(c)(4) provides that, if the debtor instead had two prior cases pending and dismissed within the previous year, "the stay under subsection (a) shall not go into effect upon the filing of the later case." The one year period is counted from the date of the petition. Here, debtor had only one other case pending and dismissed within the one year period, as measured from the petition date of July 6 in this case. Therefore, the stay arose in this case, but will terminate 30 days after the filing of this case absent further action of the Debtor.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (order binding and effective in any bankruptcy for 180 days); and **11** (order binding and effective in any bankruptcy, no stay shall arise as to property).

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**CONT... Latifa Williams**

**Chapter 7**

DENY relief requested under paragraph 3 (confirmation that no stay is in effect).

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Latifa Williams

Pro Se

**Movant(s):**

GP Management

Represented By  
David Roschko

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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**1:18-11636 Lizette Milian-Fiedler**

**Chapter 7**

**#49.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 6

**Tentative Ruling:**

On June 27, 2018, Debtor filed this Chapter 7 case. Debtor has one previous Chapter 13 bankruptcy case that was dismissed a short time ago. The first dismissed Chapter 13 case, 17-12521-MB, was filed on September 20, 2017 and dismissed on June 8, 2018 because failure to make payments.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because arrears were too high for income. Debtor claims that the presumption of bad faith is overcome as to all creditors per Section 362(c)(3)(C)(i) because Debtor has other creditors it is dealing with in this bankruptcy. Further, Debtor claims property is of consequential benefit to the estate because it is necessary to a reorganization since Debtor is in the process of moving and needs to remove personal property from home prior to foreclosure. Debtor was participating in a loan modification through the Pilot Program and therefore the debtor had hoped to manage the arrears on the property so they could continue making affordable mortgage payments.

No opposition has been filed. MOTION GRANTED.

NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Lizette Milian-Fiedler

Represented By  
R Grace Rodriguez

**Movant(s):**

Lizette Milian-Fiedler

Represented By  
R Grace Rodriguez



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11:00 AM

**CONT... Lizette Milian-Fiedler**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#50.00** Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 2098

**Tentative Ruling:**

Petition Date: 01/09/2012

Chapter: 7

Service: Proper. No opposition filed.

Property: 29095 Madrid Place, Castaic, CA 91384

Property Value: \$358,644

Amount Owed: \$ 1,307,736.36 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$407,376.97 (130 payments @ \$6,516.83)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (the stay is annulled); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under §362(d)(4));

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

Richard Burstein

Michael W Davis

David Seror

David Seror (TR)

Steven T Gubner

Reagan E Boyce

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**CONT...**

**Owner Management Service, LLC and Trustee Corps**

Jessica L Bagdanov

Reed Bernet

Talin Keshishian

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#51.00 Motion of Chapter 7 Trustee for Order Authorizing Trustee to Abandon, Nunc Pro Tunc, the Estate's Interest in the Real Property Located at 3729 Westfall Drive, Encino, California 91436

Docket 2101

**Tentative Ruling:**

Trustee moves ("Motion") the Court for an order abandoning the estate's interest in the real property located at 3729 Westfall Drive, Encino, California (the "Subject Property") nunc pro tunc to May 21, 2018, under § 554(a). Trustee argues that under paragraph 4 of the Settlement Agreement, approved by the Court on June 30, 2017 (ECF doc. 1937), Bank of America ("BoFA") received *in rem* relief from stay to pursue state law remedies as to certain parcels of real property, including the Subject Property. BoFA exercised its state law rights and foreclosed on the Subject Property on May 22, 2018. Thus, the Subject Property was no longer property of the Estate as of that date and so Trustee seeks an order approving his abandonment of the Subject Property *nunc pro tunc* to May 21, 2018.

Service proper. No response filed.

Motion GRANTED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS. NO APPEARANCE REQUIRED ON 7/18/18

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

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11:00 AM

**CONT...**

**Owner Management Service, LLC and Trustee Corps**

Jessica L Bagdanov

Reed Bernet

Talin Keshishian

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#52.00** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17, 1/31/18, 2/14/18,  
5/30/18, 6/6/18

Docket 1

**Tentative Ruling:**

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before  
pretrial conference) : \_\_\_\_\_

**Party Information**

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By  
Donna R Dishbak  
Donna R Dishbak

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10484 Barton Wayne Fishback**

**Chapter 11**

Adv#: 1:18-01043 COUNTY OF VENTURA v. Fishback et al

**#53.00** Status Conference re: Amended Complaint Second Amended Complaint to Exempt Judgment For: 1. Permanent Injunction, 2. Civil Penalties dated 1/1/15 ("Judgment"), Under 11. U.S.C. section 523 (a)(7), and Declare Judgment Nondishargeable Based Upon the Fact That Judgment Awards Fines, Penalties, and/or Forfeitures Payable to and for the Benefit of a Governmental Unit, Not Compensation for an Actual Pecuniary Loss, and is not a Tax Penalty

Docket 18

**\*\*\* VACATED \*\*\* REASON: Bankruptcy case dismissed with 180-day bar to refiling (doc. 118, 6/21/18) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Defendant(s):**

Barton Wayne Fishback

Pro Se

Carol Fishback

Pro Se

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Plaintiff(s):**

COUNTY OF VENTURA

Represented By  
David J Cook

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10464 Edna Salazar**

**Chapter 7**

Adv#: 1:18-01058 Salazar v. Ocwen Loan Servicing

**#54.00** Status Conference Re: Complaint to  
Determine Validity, Priority, and Extent of  
Lien and for Declaratory Relief

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Edna Salazar Pro Se

**Defendant(s):**

Ocwen Loan Servicing Pro Se

**Plaintiff(s):**

Edna Salazar Pro Se

**Trustee(s):**

Diane C Weil (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10313 Harold H Choe**

**Chapter 7**

Adv#: 1:18-01052 Hernandez et al v. Choe

**#55.00** Status Conference Re: Complaint for  
Nondischargeability of Debt.

Docket 1

**Tentative Ruling:**

The parties should respond if any objectio to following:

Discovery to be completed by 11/30/18

Pretrial conference to be set for 12/19/18

It is unclear what the basis is for the defendants not consenting to jurisdiction here for a 727 action. If defendants do not consent to the bankruptcy court's authority to enter final judgment, a briefing schedule will be set to determine that issue as well.

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

**Debtor(s):**

Harold H Choe

Represented By  
Young K Chang

**Defendant(s):**

Harold H Choe

Pro Se

**Plaintiff(s):**

Jose Hernandez

Represented By  
Timothy L Joens

Viviana R Valle

Represented By  
Timothy L Joens

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady

**#56.00**      Status Conference re: Complaint

fr. 5/2/18

Docket      1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady et al

**#57.00**      Status Conference re: Crossclaim by Yehuda Elady  
against Paul Brentwood Derby; Jeffrey F Gersh;  
Gersh Derby LLP a California corporation; Gersh Derby, LLP;  
Paul B Derby A Professional Corporation a California  
corporation and dba Gersh Derby LLP; The GERSH  
LAW FIRM INC a CA corporation

Docket      5

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12963 Karine Aslanyan**

**Chapter 7**

Adv#: 1:18-01055 United States Trustee (SV) v. Aslanyan et al

**#58.00** Status Conference re: Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 9/26/18 at 11 am**

**Tentative Ruling:**

Based on the status report, the court sua sponte continues this matter to 9/26/18 at 11 am so that a motion for default judgment can be filed and reviewed before that date. NO Appearance required on 7/18/18.

**Party Information**

**Debtor(s):**

Karine Aslanyan Pro Se

**Defendant(s):**

Karine Aslanyan Pro Se

Hakob Gasparyan Pro Se

**Joint Debtor(s):**

Hakob Gasparyan Pro Se

**Plaintiff(s):**

United States Trustee (SV) Represented By  
Katherine Bunker

**Trustee(s):**

Diane C Weil (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12238 Juliana Njeim**

**Chapter 7**

Adv#: 1:18-01010 Seyedan v. Njeim

**#59.00** Status Conference re: Complaint

fr. 3/28/18, 4/25/18

Docket 1

**Tentative Ruling:**

The parties should indicate whether any objection to the following:  
Discovery completed by 10/19/18  
Pretrial conference 11/14/18 at 11 am

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

**Debtor(s):**

Juliana Njeim

Represented By  
Richard Mark Garber

**Defendant(s):**

Juliana Njeim

Pro Se

**Plaintiff(s):**

Maryam Seyedan

Represented By  
James R Selth

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

11:00 AM

**1:17-10026 Matthew Fuscaldo**

**Chapter 7**

Adv#: 1:17-01032 Swift Capital Corporation dba Swift Capital v. Fuscaldo et al

**#60.00** Pre-Trial Conference re: Complaint

fr. 6/14/17; 11/15/17, 3/7/18, 5/2/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Continued to 9/12/18 at 11 aam**

**Tentative Ruling:**

Based on the status report and tentative settlement, this matter will be continued to September 12, 2018 at 11 am to allow and settlement to be effectuated.

NO Appearance required on 7/18/18

**Party Information**

**Debtor(s):**

Matthew Fuscaldo

Represented By  
Jeffrey J Hagen

**Defendant(s):**

Matthew Fuscaldo

Pro Se

Melissa Lynn Golde-Fuscaldo

Pro Se

**Joint Debtor(s):**

Melissa Lynn Golde-Fuscaldo

Represented By  
Jeffrey J Hagen

**Plaintiff(s):**

Swift Capital Corporation dba Swift

Represented By  
Daren M Schlecter

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056      GOTTLIEB v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#61.00**      Status Conference Re: Complaint to Determine Validity of Lien; to Determine Extent and Validity of Lien; to Avoid Fraudulent Transfers; to Preserve Void or Avoided Transfers for the Estate.

Docket      1

**\*\*\* VACATED \*\*\* REASON: To be heard at 1:00 p.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Law Offices of Maro Burunsuzyan,

Pro Se

Maro Burunsuzyan

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01047 SP22, Inc., a California corporation et al v. Yurdumyan, an individual

**#62.00** Status Conference Re: Complaint to  
Establish Debt and Determine Debt to be  
Non-Dischargeable.

Docket 1

**\*\*\* VACATED \*\*\* REASON: To be heard at 1:00 p.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Karmile Yurdumyan, an individual

Pro Se

**Plaintiff(s):**

SP22, Inc., a California corporation

Represented By  
Allan Herzlich

Scott Parrish, an individual

Represented By  
Allan Herzlich

Saeideh Parrish, an individual

Represented By  
Allan Herzlich

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#63.00** Motion RE: Objection to Claim Number 8 by  
Claimant Maro Burunsuzyan

Docket 107

**\*\*\* VACATED \*\*\* REASON: To be heard at 1:00 p.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

11:00 AM

1:17-12639 Dieter Rauter

Chapter 7

#64.00 Motion for Turnover of Property of the Estate and  
for An Accounting

Docket 26

**Tentative Ruling:**

Debtor is a stuntman/videographer who receives residual income ("Residuals") for his work for various studios and/or production companies. Chapter 7 Trustee David Gottlieb moves for an order compelling Debtor to deliver all Residuals received to date for work done prepetition, which is property of the estate., with an accounting. If Debtor fails to turn over the Residuals voluntarily, Trustee moves for an order under § 543 requiring SAG-AFTRA to turnover prepetition residual streams that are currently being paid to debtor.

Service proper. No opposition filed. Having reviewed the Motion and finding good cause, the Motion is GRANTED.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Dieter Rauter

Represented By  
Andrew S Mansfield

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12679 Michael's Valley Plumbing Inc.**

**Chapter 7**

**#65.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 209

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON JULY 18, 2018.

**Party Information**

**Debtor(s):**

Michael's Valley Plumbing Inc.

Represented By  
Stephen L Burton

**Trustee(s):**

David Seror (TR)

Represented By  
Travis M Daniels  
Richard Burstein  
Talin Keshishian  
Nina Z Javan  
Steven T Gubner

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12683 Maria Del Carmen Garcia**

**Chapter 7**

**#66.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 29

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON JULY 18, 2018.

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

**Debtor(s):**

Maria Del Carmen Garcia

Represented By  
Sydell B Connor

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12870 William Todd Walker**

**Chapter 7**

**#67.00** Trustee's Final Report and Hearing on  
Applications for Compensation

Docket 28

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON JULY 18, 2018.

**Party Information**

**Debtor(s):**

William Todd Walker

Represented By  
Anil Bhartia

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, July 18, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056 GOTTlieb v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#68.00** Motion to Dismiss Adversary Proceeding

Docket 6

**Tentative Ruling:**

**I. Introduction**

The complaint in this adversary action seeks to invalidate a lien created by a deed of trust in favor of defendants, Maro Burunsuzyan and Law offices of Maro Burunsuzyan, a Professional Corporation ("Defendants"), or a DBA of Defendants. According to the allegations in the complaint, which are assumed to be true for purposes of this Motion to Dismiss Plaintiff's Complaint (the "Motion"), the facts are as follows.

Karmile Yurdumyan, the debtor in the lead bankruptcy case ("Debtor"), owns property located at 3634 Buena Park Drive, Studio City, CA 91604 (the "Property"). Trustee alleges that Debtor and her husband at the time, Neshan Moskovyan ("Neshan"), purchased the property in 2001 as joint tenants. In 2004, Neshan and other persons were sued in Los Angeles Superior Court Case No. LC067829, SP 22 Inc. et al. v. Avag Yurdumyan, et al. (the "SP 22 Lawsuit"). When the lawsuit was filed, the only lien was a deed of trust in favor of the original lender in the amount of \$320,000. After the case commenced, Debtor and Neshan opened a revolving line of credit for up to \$140,000 secured by a second position deed of trust on the property ("Line of Credit"). Defendant Maro Burunsuzyan, Debtor's ex-sister-in-law, is the attorney who represented Neshan in the SP 22 Lawsuit.

The court in the SP 22 Lawsuit ruled in favor of the plaintiffs and against Neshan on May 5, 2005. A statement of decision was requested, and was subsequently issued along with an interim judgment on June 28, 2005. On the same day the statement of decision was issued, a deed of trust was filed with the Los Angeles County Recorder's Office for \$180,000 in favor of "Maro Burunsuzyan, a Professional Law Corporation, a California Corporation" (the "Maro Deed of Trust"). Trustee alleges that, while the Maro

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

1:00 PM

CONT... **Karmile Yurdumyan**

Chapter 7

Deed of Trust purports to secure a "promissory note in the principal sum of \$180,000," no such promissory note exists.

On July 7, 2005, another deed of trust was recorded in favor of Karen Gemilyan dba Advance Construction (the "Karen Deed of Trust"). The Karen Deed of Trust allegedly secures a promissory note dated September 19, 2001 in the principal sum of \$273,500. While the deed of trust was signed by Debtor and Neshan in September 2001, their signatures were not notarized until March 5, 2005, just prior to the start of the trial in the SP 22 Lawsuit.

After the trial commenced, Debtor borrowed \$60,000 on the Line of Credit. Debtor allegedly loaned that \$60,000 to Armedia Financial ("Armedia"). Armedia repaid the loan at the rate of \$1,000 per month. Armedia is in the business of making auto loans and is owned and operated by defendant Maro Burunsuzyan.

## II. Standard

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. "A Rule 12(b)(6) dismissal may be based on either a 'lack of a cognizable legal theory' or on 'the absence of sufficient facts alleged under a cognizable legal theory.'" Johnson v. Riverside Healthcare Sys., 534 F.3d 1116, 1121 (9th Cir. 2008).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Johnson, 534 F.3d at 1122; Knox v. Davis, 260 F.3d 1009, 1012 (9th Cir. 2001). On the other hand, the court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

## III. Analysis

### a. Claim One: Determination of Validity of Lien

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, July 18, 2018

Hearing Room 302

1:00 PM

CONT... Karmile Yurdumyan

Chapter 7

Trustee's first claim argues that the Maro Deed of Trust is invalid because Defendants failed to comply with California Rule of Professional Conduct 3-300, which states:

A member shall not enter into a business transaction with a client; or knowingly acquire an ownership, possessory, security, or other pecuniary interest adverse to a client, unless each of the following requirements has been satisfied:

**(A)** The transaction or acquisition and its terms are fair and reasonable to the client and are fully disclosed and transmitted in writing to the client in a manner which should reasonably have been understood by the client; and

**(B)** The client is advised in writing that the client may seek the advice of an independent lawyer of the client's choice and is given a reasonable opportunity to seek that advice; and

**(C)** The client thereafter consents in writing to the terms of the transaction or the terms of the acquisition.

CA ST RPC Rule 3-300. The Motion argues that § 544 does not allow the Trustee to avoid a perfected lien. Trustee retorts that the purpose of this action is the challenge the validity of the lien—in other words, whether the lien is in fact perfected is precisely the issue. This claim therefore turns on whether Trustee's theory for challenging the lien for violation of RPC 3-300 is cognizable under California state law.

Defendants argue that the case should be dismissed because Trustee lacks standing to regulate a lawyer's conduct under the Rules of Professional Conduct. Trustee responds that this is not an action to discipline Defendant Maro Burunsuzyan; Trustee is instead acting as a representative of the Debtor's bankruptcy estate exercising his strongarm powers pursuant to § 544 to avoid what he claims is an unperfected security interest.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, July 18, 2018

Hearing Room 302

1:00 PM

CONT...

**Karmile Yurdumyan**

**Chapter 7**

Trustee cites several cases in support of his claim. In Fletcher v. Davis, the Supreme Court of California found that an attorney who secured payment of their fees by acquiring a "charging lien" (a security interest in the proceeds of the litigation), must comply with the requirements of RPC 3-300. 33 Cal. 4th 61, 71 (2004). Failure to comply with the rule prevented the attorney in Fletcher from enforcing the charging lien. Id. at 71-72.

More on point, the Trustee cites In re Segovia and its subsequent appellate decisions. In re Segovia, 387 B.R. 773 (Bankr. N.D. Cal. 2008), aff'd, No. ADV. 06-03180, 2008 WL 8462967 (B.A.P. 9th Cir. Oct. 22, 2008), aff'd, 346 F. App'x 156 (9th Cir. 2009); In re Segovia, No. ADV. 06-03180, 2008 WL 8462967 (B.A.P. 9th Cir. Oct. 22, 2008), aff'd, 346 F. App'x 156 (9th Cir. 2009). In re Segovia involved a debtor, Maria Segovia, who retained her brother Victor as her attorney to help resolve a dispute with a contractor, Bach Construction, Inc. ("BCI"). BCI had performed construction work on a piece of real property owned by Maria and two family members. At the outset of the representation, Maria and the co-owners signed a fee agreement with Victor. The fee agreement contained language granting Victor "a lien on all their claims and causes of action that are the subject of the representation of clients under this agreement, on all proceeds of any recovery obtained . . . and on *all real property* for attorney's fees and costs advanced." In re Segovia, 387 B.R. at 783.

While BCI originally claimed it was due less than \$50,000, and was willing to accept as little as \$21,425, after extensive litigation BCI received a judgment for \$526,625 against the defendants, including Maria. In re Segovia, 387 B.R. at 780. Judgment was entered on November 22, 2005. On December 16, 2005, the state court determined that BCI was entitled to \$610,731 in attorney's fees and costs. Id. at 778. That same day, Maria and the other defendants signed a form entitled California Voluntary Attorney's Lien in Victor's favor, specifying the amount to be secured as \$726,000. Id. The lien form was recorded the same day. Id.

Maria Segovia filed for chapter 7 relief in May 2006. The chapter 7 trustee brought an action to avoid the liens of BCI and Victor as preferences, but the Segovia decision does not center around the trustee's claims. BCI filed a cross-complaint against Victor, arguing that his claim should be disallowed or subordinated. Id. at 778. In resolving BCI's claim objection, the

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court determined that 1) the reasonable amount of fees for the work provided was \$50,000, Id. at 782, and 2) Victor's lien was unenforceable due to Victor's failure to comply with Rule 3-300 of the California Rules of Professional Conduct. Id. at 784. The court relied upon Fletcher in reaching its decision, noting that "[a]lthough Rule 3-300 does not specify the remedy to be applied upon breach, the California Supreme Court has held that an attorney lien that does not comply with Rule 3-300 is invalid." Id. (citing Fletcher). The court ultimately determined that Victor was entitled to a \$50,000 unsecured claim in the bankruptcy, and "[t]he California Voluntary Attorney's Lien recorded on December 16, 2005 shall have no force or effect." Id.

The bankruptcy court's decision in Segovia was affirmed on appeal. In an unpublished decision, the BAP found that the bankruptcy court "properly considered the validity of the lien. BCI objected to the allowance of Segovia's claim in its entirety. Such an objection necessarily encompassed a challenge to the lien." In re Segovia, No. ADV. 06-03180, 2008 WL 8462967 at \*10. The panel also addressed, in a footnote, the nature of the lien at issue, making it clear that the avoided lien was not a charging lien, such as the lien at issue in Fletcher. Id. at FN 24. This indicates that the avoidance of liens for failure to comply with RPC 3-300 is not limited to charging liens under California law, and extends to other asserted interests. The panel's decision was appealed to the Ninth Circuit and affirmed in an unpublished decision. In re Segovia, 346 F. App'x at 157.

In another case cited by Trustee, the BAP in an unpublished decision affirmed a court's grant of a chapter 7 trustee's motion for summary judgment invalidating an attorney charging lien for failure to comply with RPC 3-300. In re Alter, No. ADV. SV-05-01534-GM, 2006 WL 6810925, at \*8 (B.A.P. 9th Cir. Aug. 15, 2006). The Alter court stated that Fletcher was the first California Supreme Court decision to invalidate the terms of an attorney's contract with its client in a civil case. Id. at \*5.

Nor is the holding in Fletcher limited in any material fashion to the facts in that case. The court's holding contained no restrictive language; its reasoning was applied in the context of a civil action wherein an attorney sought to enforce an oral contract. Fairly read, Fletcher's construction of the California

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statutes concerning attorney fee contracts requires that a lawyer comply with Rule 3–300 in any case where the attorney seeks to enforce a charging lien under an hourly fee agreement.

Id.

While the underlined language above could be read to mean that avoidance of a lien under Fletcher applies only to charging liens, the Fletcher rule also clearly includes deeds of trust. The Supreme Court of California has ruled that obtaining a deed of trust to secure attorney's fees constitutes an "interest adverse to a client" within the meaning of the predecessor statute to RPC 3-300. Hawk v. State Bar, 45 Cal. 3d 589, 598 (1988), modified (June 29, 1988) (Attorney who secures payment of fees by acquiring note secured by deed of trust in client's property has acquired interest adverse to client, thereby requiring him to comply with safeguards enumerated in disciplinary rule). Indeed, Fletcher discussed Hawk at length and characterized a charging lien as "somewhere between the[] extremes" of an unsecured promissory note and a deed of trust, with the deed of trust being more extreme because it "can be used to summarily extinguish the client's interest in the property." Fletcher v. Davis, 33 Cal. 4th at 68.

The substantive relief sought by the Trustee's first cause of action is available. Trustee is exercising his authority to stand in the shoes of a hypothetical judicial lienholder under § 544, similar to BCI in the Segovia case and the chapter 7 trustee in Alter. The trustee therefore has standing to pursue this claim. In light of the discussion above, the Court also rejects Defendants' argument that the only remedy for a violation of an RPC is a malpractice action. Lastly, the Court rejects Defendants' argument that deeds of trust, once recorded, cannot be avoided pursuant to Trustee's strongarm powers.

Trustee has stated a plausible claim for relief. The Motion is therefore DENIED as to the first claim for relief.

b. Claim Two: Determination of Validity and Extent of Lien and Reasonable Value of Services

In addition to the grounds set forth in the first claim, Trustee requests that the Court determine the validity and extent of the lien created by the

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Maro Deed of Trust and the reasonable value of Defendants' services in connection with the SP 22 Lawsuit.

Trustee alleges that the Maro Deed of Trust is invalid because the named beneficiary under that deed, "Maro Burunsuzyan, A Professional Law Corporation, a California Corporation" does not and has never existed. The correct name of the law firm is allegedly "Law Offices of Maro Burunsuzyanm, A Professional Law Corporation." Additionally, Trustee claims that the "promissory note" referred to in the Maro Deed of Trust, which it purports to secure, does not and never has existed. This claim for relief further requests that, if the Court Determines that the lien is valid, the court determine the reasonable value of Defendants' services pursuant to § 502(b)(4), which provides:

**(b)** Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that— . . . .

**(4)** if such claim is for services of an insider or attorney of the debtor, such claim exceeds the reasonable value of such services

11 U.S.C.A. § 502.

Defendants have not raised any arguments in opposition to this claim that have not been addressed above. The Motion is therefore DENIED as to the second claim for relief.

c. Claim Three: Avoid Transfer under Uniform Fraudulent Transfers Act ("UFTA")

Trustee's third claim for relief seeks to avoid fraudulent transfers pursuant to his strongarm powers under § 544<sup>1</sup> and California's UFTA, specifically Cal. Civ. Code § 3439.04(a)(1). The Motion argues that this action is time-barred by Cal. Civ. Code. § 3439.09, which provides as follows:

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A cause of action with respect to a transfer or obligation under this chapter is extinguished unless action is brought pursuant to subdivision (a) of Section 3439.07 or levy made as provided in subdivision (b) or (c) of Section 3439.07:

(a) Under paragraph (1) of subdivision (a) of Section 3439.04, not later than four years after the transfer was made or the obligation was incurred or, if later, not later than one year after the transfer or obligation was or could reasonably have been discovered by the claimant.

(b) Under paragraph (2) of subdivision (a) of Section 3439.04 or Section 3439.05, not later than four years after the transfer was made or the obligation was incurred.

(c) Notwithstanding any other provision of law, a cause of action under this chapter with respect to a transfer or obligation is extinguished if no action is brought or levy made within seven years after the transfer was made or the obligation was incurred.

Cal. Civ. Code § 3439.09. The relevant deed of trust was signed in 2005—roughly thirteen years before this adversary was filed. Trustee only briefly addresses the UFTA limitations periods specifically.

To the extent Trustee argues that the limitations period in Cal. Civ. Code § 3439.09 should be tolled by California’s discovery rule, such tolling is not allowed under subsection (c). The limitation contained in Cal. Civ. Code. § 3439(c) is not merely a statute of limitations, in contrast to subsections (a) and (b), but is instead a statute of repose. PGA W. Residential Ass'n, Inc. v. Hulven Int'l, Inc., 14 Cal. App. 5th 156, 179 (Ct. App. 2017), as modified (Aug. 23, 2017), review denied (Nov. 15, 2017).

While a statute of limitations normally sets the time within which proceedings must be commenced once a cause of action accrues, a statute of repose limits the time within which an action may be brought and is not related to accrual. Indeed, the injury need not have occurred, much less have been

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Id. at 177. Statutes of repose are generally not subject to statutory or equitable tolling. Id. at 178; but see In re EPD Inv. Co., LLC, 523 B.R. 680, 682 (B.A.P. 9th Cir. 2015) (addressing federal preemption of state statutes of repose).

[A] statute of limitations creates an affirmative defense if a party fails to initiate an action within a specific time period, whereas a statute of repose extinguishes a party's claim after a fixed period of time, usually measured from one of the defendant's acts. The former involves a party's diligence; the latter promotes a defendant's peace from litigation. A statute of repose is thus harsher than a statute of limitations in that it cuts off a right of action after a specified period of time, irrespective of accrual or even notice that a legal right has been invaded.

Id. at 687.

The court in EPD Inv. Co. considered whether the statute of repose in Cal. Civ. Code. § 3439.09(c) is preempted by 11 U.S.C. § 546(a). Section 546(a) provides:

**(a)** An action or proceeding under section 544, 545, 547, 548, or 553 of this title may not be commenced after the earlier of--

**(1)** the later of--

**(A)** 2 years after the entry of the order for relief; or

**(B)** 1 year after the appointment or election of the first trustee under section 702, 1104, 1163, 1202, or 1302 of this title if such appointment or such election occurs before the expiration of the period specified in subparagraph (A); or

**(2)** the time the case is closed or dismissed.

11 U.S.C. § 546(a). The EPD Inv. Co. court found that § 546(a) of the bankruptcy code preempts state law statutes of limitations, and specifically

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the statute of repose of Cal. Civ. Code § 3439.09(c), but only if the action existed on the date of the petition and had not expired.

Simply put, so long as the state-law fraudulent transfer claim exists on the petition date (or the order for relief date), the state statutes of limitations cease to have any continued effect, and the only applicable statute of limitations for bringing the claim thereafter is within § 546(a).

Id. at 686. Here, the UFTA action is governed by the seven-year statute of repose in Cal. Civ. Code § 3439.09(c). The allegedly fraudulent transfer occurred in June 2005, over twelve years before this case was filed on August 31, 2017.

Trustee argues that whether the statute of limitations on the UFTA claim has expired is a question of fact which should not be determined at this time. Trustee's basis for this argument is that the beneficiary under the Deed of Trust, "Maro Burunsuzyan A Professional Law Corporation, a California corporation," allegedly does not exist. Trustee essentially argues that the statute of limitations does not apply because the property was never in fact transferred due to a typographical error. Even if Trustee is correct that the beneficiary under the deed of trust "is not either of the Defendants," the UFTA claim should nevertheless be dismissed. If the Trustee is correct that a "transfer of real property does not take place until" the deed is accepted, and that acceptance is impossible where the transferee does not exist, then it is unclear whether this action falls under the purview of the UFTA. Trustee has not plead any facts which would entitle him to relief under the UFTA because he has not alleged when a "transfer" occurred within the meaning of Cal. Civ. Code § 3439.01(m) that would fall within the seven-year statute of repose.

Because the fraudulent transfer claim did not exist on the petition date due to the expiration of the statute of repose, Trustee cannot pursue this action pursuant to his strongarm powers. The Motion is GRANTED on the third claim for relief as to both Defendants.

d. Claim Four: Avoid Transfer under California Common Law

Defendants argue that the fourth claim for relief, a common law claim for avoidance of a fraudulent transfer, is also barred by § 548 and the



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"California statute of limitations" (the Court assumes that the Defendants are once again referring to Cal. Civ. Code § 3439.09). Trustee correctly points out that § 548 is not applicable to actions brought pursuant to § 544.

Trustee relies upon Macedo v. Bosio to support his position that the statute of limitations under the California UFTA does not bar actions to recover fraudulent transfers under common law. 86 Cal. App. 4th 1044, 1051 (2001).

[T]he UFTA is not the exclusive remedy by which fraudulent conveyances and transfers may be attacked. They may also be attacked by, as it were, a common law action. If and as such an action is brought, the applicable statute of limitations is section 338(d) and, more importantly, the cause of action accrues not when the fraudulent transfer occurs but when the judgment against the debtor is secured (or maybe even later, depending upon the belated discovery issue).

Id. Trustee misreads Macedo and totally ignores other applicable law. Footnote four of Macedo directly addresses Trustee's theory, and is worth quoting in full:

Appellant also cites Civil Code section 3439.09, subdivision (c) as supportive of this conclusion. That subdivision provides: "Notwithstanding any other provision of law, a cause of action with respect to a fraudulent transfer or obligation is extinguished if no action is brought or levy made within seven years after the transfer was made or the obligation was incurred." Although, as discussed below, we agree with appellant's basic premise that section 3439.09, subdivision (a) is not the exclusive statute of limitations applicable to actions to set aside fraudulent transfers, we disagree that section 3439.09, subdivision (c) supports that conclusion. We think its meaning is far more limited, to wit, that *even if* belated discovery can be pleaded and proven as suggested in section 3439.09, subdivision (a), in any event the maximum elapsed time for a suit *under either the UFTA or otherwise* is seven years after the transfer. (See Monastra v. Konica Business Machines, U.S.A.,



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Inc. (1996) 43 Cal.App.4th 1628, 1645)

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We emphasize the words we have in the foregoing sentence because, at oral argument, respondents' counsel suggested that, if section 338(d) was an entirely "cumulative" statute of limitations, a common law action to set aside a fraudulent transfer could theoretically be brought scores of years after the transfer (assuming of course, that it took that long to bring the underlying action and obtain a judgment). We disagree; we think that, by its use of the term "[n]otwithstanding any other provision of law," the Legislature clearly meant to provide an overarching, all-embracing maximum time period to attack a fraudulent transfer, no matter whether brought under the UFTA or otherwise.

Id. at FN 4. While the footnote quoted above was merely dicta at the time Macedo was decided, it has subsequently been cited favorably and adopted by numerous courts. PGA W. Residential Ass'n, Inc. v. Hulven Int'l, Inc., 14 Cal. App. 5th at 171 ("we agree with two lower federal courts applying the UFTA that it is 'well-considered dicta'"); Roach v. Lee, 369 F. Supp. 2d 1194, 1199 (C.D. Cal. 2005) ("it would be inordinate to bar CUFTA fraudulent transfer claims after seven years while allowing common law fraudulent transfer claims to be brought 'scores of years after the transfer'"); In re JMC Telecom LLC, 416 B.R. 738, 743 (C.D. Cal. 2009) ("Appellant is correct that he can re-frame his allegations as a common law claim and that § 338(d) can then supplant the four-year or one-year-post-discovery statute of limitations in § 3439.09(a). Macedo v. Bosio, 86 Cal.App.4th 1044, 1051–52, 104 Cal.Rptr.2d 1 (2001). However, § 338(d) would still be unable to extend the statute of limitations beyond the seven years prescribed by § 3439.09(c).").

The Court will follow the well-reasoned and settled rule set forth in Macedo, PGA, JMC Telecom, and Roach. Regardless of Trustee's attempt to recast this fraudulent transfer claim as a common law claim rather than a statutory claim, the seven-year statute of repose in Cal. Civ. Code § 3439.09(c) bars the claim because it applies "[n]otwithstanding any other

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provision of law," including the discovery rule. See In re Am. Hous. Found., 543 B.R. 245, 260 (Bankr. N.D. Tex. 2015) (The essential function of all statutes of repose is to abrogate the discovery rule.... More to the point, a statute of repose serves no purpose *unless* it has this effect"); In re EPD Inv. Co., LLC, 523 B.R. 680, 687 (B.A.P. 9th Cir. 2015) ("Although statutes of limitations are subject to equitable tolling, equitable tolling is inconsistent with statutes of repose. . . . Several federal courts in California have held that Cal. Civ. Code § 3439.09(c) is not subject to tolling [citing JMC Telecom, Roach, and Donell v. Keppers, 835 F. Supp. 2d 871, 878 (S.D. Cal. 2011)]).

The Motion is GRANTED as to the fourth claim for relief for the reasons stated above as well as the reasons explained for dismissing the third claim for relief because California law does not recognize a distinction between common law and statutory claims for fraudulent transfer after the statute of repose has expired.

**IV. Conclusion**

For the reasons stated above, the Motion is DENIED as to the first and second claims for relief. The motion is GRANTED as to the third and fourth claims for relief.

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Law Offices of Maro Burunsuzyan,

Represented By  
Cris A Klingerman

Maro Burunsuzyan

Represented By  
Cris A Klingerman

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**CONT... Karmile Yurdumyan**

**Chapter 7**

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056      GOTTLIEB v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#69.00**      Status Conference Re: Complaint to  
Determine Validity of Lien; to Determine  
Extent and Validity of Lien; to Avoid  
Fraudulent Transfers; to Preserve Void  
or Avoided Transfers for the Estate

Docket      1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Law Offices of Maro Burunsuzyan,

Pro Se

Maro Burunsuzyan

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#70.00** Motion RE: Objection to Claim Number 8 by  
Claimant Maro Burunsuzyan

Docket 107

**Tentative Ruling:**

While the response of claimant Law Offices of Maro Burunsuzyan was untimely filed, the Court agrees that this dispute should be resolved in the related adversary action. This objection to claim will trail that action.

APPEARANCE REQUIRED

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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1:17-12333 Karmile Yurdumyan

Chapter 7

Adv#: 1:18-01047 SP22, Inc., a California corporation et al v. Yurdumyan, an individual

#71.00 Status Conference Re: Complaint to  
Establish Debt and Determine Debt to be  
Non-Dischargeable

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Karmile Yurdumyan, an individual

Pro Se

**Plaintiff(s):**

SP22, Inc., a California corporation

Represented By  
Allan Herzlich

Scott Parrish, an individual

Represented By  
Allan Herzlich

Saeideh Parrish, an individual

Represented By  
Allan Herzlich

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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**1:18-10772 Anna Gevorkian**

**Chapter 13**

**#51.00** Motion to Avoid Lien with  
Parkwood Van Nuys HOA

Docket 28

**Tentative Ruling:**

Service: Proper. No opposition filed.

Property Address: 15050 Sherman Way, Unit 116, Van Nuys, CA 91405

First trust deed: \$388,781.51 (U.S. Bank N.A.)

Second position lien: \$90,000 (Wells Fargo Bank, N.A.)

Third position lien: \$24,235.41 (Parkwood Van Nuys HOA)

Fair market value per appraisal: \$295,000

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

Disposition: GRANTED.

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

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10772 Anna Gevorkian**

**Chapter 13**

**#52.00** Motion to Avoid Lien with  
Wells Fargo Bank, N.A.

Docket 27

**Tentative Ruling:**

Service: Proper. No opposition filed.

Property Address: 15050 Sherman Way, Unit 116, Van Nuys, CA 91405

First trust deed: \$388,781.51 (U.S. Bank N.A.)

Second position lien: \$90,000 (Wells Fargo Bank, N.A.)

Third position lien: \$24,235.41 (Parkwood Van Nuys HOA)

Fair market value per appraisal: \$295,000

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

Disposition: GRANTED.

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

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:18-10668 Angela Flores Toledo**

**Chapter 13**

**#53.00** Motion to Avoid Lien junior lien with  
Trinity Financial Services, LLC

Docket 23

**Tentative Ruling:**

Service: Proper. Opposition Filed.  
Property Address: 13536 Beaver Street, Sylmar, CA 91342  
First trust deed: \$641,450.71 (JP Morgan Chase Bank, NA)  
Second trust deed (to be avoided): \$88,829.00 (Trinity Financial Services, LLC)  
Fair market value per Debtor's appraisal: \$480,000  
Fair market value per Trinity's appraisal: \$675,000

Parties should advise whether they want an evidentiary hearing or to submit briefs  
and have this decided based on the written appraisals.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Angela Flores Toledo

Represented By  
Nima S Vokshori  
Luke Jackson

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:17-13429 Dawn O. Olivieri**

**Chapter 13**

**#54.00** Application for Payment of Final Fees and/or Expenses of Levene, Neale, Bender, Yoo & Brill L.L.P., Attorneys for Chapter 7 Trustee David K Gottlieb

Docket 50

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's Application for Payment, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Dawn O. Olivieri

Represented By  
Larry D Simons

**Movant(s):**

Levene Neale, Bender, Yoo & Brill

Represented By  
Monica Y Kim

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13429 Dawn O. Olivieri**

**Chapter 13**

**#55.00** Application for Payment of Final Fees and/or Expenses  
for David Keith Gottlieb, Chapter 7 Trustee

Period: 2/14/2018 to 6/21/2018  
Fees: \$8087.50 Expenses: \$0.00

Docket 49

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed the Application for Payment filed by Levene, Neale, Bender, Yoo & Brill L.L.P., and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Dawn O. Olivieri

Represented By  
Larry D Simons

**Movant(s):**

David Keith Gottlieb (TR)

Represented By  
Monica Y Kim

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12711 Norman Fathi**

**Chapter 13**

**#56.00** Motion for Order Determining  
Value of Collateral

fr. 2/27/18; 4/24/18, 5/22/18

Docket 26

**Tentative Ruling:**

Lender's request for an evidentiary hearing to determine whether this is debtor's residence is granted. This should occur before the expense is incurred bringing in appraisers and contractor. A date will be set at the hearing.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Movant(s):**

Norman Fathi

Represented By  
Dana M Douglas

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#57.00** Motion RE: Objection to Claim Number 10 by  
Claimant Rosemond Community Services District

Docket 114

**\*\*\* VACATED \*\*\* REASON: matter continued to 8/8/18 at 1pm (eg)**

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Movant(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:13-11409 Rebeca Berolis Benitez**

**Chapter 13**

**#58.00** Hearing on Debtor's Application for Entry of Discharge

Docket 0

**\*\*\* VACATED \*\*\* REASON: Resolved per stipulation, Doc.. No. 100 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Rebeca Berolis Benitez

Represented By

Frank J Alvarado

Lauro Nick Pacheco Jr.

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#59.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18; 3/27/18; 4/24/18,  
6/19/18

Docket 100

**Tentative Ruling:**

At the last hearing, it was indicated that Debtor had not in fact applied for a loan modification, and there was an issue regarding an agreement previously reached by the parties. Nothing new has been filed. What is the status of the settlement?

APPEARANCE REQUIRED

**6/19/18 Tentative**

APPEARANCE REQUIRED

**4/24/18 Tentative**

At the March 27 hearing, the parties indicated that this matter was settled, but they needed two weeks to close the deal. What is the status of the settlement?

APPEARANCE REQUIRED

**3/27/18 Tentative**

Nothing new has been filed in this case since the 1/23/18 hearing. This case expired over a year ago. Are parties cooperating to resolve this dispute, or is an evidentiary hearing needed?

APPEARANCE REQUIRED

**1/23/18 Tentative**

This matter has now been continued for six months. What progress has been made toward resolving this claim?

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Victoria Ruiz**  
APPEARANCE REQUIRED

**Chapter 13**

**11/29/17 Tentative**

At 9/26 hearing, parties requested a continuance in order to allow time to work toward a deal.  
What is the status of this motion?

APPEARANCE REQUIRED

**9/26/17 Tentative**

At 7/25/17 hearing, debtor and Selene Finance indicated that they were working toward a deal. Nothing new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#60.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18; 4/24/18, 6/19/18

Docket 89

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, July 31, 2018

Hearing Room 302

11:00 AM

1:12-16322 Henry Gonzalez Silva

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

fr. 3/27/18, 5/22/18

Docket 81

**Tentative Ruling:**

**5/22/18 Tentative**

Nothing new has been filed. What is the status of the delinquency?

**3/27/18 Tentative**

Trustee brings this motion to dismiss for expiration on the grounds that \$2,525 remains to be paid. Debtor requests time to cure the delinquency.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Henry Gonzalez Silva

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17185 Christine Grimes Shore**

**Chapter 13**

**#62.00 Trustee's Motion to Dismiss Case**

fr. 11/28/17, 1/23/18; 2/27/18; 4/24/18, 5/22/18, 6/19/18

Docket 100

**Tentative Ruling:**

APPEARANCE REQUIRED

**5/22/18 Tentative**

At the April 24 hearing, the parties indicated that the sale went through on April 20, and the only issues remaining were a \$600 payoff plus the amount approved on the fee applications.

APPEARANCE REQUIRED

**4/24/18 Tentative**

The Court granted Debtor's Motion for Authority to Sell Real Property. A motion for relief from stay regarding the subject real property was filed on April 13. What is the status of the sale?

APPEARANCE REQUIRED

**2/27/18 Tentative**

It appears that Debtors are making progress toward selling the property.

**1/23/18 Tentative**

Nothing new has been filed. What is the status of Debtor's attempt to sell property?

APPEARANCE REQUIRED

**11/28/17 Tentative**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Christine Grimes Shore**

**Chapter 13**

Trustee moves to dismiss due to expiration of the plan and failure to pay remaining balance of \$14,100. Debtor opposes the motion on the grounds that debtor is prepared to make the final payment with funds from the proceeds from the sale of her house. The house was listed in the past week, and debtor will file a motion to sell once a buyer is found. See Doc. No. 101.

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

**Debtor(s):**

Christine Grimes Shore

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14490 Charlene Decoff**

**Chapter 13**

**#63.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 5/22/18, 6/19/18

Docket 84

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Charlene Decoff

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:14-10332 Robert Richard Loski and Sheila Faith Loski**

**Chapter 13**

**#64.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 76

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Robert Richard Loski

Represented By  
Gregory M Shanfeld

**Joint Debtor(s):**

Sheila Faith Loski

Represented By  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:14-12307 Nedra Sneed**

**Chapter 13**

**#65.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18, 6/19/18

Docket 99

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nedra Sneed

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10010 Raul Mendoza, Jr.**

**Chapter 13**

**#66.00** Trustee's Motion to Dismiss Case

fr. 6/19/18

Docket 29

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Raul Mendoza Jr.

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11072 Humberto Delgadillo Garcia**

**Chapter 13**

**#67.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 111

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Humberto Delgadillo Garcia

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11904 Christa Franck Bretz**

**Chapter 13**

**#68.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 70

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Christa Franck Bretz

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:15-14147 Jared Garcia Canchola**

**Chapter 13**

**#69.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 58

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jared Garcia Canchola

Represented By  
L. Tegan Rodkey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10898 Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**#70.00 Motion to Dismiss Case for  
Failure to Make Plan Payments**

Docket 68

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11417 Farshid Tebyani**

**Chapter 13**

**#71.00** Trustee's Motion to Dismiss Case

fr. 4/24/18, 6/19/18

Docket 59

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farshid Tebyani

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11646 Edgar Rufino Hernandez**

**Chapter 13**

**#72.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 44

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Edgar Rufino Hernandez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#73.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 11/28/17; 2/27/18; 3/27/18, 5/22/18

Docket 48

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12198 Anthony Mitchell Mangum**

**Chapter 13**

**#74.00 Motion to Dismiss Case for Failure  
to Make Plan Payments**

Docket 23

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Anthony Mitchell Mangum

Represented By  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12264 Alicia Butterfield**

**Chapter 13**

**#75.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18, 5/22/18, 6/19/18

Docket 50

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alicia Butterfield

Represented By  
Daniel King

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10095 Georg Bruno Ehlert**

**Chapter 13**

**#76.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 63

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Georg Bruno Ehlert

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10231 Vladimir Fernado Macapagal and Myla Rutaquio**

**Chapter 13**

**#77.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 4/24/18, 6/19/18

Docket 22

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Vladimir Fernado Macapagal

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Myla Rutaquio Macapagal

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10543 Jessica Reyes Gaeta**

**Chapter 13**

**#78.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 24

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jessica Reyes Gaeta

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#79.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 4/24/18, 6/19/18

Docket 42

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11131 Yoddy Milton Muguertegui**

**Chapter 13**

**#80.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 3/27/18; 4/24/18, 6/19/18

Docket 31

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Yoddy Milton Muguertegui

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11267 Irma Villalpando**

**Chapter 13**

**#81.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 82

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#82.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 105

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11635 Makedon Makarian**

**Chapter 13**

**#83.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 61

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, July 31, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12467 Uditha Neomal Fernando**

**Chapter 13**

**#84.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 24

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Uditha Neomal Fernando

Represented By  
Jeffrey N Wishman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11625 Blanca Michel Araceli**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Blanca Michel Araceli

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11639 Armenak Abraham Dilanian**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**\*\*\* VACATED \*\*\* REASON: Debtor's attorney called 7/31/18, Kevin Simons law office (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Armenak Abraham Dilanian

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11781 Adam Alvarado**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Adam Alvarado

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:15-14124 Ignacio Ramirez**

**Chapter 11**

**#1.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket 125

**Tentative Ruling:**

Petition Date: December 18, 2015

Chapter: 11

Service: Proper. No opposition filed.

Property: 11232 & 11232 ½ Van Buren Ave., Los Angeles, CA 90044

Property Value: \$ NA

Amount Owed: \$ NA

Equity Cushion: NA

Equity: NA

Post-Petition Delinquency: NA

Debtor is not the borrower on the deed of trust held by Movant and has no interest in the property. Debtor has filed a nonopposition to the Motion. The Motion details a history of unauthorized transfers and five previous bankruptcy filings related to this property.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (confirmation that no stay is in effect as to this property); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under § 362(d)(4)).

DENY under 11 U.S.C. § 362(d)(3) (regarding single asset real estate cases) and paragraph **8** (designated law enforcement officer may evict the Debtor).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ignacio Ramirez

Represented By  
Anthony Obehi Egbase

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

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9:30 AM

**CONT... Ignacio Ramirez**

**Chapter 11**

Crystle Jane Lindsey  
Clarissa D Cu  
Robert Rosvall  
W. Sloan Youkstetter

**Movant(s):**

Wells Fargo Bank, N.A., as Trustee,

Represented By  
Kelly M Raftery

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:15-14124 Ignacio Ramirez**

**Chapter 11**

**#2.00 Status and Case Management Conference**

fr. 2/4/16; 6/16/16, 7/28/16, 9/29/16, 11/17/16,  
1/12/17, 4/26/17, 7/26/17; 10/18/17, 1/24/18,  
2/14/18, 5/2/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ignacio Ramirez

Represented By  
Anthony Obehi Egbase



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:12-17970 Alfonso Fabian Gonzalez and Clara Gonzalez**

**Chapter 11**

**#3.00 Motion By Reorganized Debtors  
For Entry Of Discharge**

Docket 184

**Tentative Ruling:**

Debtor's declaration states that all required payments have been made according with the plan. This is supported by the attached accounting.

No opposition filed.

Motion GRANTED. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Alfonso Fabian Gonzalez

Represented By  
M Jonathan Hayes

**Joint Debtor(s):**

Clara Gonzalez

Represented By  
M Jonathan Hayes

**Movant(s):**

Alfonso Fabian Gonzalez

Represented By  
M Jonathan Hayes  
M Jonathan Hayes

Clara Gonzalez

Represented By  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10256 Tours Incorporated, Inc.**

**Chapter 11**

**#4.00 Motion for Setting Property Value**

Docket 69

**Tentative Ruling:**

Service: Proper.

Property Address: 5106 Pacific Avenue, Marina Del Rey, CA 90292

First trust deed: \$ 3,694,276.59

Second trust deed (to be avoided): \$ 350,000

Fair market value per appraisal: \$3,587,000

**APPEARANCE IS WAIVED.** If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 11 calendar.

Disposition: GRANTED.

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

**Party Information**

**Debtor(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner

**Movant(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:09-16565 David Schwartzman**

**Chapter 11**

**#5.00 Post confirmation status conference**

fr. 10/27/11, 11/1/12, 5/23/13, 12/5/13,  
4/24/14, 9/4/14, 2/26/15, 5/7/15, 11/5/15; 5/5/16,  
11/16/16, 11/17/16, 4/6/17; 4/12/17, 12/13/17

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

David Schwartzman

Represented By  
Victor A Sahn  
Mark S Horoupian  
Steven Werth

**Movant(s):**

David Schwartzman

Represented By  
Victor A Sahn  
Mark S Horoupian  
Steven Werth

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#6.00 Scheduling and Case Management Conference**

fr. 1/3/18

Docket 0

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

9:30 AM

**1:14-12002 Freedom Films, LLC**

**Chapter 11**

**#7.00 Post Confirmation Status Conference**

fr. 7/3/14, 10/23/14, 1/22/15, 2/12/15,  
4/2/15, 5/28/15; 7/30/15; 10/22/15; 3/31/16;  
6/16/16, 10/6/16, 7/27/17, 1/24/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes

**Movant(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#8.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket 2107

**Tentative Ruling:**

Petition Date: 1/9/12  
Converted to Ch. 7: 3/14/12  
Service: Proper. No opposition filed.  
Property: 44335 57th St., Lancaster, CA 93536  
Property Value: not provided  
Amount Owed: not provided  
Equity Cushion: unk.  
Equity: unk.  
Delinquency: not provided

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfer of the subject property to Debtor in 2009, and no payment received subsequent to the transfer.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **8** (law enforcement may evict); **9** (relief under 362(d)(4)); and **10** (relief binding & effective for 180 days against any debtor).

DENY relief requested in paragraph **11**, as such relief requires the filing of an adversary complaint under FRBP 7001.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

MOVANT IS ORDERED TO SERVE A COPY OF THE ENTERED ORDER

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 1, 2018

Hearing Room 302

11:00 AM

CONT... **Owner Management Service, LLC and Trustee Corps** Chapter 7  
ON THE ORIGINAL BORROWER AT THE ADDRESS OF THE AFFECTED  
PROPERTY.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Movant(s):**

Wells Fargo Bank, NA Represented By  
Joseph C Delmotte  
Nancy L Lee

**Trustee(s):**

David Seror (TR) Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11641 John A, Gillett and Pearlene Gillett**

**Chapter 13**

**#9.00** Motion for relief from stay

WELLS FARGO BANK NA

Docket 45

**Tentative Ruling:**

Petition Date: 6/21/18

Chapter 13 plan confirmed: 11/9/17

Service: Proper. No opposition filed.

Property: 23700 Nadir St., Canoga Park, CA 91304

Property Value: \$740,000 (per debtor's schedules)

Amount Owed: \$136,623.68

Equity Cushion: 50.61%

Equity: \$119,516

Post-Petition Delinquency: \$2,485.89 (1 payment of \$495.77, 4 payments \$497.53)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay). While Debtor is post-petition delinquent, there is sufficient equity to protect Movant's interest. Has the option of an APO been explored?

**APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.**

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By  
Julie J Villalobos



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... John A, Gillett and Pearlene Gillett**

**Chapter 13**

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Austin P Nagel

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11663 Inception Media Group, LLC**

**Chapter 7**

**#10.00** Motion for relief from stay

ACAR LEASING LTD  
DBA GM FINANCIAL LEASING

Docket 57

**Tentative Ruling:**

Petition Date: 06/23/2017  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2017 GMC Acadia  
Property Value: N/A – Leased  
Amount Owed: \$ 15,764.22  
Equity Cushion: N/A – Leased  
Equity: N/A – Leased  
Delinquency: \$ 990.33

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Inception Media Group, LLC

Represented By  
Ian Landsberg

**Movant(s):**

ACAR Leasing LTD dba GM

Represented By  
Sheryl K Ith

**Trustee(s):**

Diane C Weil (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Inception Media Group, LLC**

**Chapter 7**

Sonia Singh  
John N Tedford

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10313 Harold H Choe**

**Chapter 7**

**#11.00 Motion for Relief from Stay**

VIVIANA R VALLE

Docket 19

**Tentative Ruling:**

This will be granted with the qualifications detailed in the trustee's limited opposition.

A late opposition was filed on July 30 by the Bremer Whyte Brown firm. They state that they represent Cho, but do not state in what capacity. They have not made an appearance in this court. The basis for their opposition is unclear. The trustee should appear to respond to anything raised at the hearing.

**Party Information**

**Debtor(s):**

Harold H Choe

Represented By  
Young K Chang

**Movant(s):**

Jose Hernandez

Represented By  
Timothy L Joens

Viviana R Valle

Represented By  
Timothy L Joens

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Anthony A Friedman

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10412 Rhonda Denise Hawkins**

**Chapter 13**

**#12.00** Motion for relief from stay

TOYOTA MOTOR CREDIT CORP.

Docket 28

**Tentative Ruling:**

Petition Date: 02/15/2018  
Chapter 13 plan confirmed: 7/23/18  
Service: Proper; co-debtor served. No opposition filed.  
Property: 2010 Lexus LS460  
Property Value: \$15,000.00  
Amount Owed: \$ 21,694.13  
Equity Cushion: 0%  
Equity: \$0.00  
Delinquency: \$ 3,022.80 (4 payments of 755.70)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (relief from co-debtor stay); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Rhonda Denise Hawkins

Represented By  
Devin Sawdayi

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 1, 2018

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#13.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 24

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 7/10/18 - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Movant(s):**

U.S. Bank National Association, as

Represented By  
Angie M Marth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11178 Ian Ellis Silber**

**Chapter 13**

**#14.00** Motion for relief from stay

KURT AND IRENE SILBER

Docket 10

**Tentative Ruling:**

Case dismissed on June 19, 2018. Movant re-filed the Motion for Relief from Stay in Debtor's most recent case, filed jointly with his spouse Jane Silber 18-11545-MT, which is set for hearing on 8/29/18.

Motion is DENIED as moot. Movant to lodge order within 7 days.  
APPEARANCES WAIVED ON 8/1/18

**Party Information**

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa

**Movant(s):**

Kurt and Irene Silber

Represented By  
Timothy R Hanigan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11224 Virginia D. Navarro**

**Chapter 7**

**#15.00** Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORPORATION

Docket 13

**Tentative Ruling:**

Petition Date: 05/11/2018  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2017 Nissan Rogue  
Property Value: \$ 16,000.00  
Amount Owed: \$ 30,426.69  
Equity Cushion: 0%  
Equity: \$0.00  
Delinquency: \$ 2,326.30

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Virginia D. Navarro

Represented By  
Jennifer Ann Aragon

**Movant(s):**

NISSAN MOTOR ACCEPTANCE

Represented By  
Michael D Vanlochem

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11276 Luis Napoleon Perez**

**Chapter 7**

**#16.00** Motion for relief from stay

FIFTH THIRD BANK

Docket 9

**Tentative Ruling:**

Petition Date: 05/17/2018  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2012 Honda Odyssey  
Property Value: \$ 13,540.00  
Amount Owed: \$ 17,890.43  
Equity Cushion: 0%  
Equity: \$0.00  
Delinquency: \$ 928.97

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Luis Napoleon Perez

Represented By  
Daniel F Jimenez

**Movant(s):**

Fifth Third Bank

Represented By  
Austin P Nagel

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11636 Lizette Milian-Fiedler**

**Chapter 7**

**#17.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 12

**Tentative Ruling:**

Petition Date: 06/27/2018

Chapter: 7

Service: Proper. Opposition filed.

Property: 14942 Gault Street, Los Angeles, CA 91405

Property Value: \$ 819,000.00 (per debtor's schedules)

Amount Owed: \$ 811,924.20

Equity Cushion: 0%

Equity: \$0.00

Post-Petition Delinquency: \$ 56,704.89 (18 payments of \$ 3,128.46)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code. 2923.5).

Debtor filed a limited opposition to the Motion, requesting that no lock out, foreclosure or repossession take place before 10/03/2018. Debtor asserts movant accepted the Debtor into a short sale process and the foreclosure date will take place on 10/03/2018.

Is Movant amenable to having relief granted, but to not hold a foreclosure sale prior to October 3, 2018?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Lizette Milian-Fiedler

Represented By  
R Grace Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Lizette Milian-Fiedler**

**Chapter 7**

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Darlene C Vigil

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10638 Lisandra Fuerte**

**Chapter 13**

**#17.01** Motion for relief from stay

THE RAMA FUND, LLC

fr. 7/18/18

Docket 26

**\*\*\* VACATED \*\*\* REASON: Resolved via APO (ECF doc. 30) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Lisandra Fuerte

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#17.02** Motion for relief from stay

WILMINGTON SAVINGS FUND SOCIETY FSB

fr. 6/20/18, 7/18/18

Docket 33

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 7/31/18 (eg)**

**Tentative Ruling:**

At the previous hearing, the parties requested a continuance to pursue an APO.  
What is the status of those efforts?

APPEARANCE REQUIRED

**6/20/18 Tentative**

Petition Date: 09/28/2017

Service: Proper. Opposition filed.

Property: 4991 Medina Drive, Woodland Hills, California 91364

Property Value: \$ 1,287,000.00 (per debtor's schedules)

Amount Owed: \$ 1,217,708.52

Equity Cushion: 0%

Equity: \$117,098.00

Post-Petition Delinquency: \$28,049.04 (8 payments of \$3,506.13; \$0.00 in post-petition advances; \$0.00 in attorneys' fees; less \$0.00 in suspense account or partial paid balance)

Debtor's response states that he is seeking an APO to cure any post-petition delinquency.

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **13** (If relief from stay is not granted, adequate protection shall be ordered).

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By  
Barry E Borowitz

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10137 Anaida Prazyan-Vartanyan**

**Chapter 13**

**#17.03** Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 4/18/18, 5/23/18, 6/20/18, 7/18/18

Docket 85

**Tentative Ruling:**

At the previous hearing, parties requested a hearing to allow creditor time to work out the numbers. Nothing new has been filed. What is the status of this motion?

APPEARANCE REQUIRED

**6/20/18 Tentative**

Nothing new has been filed. Has the payment discrepancy been resolved?

**5/23/18 Tentative**

This hearing was continued from April 18, 2018, to allow the parties to discuss a resolution to Debtor's asserted payment discrepancy. What is the status of this Motion?

APPEARANCE REQUIRED

**4/18/18 Tentative**

Petition Date: 01/18/2016

Chapter: 13

Service: Proper. Opposition filed on 4/4/18.

Property: 13338 Friar Street, Los Angeles, CA 91401

Property Value: \$560,000 (per debtor's schedules)

Amount Owed: \$582,644.22 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.

Post-Petition Delinquency: \$13,203.19 (5 payments of \$2,686.87, \$88 in postpetition advances or other charges, \$0.46 in attorneys' fees and costs, less \$319.62)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Anaida Prazyan-Vartanyan**

**Chapter 13**

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the motion, arguing that more payments have been made to Movant than the Motion accounts for, attaching canceled checks as Exhibit A. Additionally, Debtor argues that the Property is necessary for an effective reorganization because the Property is Debtor's primary residence. Debtor also requests to enter into a repayment agreement with Movant, by curing remaining delinquencies through an Adequate Protection Order.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Anaida Prazyan-Vartanyan

Represented By  
Kevin T Simon

**Movant(s):**

BAYVIEW LOAN SERVICING,

Represented By  
Edward G Schloss  
Joseph C Delmotte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#18.00** Status Conference re: Complaint for damages,  
declaratory and injunctive relief for violation of  
11 u.s.c. section 524

fr. 1/24/18, 2/14/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 8/15/18 at 11:00  
a.m. - jc**

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Pro Se

Leo Fasen

Pro Se

Vincent J Quigg

Pro Se

Michael Waldren

Pro Se

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:18-10484 Barton Wayne Fishback**

**Chapter 11**

Adv#: 1:18-01065 People of the State of California, by and through v. Fishback

**#19.00** Status Conference re Complaint

Docket 1

**\*\*\* VACATED \*\*\* REASON: Main case dismissed 6/23/18, adversary  
moot and closed (eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Defendant(s):**

Barton Wayne Fishback

Pro Se

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**Plaintiff(s):**

People of the State of California, by

Represented By  
Jacquelyn H Choi

United States Bankruptcy Court  
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11:00 AM

1:17-10095 Georg Bruno Ehlert

Chapter 13

#20.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 63

\*\*\* VACATED \*\*\* REASON: duplicate of cal. no. 76

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Georg Bruno Ehlert

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11388 Notis Enterprises, Inc.**

**Chapter 7**

**#21.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 37

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Notis Enterprises, Inc.

Represented By  
Marc Weitz

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12238 Juliana Njeim**

**Chapter 7**

**#22.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 0

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Juliana Njeim

Represented By  
Kevin T Simon

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12759 Ricardo Mendez**

**Chapter 7**

**#23.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 0

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ricardo Mendez

Represented By  
David H Chung

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Michelle A Marchisotto

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**Wednesday, August 1, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10132 Misty Ann Cicero**

**Chapter 7**

**#24.00** Order to Show Cause Why Attorney  
Kevin Liu (SBN280454) Should Not  
Disgorge Fees For Failure to Comply  
With Court Order

Docket 0

**Tentative Ruling:**

The court vacates its order to show cause. While this case was not handled properly, the court has now noted that it was done pro bono and there are no fees to be disgorged. Counsel is commended for doing the case pro bono and is encouraged to attend one of the pro bono training seminars periodically given by Public Counsel so that his assistance can be more effective. The court notes that the debtor still must file her financial management course certificate or she will not receive a discharge of debts.

**Party Information**

**Debtor(s):**

Misty Ann Cicero

Represented By  
Kevin Liu

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, August 03, 2018**

**Hearing Room 302**

10:00 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#1.00** Emergency motion to amend Notice of Motion for order authorizing sale of real property at 3655 Elm Ave Long Beach, Ca 90808: A) Outside the ordinary course of business B) Free and clear of specified lines, Encumbrances and Intrest; C) Subject to overbids; D) For a determination of good faith purchasers pursuant to section 363 (m) E) Authorizing disbursement of proceeds; and F) Waiving the 14-day stay imposed by FRBP 6004

Docket 132

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, August 8, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11808 Vanessa Parada**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 7

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Vanessa Parada

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, August 8, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11872 Min Ho Song**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 7

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Min Ho Song

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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9:00 AM

**1:18-11838 Richard C Barrett**

**Chapter 13**

**#0.03** Order 1-Setting Status Conference; 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 10

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Richard C Barrett	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**Wednesday, August 8, 2018**

**Hearing Room 302**

9:30 AM

**1:15-13495 Picture Car Warehouse Inc**

**Chapter 11**

**#1.00 Confirmation of Amended Chapter 11 Plan**

Docket 343

**Tentative Ruling:**

11 U.S.C. § 1129(a)(1)

Section 1129(a)(1) requires that a plan may only be confirmed if it complies with Sections 1122 and 1123. See *Cane v. Johns-Manville Corp.*, 843 F.2d 636, 648-49 (2nd. Cir. 1988). The plan complies with Section 1129(a)(1) as follows:

- 1) Classification. 11 U.S.C. § 1122(a) provides that "a plan may place a claim or interest in a particular class only if such claim or interest is substantially similar to the other claims or interests of such class." Section 1122(a) also provides for the creation of an administrative convenience class.
  - (a) OK. Class 4C is an unsecured claim held by Debtor's Principal, Mr. Moser (a statutory insider under § 101(31)(B)(i) or (ii). Moser paid certain unsecured claims which he had previously guaranteed, and the creditors then assigned their claim against Debtor to Moser.

"To determine whether claims are 'substantially similar' to other claims in the same class, as required by bankruptcy statute governing classification of claims in proposed Chapter 11 plan, bankruptcy judges must evaluate the nature of each claim, i.e., the kind, species, or character of each category of claims." *In re Rexford Properties LLC*, 558 B.R. 352, 361 (Bankr. C.D. Cal. 2016).

Moser's claim is properly classified and there has been no objection thereto.
- 2) Same treatment for members of a class: 11 U.S.C. §1123
  - (a) § 1123(a) –OK. The plan appears to satisfy all the requirements of § 1123(a):
    - (i) § 1123(a)(1) – OK. Plan designates classes of claims and interests, other than administrative or tax claims. The plan leaves unclassified administrative claims, estimated at \$150,000;

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**Picture Car Warehouse Inc**

**Chapter 11**

- (ii) § 1123(a)(2) – OK. Plan specifies any class of claims or interests that are not impaired under the Plan. The class 2 secured creditor is being paid pursuant to the approved settlement and the cash collateral order (Doc. 126). There is no class 1 or 3. Class 4A and 4B are unimpaired.
- (iii) § 1123(a)(3) – OK. Plan specifies the treatment of all claims/interests impaired under the plan. Only Class 4C is impaired, and the claim held by Mr. Moser will not be paid until after all other unsecured claims.
- (iv) § 1123(a)(4) – OK. Each class provides for the same treatment of each claim classified in that particular class, "unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest." Class 4C is receiving less favorable treatment than the other class 4 creditors, but Mr. Moser is presumably agreeing to such treatment.
- (v) § 1123(a)(5) – This section requires that the plan provides adequate means for its implementation. According to the disclosure statement, it anticipated having no less than \$200,000 by the effective date to fund the payments required on the effective date. The Plan, Exhibit A, estimates \$150,000 in administrative expenses: \$125,000 to Carolyn Dye and estimated \$25,000 to LEA Accountancy, LLP (both to be paid upon Court approval). The monthly operating reports indicate that these payments may be delayed beyond the effective date. Have the professionals agreed to work with the Debtor on this issue so that feasibility is not an issue?
- (vi) § 1123(a)(6) – OK. This section requires that a plan for a corporate debtor provide for the inclusion in the debtor's charter of a provision prohibiting the issuance of non-voting equity securities and, as to the several classes of securities possessing voting power, an appropriate distribution of such power among such classes. The required amendment is attached to the Plan as Exhibit C, but the exhibit is unsigned and should be signed.
- (vii) § 1123(a)(7) – OK. This provision requires that the plan contain only provisions that are consistent with the interests of creditors and equity security holders and with public policy with respect to

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**Chapter 11**

the manner of selection of any officer, director, or trustee under the plan and any successor to such officer, director, or trustee.

Management is not changing under this plan.

(viii) § 1123(a)(8) – N/A This section requires that in cases where debtors are individuals, that the plan provide for payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan. Debtor is not an individual.

(b) § 1123(b) – OK. It appears that the plan includes some of the permissive provisions of § 1123(b) as follows:

(i) § 1123(b)(1) – OK. Debtor’s plan classifies some classes as impaired, as discussed above.

(ii) § 1123(b)(2) – MAYBE. This section provides for the assumption, rejection, or assignment of executory contracts. The plan provides for Debtor to assume four leases, as indicated in exhibit B to the Plan. The plan indicates that all arrearages on the lease will be paid on or before May 15, 2017; however, a footnote to two of the leases indicates that the arrearages on two of the leases are included in the Class 4B total. The disclosure statement claims that all arrearages on leases will be paid as of the effective date—is that still correct? Please advise at confirmation the status of arrearages on the leases, and whether Debtor is capable of paying any remaining arrearages on the effective date (see Plan, 6:15-24).

(iii) § 1123(b)(3) – OK. This section provides for the (1) settlement or adjustment of any claim or interest belonging to the debtor or estate; or (2) the retention and enforcement by the debtor, by the trustee, or by a representative of the estate appointed for such purpose, of any claim or interest. Debtors’ plan does not indicate any actions owned by the Debtor.

(iv) § 1123(b)(4) – OK. This section specifies that a plan may provide for the sale of all or substantially all of the property of the estate, and the distribution of the proceeds of such sale among holders of claims or interests. The plan indicates two separate paths: either a liquidation of substantially all Debtor’s assets would occur, and all creditors would be paid off within a specified period of time, or

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**Picture Car Warehouse Inc**

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else Debtor will continue operating and Debtor would make quarterly payments accruing at \$10,000 per month to classes 4A and 4B.

- (v) § 1123(b)(5) – OK. This Section allows a plan to modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor’s principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims. Secured creditor has stipulated to treatment. Other alleges secured creditors, Conmercium, Inc. and Matthew Talbert, have been fully satisfied and are not treated by the plan.
- (vi) § 1123(b)(6) – OK. The plan is consistent with the Code unless otherwise indicated in this memo.
- (vii) § 1123(c) – N/A. This section discusses cases concerning individuals where a plan is proposed by an entity other than the individual. Debtor is not an individual.
- (viii) § 1123(d)—OK. If it is proposed in a plan to cure a default the amount necessary to cure the default shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law.

11 U.S.C. § 1129(a)(1)-(2) - Section 1129(a)(1) - (2) requires that a plan may only be confirmed if the plan, and the plan proponent, comply with Sections 1121, 1125 and 1127. See *In re Texaco, Inc.*, 84 B.R. 893, 906-07 (Bankr. S.D.N.Y. 1988); *In re Downtown Inv. Club III*, 89 B.R. 59, 65 (9th Cir. B.A.P. 1988). The plan complies with Section 1129(a)(2) as follows:

- 1) OK. It appears that Debtor has complied with Sections 1121, 1125, and 1127.
  - (a) 11 U.S.C. § 1121 – OK. Plan complies with section 1121 (regarding exclusivity of filing a plan) because the Debtor is the plan proponent.
  - (b) 11 U.S.C. § 1125 – OK. On April 12, 2018, the Court held a hearing where it approved the Debtor’s Disclosure Statement (Doc. 353) as containing adequate information. Debtor solicited votes on the plan after the disclosure statement was approved, and in soliciting acceptances transmitted an approved disclosure statement.

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(c) 11 U.S.C. § 1127 –OK. This is Debtor’s only chapter 11 plan and if the Court finds that it complies with Sections 1122 and 1123, then debtors’ pre-confirmation modifications comply with § 1127.

B) 11 U.S.C. § 1129(a)(3) - Plan proposed in good faith and not by forbidden means

1) OK. "If no objection is timely filed, the court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence of such issues." F.R.B.P. 3020(b)(2). No objection to plan confirmation has been timely filed.

C) 11 U.S.C. § 1129(a)(4) - Approval of reasonable fees for services performed

1) OK. Here, the Plan requires Court approval of costs and expenses according to exhibit A-1 to the Plan.

D) 11 U.S.C. § 1129(a)(5) - Disclosure of post-confirmation management/affiliates

1) OK. This section requires that a Plan must disclose the identity and affiliations of any individual proposed to serve, after confirmation, as director, officer or voting trustee of reorganized debtor. Debtor disclosed that the 98% shareholder, Ted Moser, will continue to serve as CEO. The plan details how Mr. Moser will be compensated in detail (see page 10 of the Plan).

E) 11 U.S.C. § 1129(a)(6) - Approval by governmental regulatory commission

1) N/A. This section is not applicable because the debtor is not subject to the jurisdiction of any regulatory commission regarding "rates."

F) 11 U.S.C. § 1129(a)(7) - Comparison to chapter 7 liquidation;

1) OK. This Section requires that with respect to each impaired class of claims or interest, each holder of a claim or interest in such class has either (1) accepted the plan, or (2) will receive/retain on account of such claim or interest property of a value, as, of the effective date of the plan, that is not less than the amount that such holder would receive or retain if the debtor were liquidated under chapter 7 of the title on such date. Each holder of a claim has either accepted the plan or will



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**Picture Car Warehouse Inc**

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receive 100% under the plan.

(i) Class 1. N/A

(ii) Class 2. This is a secured claim—a credit line—of Bank of the West. The parties signed an agreement, which was subsequently approved by the Court. This class is unimpaired, as the Plan leaves unaltered the creditor's legal, equitable, and contractual rights. § 1124(1). No ballot was received.

(iii) Class 3. While the Plan language itself seems to state that there are no priority claims (Plan, Page 3), Exhibit A, which shows the treatment of each individual creditor, specifies treatment for priority claims held by Harridge Lease (\$24,787 claim) and Los Angeles County (\$13,847 claim). Both of these priority claimants will be paid in full under the plan.

(iv) Class 4. This is the Unsecured Creditor class, and it is in turn divided into three sub-classes:

(i) Class 4A: Two disputed creditors' claims held by Robert Hartwig and Philip Fiori. This class will receive 100% under the plan.

(ii) Class 4B: All other general unsecured claims other than those held by Ted Moser. This Class will receive 100%

(iii) Class 4C: Ted Moser, the Principal. This class is possibly not receiving 100%, but has (presumably) accepted the plan.

G) 11 U.S.C. § 1129(a)(8) - Each class has accepted or is not impaired  
OK. This section requires that with respect to each claim or interest, the class has either accepted the Plan, or the class is not impaired under the Plan. See the descriptions of the classes above; all have accepted the plan or are receiving 100%.

H) 11 U.S.C. § 1129(a)(9) - Timely payment of priority claims

1) UNKNOWN. The plan must provide for timely payment of priority claims on the effective date unless such claimants have agreed to a different treatment. Administrative claims of estate professionals will allegedly be paid on the effective date, but that is likely infeasible. Have the professionals agreed to a different treatment of their claims?

I) 11 U.S.C. § 1129(a)(10) - Acceptance by at least one impaired class.

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**Picture Car Warehouse Inc**

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- 1) OK. The only impair class is 4C, an unsecured claim held by Debtor's principal. Class 4C has been voluntarily "deferred."
- J) 11 U.S.C. § 1129(a)(11) – Plan Feasible & Not likely to be followed by liquidation/reorganization  
OK. Once again, Debtor will likely not have as much cash on hand as anticipated on the effective date, and the debtors are receiving less income than they anticipate in their monthly projections, but it appears they have the flexibility to make this work over time.
- K) 11 U.S.C. § 1129(a)(12) - Payment of 28 U.S.C. §1930 fees  
1) OK. This Section requires that all fees payable pursuant to 28 USC 1930, as determined by the Court at a hearing on confirmation of a plan, have been paid or the plan provides for the payment of all such fees on the effective date of the plan. The Plan states that all such payments will be made in accordance with that statute.
- L) 11 U.S.C. § 1129(a)(13) - Continuation of retiree benefits  
1) It is unclear whether this section is applicable (there are no apparent retiree benefits, but the plan does not explicitly address it). Please address this issue at the confirmation hearing.
- M) 11 U.S.C. § 1129(a)(14) - Domestic support obligation  
1) N/A. Debtor has no domestic support obligations.
- N) 11 U.S.C. § 1129(a)(15) – N/A. Debtor is not an individual, so the best efforts and commitment period requirements do not apply.
- O) 11 U.S.C. § 1129(a)(16) - Transfers of property of nonprofit entity in accordance with law  
1) N/A. This section does not apply to Debtor because Debtor is not a nonprofit. 7 Collier on Bankruptcy ¶ 1129.02[16].
- P) 11 U.S.C. § 1129(b)(1) provides "Notwithstanding section 510(a) of this title, if all of the applicable requirements of subsection (a) of this section other than paragraph (8) are met with respect to a plan, the court, on request of the proponent of the plan, shall confirm the plan notwithstanding the requirements of

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**CONT...**

**Picture Car Warehouse Inc**

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such paragraph if the plan does not discriminate unfairly, and is fair and equitable, with respect to each class of claims or interests that is impaired under, and has not accepted, the plan." –OK.

1) All classes have accepted or are not impaired.

Q) 11 U.S.C. § 1129(b)(2) provides

For the purpose of this subsection, the condition that a plan be fair and equitable with respect to a class includes the following requirements:

(A) With respect to a class of secured claims, the plan provides--

(i) (I) that the holders of such claims retain the liens securing such claims, whether the property subject to such liens is retained by the debtor or transferred to another entity, to the extent of the allowed amount of such claims; and

(II) that each holder of a claim of such class receive on account of such claim deferred cash payments totaling at least the allowed amount of such claim, of a value, as of the effective date of the plan, of at least the value of such holder's interest in the estate's interest in such property;

(ii) for the sale, subject to section 363(k) of this title, of any property that is subject to the liens securing such claims, free and clear of such liens, with such liens to attach to the proceeds of such sale, and the treatment of such liens on proceeds under clause (i) or (iii) of this subparagraph; or

(iii) for the realization by such holders of the indubitable equivalent of such claims.

(B) With respect to a class of unsecured claims--

(i) the plan provides that each holder of a claim of such class receive or retain on account of such claim property of a value, as of the effective date of the plan, equal to the allowed amount of such claim; or

(ii) the holder of any claim or interest that is junior to the claims of such class will not receive or retain under the plan on account of such junior claim or interest any property, except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14) of this section.

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**Picture Car Warehouse Inc**

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(C) With respect to a class of interests--

(i) the plan provides that each holder of an interest of such class receive or retain on account of such interest property of a value, as of the effective date of the plan, equal to the greatest of the allowed amount of any fixed liquidation preference to which such holder is entitled, any fixed redemption price to which such holder is entitled, or the value of such interest; or

(ii) the holder of any interest that is junior to the interests of such class will not receive or retain under the plan on account of such junior interest any property.

Secured claims – OK. If the plan impairs the claim of the secured class, then the treatment of the claim must be fair and equitable in accordance with 11 U.S.C. § 1129(b)(2) to be crammed down on an impaired class that rejects the plan. All secured creditors have accepted the plan or are unimpaired (I'm technically not sure whether the agreement by Bank of the West constitutes acceptance of the plan, but I suspect that their rights under that Agreement are the only contractual rights they have, which I believe makes them unimpaired as long as they are treated in accordance with the agreement.

Unsecured claims – OK. Unsecured creditors have voted in favor of the plan or are unimpaired. While Class 4C technically did not vote, Mr. Moser clearly accepts the plan.

Other than the feasibility issues highlighted above—specifically regarding the ability to pay administrative fees and lease deficiencies on the petition date—the plan may be confirmed. It is also unclear what the status is of any arrearage on Debtor's real property lease, which is supposed to be paid on the effective date (Plan 5:1; 6:15-24). There are also two trucks being leased from Ryder, on which the pre-petition deficiencies were to be paid on the petition date. Plan 6:15-24.

**Party Information**

**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

9:30 AM

**1:15-13495 Picture Car Warehouse Inc**

**Chapter 11**

**#2.00 Status and Case Management Conference**

fr. 6/16/16, 2/9/17; 4/12/17, 7/12/17; 9/27/17,  
12/13/17; 3/28/18, 5/23/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#3.00** Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18, 6/13/18

Docket 78

**Tentative Ruling:**

This matter has been continued twice since the first hearing on March 21, 2018. At the last hearing on June 13, 2018, the parties represented that Debtor has secured refinancing. On July 23, 2018, Debtor filed a Motion for Authority to Refinance Real Property (ECF doc. 95). What is the status of this Motion?  
APPEARANCE REQUIRED.

**3/21/18 Tentative**

Petition Date: 08/13/2012

Chapter: 13

Service: Proper. Opposition filed.

Property: 20637 Wells Drive, Woodland Hills, CA 91364

Property Value: \$714,000 (per debtor's schedules)

Amount Owed: \$772,540.69 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$308,087.21 (10 payments of \$4,410.38; 5 payments of \$8,350.33; 16 payments of \$8,483.22; 8 payments of \$8,644.15; \$17,761.90 in post-petition advances; \$1,031 in attorneys' fees; less \$1,445.86 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor filed a late opposition.

APPEARANCE REQUIRED

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Elizabeth Maybalian**

**Chapter 13**

**Party Information**

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Movant(s):**

COMPASS BANK, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14875 Kevin Pike**

**Chapter 13**

**#4.00 Motion for relief from stay**

**NATIONSTAR MORTGAGE LLC**

Docket 67

**Tentative Ruling:**

Petition Date: 7/23/13

Chapter 13 plan confirmed: 12/2/13

Service: Proper. No opposition filed.

Property: 6329 Blucher Ave., Van Nuys, CA 91411

Property Value: \$230,000 (per Order on Motion to Avoid Lien, ECF doc. 21)

Amount Owed: \$220,676

Equity Cushion: 4.1%

Equity: \$0.00.

Post-confirmation Delinquency: \$5,551.73 (three payments of \$1,522.26, attorney's fees of \$1,031, less suspense account balance of \$46.05).

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay). Movant alleges in the Motion that the last payment received was on or about April 16, 2018. Given that there is some equity here, have the parties discussed an APO?

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Kevin Pike

Represented By  
Todd J Roberts

**Movant(s):**

Nationstar Mortgage, LLC.

Represented By  
Jarred Ruggles



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Kevin Pike**

Nancy L Lee

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11776 Thelma L. Gatlin-Wilson**

**Chapter 13**

**#5.00** Motion for relief from stay

US BANK TRUST NA

Docket 37

**Tentative Ruling:**

Petition Date: 7/5/17

Chapter 13 plan confirmed:

Service: Proper; co-debtor served. Opposition filed 8/1/18.

Property: 3700 & 3700 1/2 Arlington Ave., Los Angeles, CA 90018

Property Value: \$612,761 (per debtor's schedules)

Amount Owed: \$484,253

Equity Cushion: 21.1%

Equity: \$128,508

Post-confirmation Delinquency: \$8,335.24 (2 payments of \$2,788.62; one payment of \$3,045.01; less suspense account balance of \$287.01)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received for this debt was on or about June 20, 2018.

Debtor opposes the Motion, arguing that she has made more payments than are accounted for in the Motion. Because this is an income-producing property, Debtor argues that it is necessary for an effective reorganization, and would like to cure any remaining deficiency in an APO.

Is Movant amenable to Debtor's request for an APO, if necessary?

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Thelma L. Gatlin-Wilson**

**Chapter 13**

**Debtor(s):**

Thelma L. Gatlin-Wilson

Represented By  
Kevin T Simon

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee for

Represented By  
Merdaud Jafarnia  
Madison C Wilson  
Ashlee Fogle  
Nancy L Lee

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12596 Lynne Suzanne Boyarsky**

**Chapter 13**

**#6.00** Motion for relief from stay

CITIZENS BUSINESS BANK

fr. 5/16/18, 6/20/18, 7/18/18

Docket 31

**Tentative Ruling:**

At the previous hearing, the parties requested a hearing to work out the terms of an APO. What is the status of parties' efforts?

APPEARANCE REQUIRED

**6/20/18 Tentative**

Nothing new has been filed. Have the parties made progress on an APO?

APPEARANCE REQUIRED

**5/16/18 Tentative**

Petition Date: 9/27/17

Chapter: 13

Service: Proper. Opposition filed.

Property: 3750 Sunswep Dr., Studio City, CA 91604

Property Value: \$600,000 (per debtor's schedules)

Amount Owed: \$355,558.19 (per RFS motion)

Equity Cushion: 33%

Equity: \$56,886

Post-Petition Delinquency: \$7,629.31

Debtor filed an opposition to the motion on the grounds that more payments have been made which are not accounted for in the motion. Debtor would like to cure any remaining delinquency through an APO.

Movant requests relief under 11 U.S.C. 362(d)(1), with specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **6** (waiver of the 4001(a)(3) stay).

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Lynne Suzanne Boyarsky**

**Chapter 13**

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Lynne Suzanne Boyarsky

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 8, 2018

Hearing Room 302

11:00 AM

1:17-12666 Francisco Guerrero

Chapter 13

#7.00 Motion for relief from stay

NISSAN MOTOR ACCEPTANCE CORPORATION

Docket 35

\*\*\* VACATED \*\*\* REASON: Resolved via APO (doc. 38) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Francisco Guerrero

Represented By  
Kevin T Simon

**Movant(s):**

NISSAN MOTOR ACCEPTANCE

Represented By  
Michael D Vanlochem

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10587 Marcela Navarrete Melendrez**

**Chapter 13**

**#8.00** Motion for relief from stay

FORD MOTOR CREDIT COMPANY LLC

Docket 30

**\*\*\* VACATED \*\*\* REASON: Adequate Protection Order entered, 8/3/18.  
(eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Marcela Navarrete Melendrez

Represented By  
Raymond Perez

**Movant(s):**

Ford Motor Credit Company LLC

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 8, 2018

Hearing Room 302

11:00 AM

1:18-11528 Heather Lynn Brezny

Chapter 13

#9.00 Motion for relief from stay

AIMCO MALIBU CANYON LLC

Docket 11

\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 8/7/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Heather Lynn Brezny

Represented By  
Richard A Brownstein

**Movant(s):**

AIMCO Malibu Canyon, LLC

Represented By  
Linda T Hollenbeck

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11771 Claudia Victoria Gonzalez**

**Chapter 13**

**#10.00** Motion in Individual Case for Order Imposing a Stay or  
Continuing the Automatic Stay as the Court Deems Appropriate

Docket 5

**Tentative Ruling:**

On July 16, 2018, Debtor filed this chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed case, 17-13163-VK, was a pro se chapter 13 filed on November 28, 2017 and dismissed on December 18, 2017 for failure to file case commencement documents.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was filed and allowed to be dismissed at the advice of her real estate broker, William Marquez, who was allegedly attempting to negotiate a loan modification. Debtor now apparently seeks to pursue loan modification through the Court's Loan Modification Program. Debtor has filed schedules and a plan in this case. Debtor therefore claims that any presumption of bad faith is overcome as to all creditors.

No opposition has been filed. The Motion is GRANTED.

NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Claudia Victoria Gonzalez

Represented By  
Giovanni Orantes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11851 Grace Daniels Cervantes**

**Chapter 13**

**#10.01** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 8

**Tentative Ruling:**

On July 24, 2018, Debtor filed this chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed case, 13-17348-VK, was a chapter 13 filed on November 28, 2017 and dismissed on April 11, 2018 after Debtor lost her job and was unable to continue making payments in the 50<sup>th</sup> month of the plan.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor intends to obtain family support toward making the mortgage payments on her home. It appears that Debtor is unemployed. While no schedule I was attached to the petition, Debtor's means test lists \$2,750 per month in oncome from "rental or other real property" as well as \$725 per month from unemployment compensation

No opposition has been filed. The Motion is GRANTED.

APPEARANCE REQUIRED DUE TO SHORTENED TIME. RULING MAY BE  
MODIFIED AT HEARING

<b>Party Information</b>
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**Debtor(s):**

Grace Daniels Cervantes

Represented By  
R Grace Rodriguez

**Movant(s):**

Grace Daniels Cervantes

Represented By  
R Grace Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Grace Daniels Cervantes**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

Adv#: 1:17-01004 Ballout v. Sarieddine

**#11.00** Pre-Trial Conference re: First Amended Complaint

fr. 6/28/17, 7/5/17, 1/24/18, 2/14/18

Docket 19

**Tentative Ruling:**

Having reviewed the dockets for both the adversary and bankruptcy cases, and finding that this matter has settled, this pretrial conference will be continued to **August 29, 2018 at 11 a.m.**, to allow time for the Motion to Approve Compromise under Rule 9019 to be resolved.

APPEARANCES WAIVED ON 8/8/18.

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Defendant(s):**

Mike Sarieddine

Represented By  
Daniel J King  
Daniel J King

**Plaintiff(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10891 Hamid Farkhondeh**

**Chapter 13**

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

**#12.00** Status Conference Re: Complaint Determine Dischargeability of debt for false pretenses, false representations, and/or actual fraud and objection to debtors' discharge, pursuant to 523 and 727 of the Bankruptcy Code

Docket 1

**\*\*\* VACATED \*\*\* REASON: to be heard at 1:00 pm (eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Hamid Farkhondeh	Pro Se
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**Defendant(s):**

Hamid Farkhondeh	Pro Se
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Mary Dadyan	Pro Se
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**Joint Debtor(s):**

Mary Dadyan	Pro Se
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**Plaintiff(s):**

Noushin Laaly	Represented By Stella Rafiei
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Kourosh Laaly	Represented By Stella Rafiei
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11143 Jerald Angelo Gregorio**

**Chapter 7**

Adv#: 1:18-01068 Gregorio v. PHEAA-Pennsylvania Higher Education et al

**#13.00** Status Conference re: Complaint Dischargeability 523(a)(8)  
Student Loan

Docket 1

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 8, 2018

Hearing Room 302

11:00 AM

CONT... **Jerald Angelo Gregorio**

**Chapter 7**

and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Jerald Angelo Gregorio	Pro Se
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**Defendant(s):**

PHEAA-Pennsylvania Higher	Pro Se
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Windham Professionals	Pro Se
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ECMC Educational Credit	Pro Se
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**Plaintiff(s):**

Jerald Angelo Gregorio	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 8, 2018

Hearing Room 302

11:00 AM

1:13-15992 Koroush Eissakharian

Chapter 7

#14.00 Application For Payment of Final Fees for Law Offices  
of Nico N. Tabibi, APC, Special Counsel

Fees: \$47404.31 Expenses: \$0.00

Docket 136

**Tentative Ruling:**

The Court approves Counsel's final fee application in the amount of \$28,000, the amount agreed to by Counsel and chapter 7 trustee Nancy Zamora in the Stipulation re Allowance and Payment of Fees and/or Expenses (ECF doc. 140) and approved by the Court (ECF doc. 142).

APPEARANCES WAIVED ON 8/8/18.

MOVANT TO LODGE ORDER IN ACCORDANCE WITH THIS RULING WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Koroush Eissakharian

Represented By  
Stephen L Burton

**Movant(s):**

Law Offices of Nico N. Tabibi, APC

Represented By  
Nico N Tabibi

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Lindsey L Smith  
Levene Neale Bender Rankin & Brill LLP  
Edward M Wolkowitz  
Jeffrey S Kwong  
Nico N Tabibi



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:13-15992 Koroush Eissakharian**

**Chapter 7**

**#15.00** Trustee's Final Report and Hearing  
on Applications for Compensation

Docket 133

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.  
APPEARANCES WAIVED ON 8/8/18.

**Party Information**

**Debtor(s):**

Koroush Eissakharian

Represented By  
Stephen L Burton

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Lindsey L Smith  
Levene Neale Bender Rankin & Brill LLP  
Edward M Wolkowitz  
Jeffrey S Kwong  
Nico N Tabibi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13154 Scott Ray Ramage**

**Chapter 7**

**#16.00** Motion to Sell Property of the Estate Free  
and Clear of Liens under Section 363(f)

Docket 44

**Tentative Ruling:**

Chapter 7 Trustee Amy Goldman ("Trustee") moves to sell property of the estate free and clear under § 363(f). The property, 8100 Amersham Dr., Las Vegas, NV 89129 (the "Property"), is encumbered by the following liens: [1] County Assessor's Office (general state, county, and/or city real property taxes); [2] County Assessor's Office (supplemental real property taxes – TBD); [3] any delinquent outstanding municipal liens for contract services – TBD); [4] Wells Fargo Bank (deed of trust securing indebtedness of \$152,708); [5] Northshore Owners Assoc. (HOA lien for \$847.58); [6] Internal Revenue Service (tax lien securing indebtedness of \$891,730); [7] City of Las Vegas Sewer Services (municipal lien securing indebtedness of \$215.58).

Trustee proposes to sell the Property free and clear of the HOA lien, the IRS lien, and the LV Sewer liens under § 363(f). As to the HOA and Las Vegas Sewer liens, Trustee argues that they are void as they were recorded post-petition and thus satisfy § 363(f)(4). The IRS, for its part, has consented to the sale per the Stipulation (ECF doc. 42), satisfying § 363(f)(2). The Stipulation with the IRS and the California Franchise Tax Board was approved by the Court on 7/19/18 (ECF doc. 48).

Service proper. No opposition filed.  
Motion granted. Trustee to lodge order within 7 days.

APPEARANCES WAIVED ON 8/8/18.

**Party Information**

**Debtor(s):**

Scott Ray Ramage

Represented By  
John D Faucher

**Movant(s):**

Amy L Goldman (TR)

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 8, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Scott Ray Ramage**

**Chapter 7**

Todd A Frealy  
Carmela Pagay

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Todd A Frealy  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 8, 2018

Hearing Room 302

1:00 PM

1:17-12534 Richard Khatibi

Chapter 13

#16.01 Motion RE: Objection to Claim Number 10 by  
Claimant Rosemond Community Services District

fr. 7/31/18

Docket 114

**Tentative Ruling:**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See *also* Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm ( In re Holm ), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see *also* Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Based on what has been filed, Khatibi has rebutted the validity of the amount on the amended proof of claim. A careful review of the documents and declarations submitted indicate that Khatibi does owe a certain amount to Rosamond, but the exact amount requires an evidentiary hearing to determine. Rosamond will

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commence the presentation of evidence and must show by a preponderance how much Khatibi owes. The debtor's arguments as to owing nothing are not persuasive. The following summary highlights the questions that need to be resolved at an evidentiary hearing.

**Nature of the Bonds**

It appears the nature of the bond tenders is an offset, but this must be explained as the two parties seem to be confusing both which Special Assessment District bonds are being paid or offset and whether the "tender" value is controlling or some other value.

**Chronology of Parcel 375-072-20 ("Subject Property")**

Reviewing the jumbled stack of documents the parties have submitted, the following chronology and questions emerge:

5/26/04: Khatibi buys \$150,000 of Rosamond Community Services District 91-3 8% bonds, due 9/2/08 from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 24.

5/26/04: Payoff Quote for 91-3 bond from NBS Government Finance Group (Rosamond) for \$178,776.66 for the Property. This document is almost illegible—in particular, the dates. It's unclear what this payoff quote represents, because Khatibi acknowledges the payoff quote of \$178,776.66 in the Notice of Intention, below, but then paid \$212,834 toward the "total" of \$630,228. DEC OF KOSLA, EXHIBIT 1, P. 29. This must be explained further.

5/28/04: Notice of intention from Khatibi to tender 91-3 bonds with face value of \$245,000, tender value of \$350,667.29. Large amount of that went to other parcels. \$212,834, per Khatibi's math, went toward the total \$630,228.11 owed on the Subject Property. Check for \$6,136 also paid for administrative fees. DEC OF KOSLA, EXHIBIT 1, P. 20

5/28/04: Receipt for \$245,000 "face value bonds" from Khatibi, and \$6,136 from Khatibi for "bond tender fee." No indication of whose receipts these are without authentication. DEC OF KOSLA, EXHIBIT 1, P. 25. Khatibi argues that the "redemption amount was actually approximately \$350,000." DEC OF KHATIBI IN SUPPORT OF OBJECTION TO CLAIM, P. 6. What does that mean?

12/14/04: Notice of Intention from Khatibi, indicating he will tender 90-2 bonds for the

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Property with tender value \$91,640.21. He indicates his belief that the payoff quote for the 90-2 lien was \$95,979.55, leaving \$4,339.34 "to be paid in cash." There is also an indication that he was tendering 91-3 bonds toward the property with face value of \$10,000 and a [blank] tender value. DEC OF KOSLA, EXHIBIT 1-4, P. 88. This is totally confusing.

1/25/05: Receipts for \$20,000 90-2 bond received from Richard Khatibi. DEC OF KOSLA, EXHIBIT 1-5, P. 90.

2/7/05: "**Paid in full**" letter, stating "the above mentioned parcel is now paid in full." This letter also indicates that Khatibi tendered a \$25,000 bond, but there is no other record of that bond tender that I can find. OBJ. TO CLAIM EX. 6

**ILLEGIBLE RECORDS; UNCLEAR DATES BUT SEEMINGLY IN THIS PERIOD. P. 30-33**

7-13-05: Contract assigning Rosamond bonds, but no indication as to the parties to this contract. DEC OF KOSLA, EXHIBIT 1, P. 34.

9/6/05: Khatibi buys \$70,000 of Rosamond Community Services District 91-3 bonds from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 35.

1/19/06: Khatibi buys \$105,000 of Rosamond Community Services District 91-3 8% bonds, due 9/2/08 from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 26-28.

1/23/06: Email, checks and other documents indicating that Derek Tabone and Patrick Mcwhorter sold 91-3 bonds to Khatibi. DEC OF KOSLA, EXHIBIT 1, P. 37-40.

3/28/08: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT A, P. 6.

6/20/12: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT B, P. 14.

4/23/13: Complaint in Judicial Foreclosure, Rosamond v. Khatibi. REQ. FOR JUDICIAL NOTICE EXHIBIT D, P. 38.

10/29/13: Letter from Kwasigroch to Rosemond's foreclosure counsel re: accounting

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2/24/14: Settlement agreement prepared by Ms. Fogelman (for Rosamond), indicating that Khatibi acknowledges delinquent assessments on the Property amounting to \$283,031.90, not including penalties, interest, and costs. Khatibi agrees to pay \$298402.93 through 60 monthly payments ending February 15, 2019. Khatibi's signature block is unsigned. DEC OF KOSLA, EXHIBIT 2, P. 92-98. Rosamond allegedly waives \$514,872 in interest and \$28,293.20 in penalties for this agreement, which would be a total of \$836,197.10 due absent this agreement. DEC OF KOSLA, P. 4. Unless Khatibi signed this document, it will not be admitted as it appears to be a settlement offer. All other items objected to appear to be admissible if properly authenticated.

1/6/17: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT C, P. 34.

2/1/18: Rosamond files proof of claim for \$1,455,491.60. Proof of Claim No. 10-1.

3/19/18: Rosamond attorney "discovered some of the 2004 bond tender documents that Mr. Kwasigroch had emailed in 2013 to Ms. Fogelman.

Issues:

What amount was due as of 5/28/04?

The payoff quote from 5/26/04 indicates that \$178,776.66 was due. However, there seems to be a distinction between the "NBS payoff quote" and the other amounts due. In Khatibi's May 28, 2004 Notice of Intention calculations, the NBS Payoff quote is added to the delinquency, penalties, and interest for a total of \$630,228.11. In his calculation, the NBS payoff quote looks like a debt collection fee or something similar.

The evidence from Rosamond regarding the amount owed on May 28, 2004, is unclear. Attached to the first proof of claim is an accounting from Rosamond without any of the credits applied for what Khatibi paid or the bonds he tendered. The amount provided is \$1,455,491.60. The principal amounts of these assessments seem to be assessed until Tax Year 2011-2012. How long did the yearly assessments on this 1991 bond last? These numbers seem to indicate 20 years, but that seems like a long time.

Attached to Rosamond's amended proof of claim is a similar accounting in support of the amended claim of \$749,752. This amended spreadsheet omits all deficiencies from 1996-2004, which were included on the previous accounting.

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Notably, what is missing from BOTH accountings is a history of the credits from payments made by Khatibi and the bonds he tendered. Rosamond seems to be starting with the assumption that Khatibi paid nothing, then amending their proof of claim as Khatibi provides proof that he made certain payments. This is backwards, as Rosamond has the burden of establishing its claim.

What were the yearly amounts due, the interest rates, and penalties?

Khatibi contests Rosamond's accounting, which states that the yearly principal due is around \$34,000-\$36,000—not including penalties and interest. Khatibi says that the yearly taxes for this property were under \$200. This argument is murky, and ignores other taxes being due on the property in addition to the assessments. There clearly seems to be a disagreement about the principal amount of the taxes that were due, even if Khatibi had paid them timely. I need to know this amount before I can begin to calculate the interest rate. What specifically were the allowed penalties?

What was the tender amount of the 5/28/04 bonds?

By Khatibi's math, the 5/28 bonds had a tender value of \$350,667.29. The receipt from Rosamond says that bonds with \$245,000 face value were received. How did Rosamond apply those funds, or what it believed was owed on 5/28/04? The only indication we have is the NBS payoff quote, which is potentially inadequate as discussed above.

No information about Bond Tenders between 5/28/04 and the 2/7/05 Paid in full Letter

The 2/7/05 paid in full letter indicates that Khatibi had tendered a \$25,000 bond. I don't see any other record of that bond (no receipt, for example), which makes me question whether there were any other bonds tendered in that period which are not accounted for. The record is further obscured by Khatibi's continued payments after the Paid in Full Letter.

Bring your calendars so a date for an evidentiary hearing can be set. The parties should identify what witnesses will be presented, file an exhibit list beforehand and be prepared to explain these issues and any others at the evidentiary hearing.



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**Chapter 13**

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Movant(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10891 Hamid Farkhondeh**

**Chapter 13**

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

**#17.00** Motion to Dismiss Adversary Proceeding Pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) and Federal Rules of Bankruptcy Procedure Rule 7012

Docket 4

**Tentative Ruling:**

Hamid Farkhondeh ("Farkhondeh") and Mary Dadyan ("Dadyan") (jointly, "Defendants" or "Debtors"), filed for relief under Chapter 13 of Title 11 of the United States Code on April 11, 2018 (Case No.: 1:18-bk-10891-MT) in United States Court for the Central District of California. On June 5, 2015, Noushin Laaly and Kourosch Laaly (jointly, "Plaintiffs") filed a complaint (the "Complaint") in this adversary proceeding (Case No.: 1:18-ap-01067-MT) against Debtor requesting denial of discharge under 11 U.S.C. § 727(a)(1), 727(a)(2)(A), 727(a)(3), 727(a)(4)(A), 727(a)(5) as well as seeking determination as to the dischargeability of debt owed by Debtor to Plaintiffs pursuant to 11 U.S.C. § 523(a)(2)(A) and 11 U.S.C. § 523(a)(6).

Plaintiffs are currently involved in pending state court action in Los Angeles Superior Court, Case Number SC126905 (the "State Action"), against Debtors and their corporation DAF Construction. The State Action is for (1) Return of Payments, per Business & Professions Code § 7031 (b); (2) Breach of Contract; and (3) Fraud. In the Complaint, Plaintiffs allege that fraudulent action in the State Action allows for an objection to discharge under § 523(a). To bring about objections under § 727(a) and § 523(a), Plaintiffs further allege misconduct under Chapter 13 provisions. Plaintiffs cite specific facts to support their allegations of fraud in Debtor's failure to disclose a sale and transfer of a property, located at 4950 Alonzo Avenue, Encino, California 91316 ("the Alonzo Property"), that occurred the year prior to filing date. The Complaint alleges Debtor fraudulently, with intent to hinder, delay, or defraud their creditors, transferred, concealed or hide the proceeds from the sale of the Alonzo Property. Plaintiffs also object to discharge under § 727(a)(1), arguing that Debtor is not an individual because Debtor's operations and actions as a business.

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Debtor filed a Motion to Dismiss (the "Motion") under Federal Rules of Civil Procedure ("FRCP") 12 (b)(6) on July 6, 2018. Debtor only disputed § 727(a) actions and not those under § 523(a). Further, Debtor did not dispute the facts alleged under the Complaint but whether § 727(a) applies to a Chapter 13 proceeding. Debtor states such claims are not appropriate in Chapter 13, therefore claims asserted under § 727 should be dismissed.

Plaintiffs filed an opposition to Debtor's Motion on July 25, 2018 (the "Response"). Plaintiffs request the Court refrain from ruling on the Motion pending the outcome of State Action presumably because fraudulent action asserted there would relate to claims brought under § 727(a) and § 523(a). Further, that if Plaintiffs obtain a judgment in the State Action, Debtor may have to bring a motion to convert the bankruptcy to Chapter 7. Then, the causes of action under § 727(a) will become relevant and pertinent. Whether Plaintiff can assert a cause of action under § 727(a) is the primary issue before the Court.

Plaintiffs seek a judgment for nondischargeability under § 727 (a)(1), 727(a)(2)(A), 727(a)(3), 727(a)(4)(A), 727(a)(5). Debtor does not dispute the facts alleged but whether § 727 is appropriate under Chapter 13 cases.

**A. 11 U.S.C. § 103**

Section 103 (b), states which subchapters of the Bankruptcy Code apply to which bankruptcy case Chapters. This section states that subchapter I and II, which includes § 727, applies only to Chapter 7:

**(b)** Subchapters I and II of Chapter 7 of this title [11 USCS § § 701 et seq. and 721 et seq.] apply only in a case under such Chapter [11 USCS § § 701 et seq.].

The Complaint arises from a Chapter 13 filing. Plaintiffs filed the Complaint in this adversary proceeding against the Debtor requesting nondischargeability under § 727(a); however, § 103 (b) provides that § 727(a) is inapplicable to Chapter 13 cases. Woods Law Offices, LLC v. Chang, 539 B.R. 733, 735 (Bankr. M.D. Pa. 2015) (finding § 727, as indicated by § 103,

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only applies to cases filed under Chapter 7 of the Bankruptcy code and so plaintiff could not object to the discharge of a Chapter 13 debtor in an adversary proceeding under § 727); In re Bonder, 3 B.R. 623, 623 (Bankr. E.D.N.Y. 1980). That is, § 727 applies only to Chapter 7 debtors. DeNoce v. Neff, 505 B.R. 255, 258 (B.A.P. 9th Cir. 2014); A & H Ins., Inc v. Huff, 2014 Bankr. LEXIS 919, at \*1 (B.A.P. 9th Cir. Mar. 10, 2014); Wahrman v. Bajas, 443 B.R. 768, 770 (Bankr. E.D. Mich. 2011).

Debtors filed a motion to dismiss pursuant to FRCP 12 (b)(6) which allows for a dismissal based on either a 'lack of a cognizable legal theory' or 'the absence of sufficient facts alleged under a cognizable legal theory.' Johnson, 534 F.3 at 1121. The court in Chang held that because the alleged violation of § 727 against the Chapter 13 debtor cannot apply, the complaint failed to allege a plausible claim upon which relief can be granted. Chang, 539 B.R. at 735 (finding that "no applicable statutory or case authority has been offered to support the Plaintiff's objection to the Debtor's Chapter 13 discharge"). Here, Plaintiff did state specific factual allegations that would support a cognizable legal theory under § 727. But a § 727 claim cannot be asserted in a Chapter 13 case. As such, this motion will be granted as to the cause of action under § 727.

**B. 11 U.S.C. § 1328**

Section 1328 governs discharges of Chapter 13 proceedings. Holmers Lumber & Bldg. Ctr., Inc v. Miller, 2010 Bankr. LEXIS 2760 (Bankr. N.D. Ohio September 2, 2010). For example, in Miller, the court dismissed plaintiff's claim under § 727 against a Chapter 13 debtor sua sponte because "[d]ischarges in Chapter 13 are governed by 11 U.S.C. § 1328." Id. Section 1328 contains the discharge provisions and exceptions relating to Chapter 13. Id. Further, § 1328 includes those exceptions provided by § 523 (a), which were asserted by Plaintiff and not disputed by Debtors. The discharge exceptions under Chapter 13 proceedings can only be brought forth under § 523 (a) as it is applicable in Chapter 13 cases. Great Lakes Higher Educ. Corp. v. Pardee, 218 B.R. 916, 921 (B.A.P. 9th Cir. 1998); Educational Credit Mgmt. Corp. v. Coleman, 2008 U.S. App. LEXIS 16424, \*3 (9th Cir. Cal. August 1, 2008) (finding § 523 is made applicable to Chapter 13 proceedings pursuant to Federal Rule of the Bankruptcy Code ("FRBP") 4007). Provisions

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regarding discharges and objections to discharges differ from Chapter 13 to Chapter 7 because "Congress created the Chapter 13 mechanism to permit eligible debtors, who are capable of diligently meeting their obligations under plans, to reorganize their financial affairs and pay a greater amount on debts than they would have otherwise done under a Chapter 7 liquidation." HSBC Bank USA, N.A. v. Blendheim, 803 F.3d 477, 480 (9th Cir. 2015).

**C. FRBP 1019**

FRBP 1019, states upon the conversion of a case from Chapter 13 to Chapter 7, new time periods are instituted for filing claims, dischargeability complaints and objections to discharge, although claims actually filed in the Chapter 13 case are deemed filed in the Chapter 7 case. Rule 1019, in pertinent part, explains the filing periods for an objection to discharge where a case has been converted to a Chapter 7 case.

**(2) New filing periods.**

**(A)** A new time period for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under Rules 1017, 3002, 4004, or 4007.

Fed. R. Bank. P. 1019(2)(a).

Plaintiff's Response to Debtor's Motion requested that the Court refrain from ruling on the Motion, pending the outcome of the State Action because obtaining judgment in the state action, may result in a motion to convert Debtor's bankruptcy from Chapter 13 to Chapter 7, thus making the cause of action under § 727 relevant and pertinent.

Plaintiffs appear to be unduly concerned about whether deadlines affecting objections to discharge will bar the causes of action under § 727. If the case is converted, they will have an opportunity to amend their complaint to include § 727. Objections to discharge are governed by FRBP 4004 (a), under which objections to discharge are to be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). See e.g., Balt. Cty. Sav. Bank,

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**Hamid Farkhondeh**

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FSB v. Quillen, 2008 Bankr. LEXIS 4150, at \*5 (Bankr. D. Md. July 11, 2008); Gasunas v. Yotis, 521 B.R. 625, 640 (Bankr. N.D. Ill. 2014); Kerzner v. Hirsch, 2000 U.S. Dist. LEXIS 167, at \*8 (S.D.N.Y. Jan. 3, 2000) (holding FRBP 1019 is unequivocal in new periods of objecting to dischargeability applying upon the conversion of a case from Chapter 11 or Chapter 13, to Chapter 7. Further, a new period would apply since the conversion requires a new meeting of creditors upon conversion). Similarly, in Gasunas, the court held the § 727(a) cause of action brought by the plaintiff was inapplicable to debtor unless the case is converted and discharge is sought under Chapter 7. Gasunas, 521 B.R. at 640 (holding that a § 727 action is not ripe until the case is converted to a Chapter 7, and thus a § 727 claim must be dismissed in a chapter 13 case).

**Party Information**

**Debtor(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

**Defendant(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

Mary Dadyan

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Mary Dadyan

Represented By  
Stella A Havkin

**Movant(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

Mary Dadyan

Represented By  
Stella A Havkin

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**Chapter 13**

**Plaintiff(s):**

Noushin Laaly

Represented By  
Stella Rafiei

Kourosh Laaly

Represented By  
Stella Rafiei

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-10891 Hamid Farkhondeh**

**Chapter 13**

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

**#18.00** Status Conference Re: Complaint Determine Dischargeability of debt for false pretenses, false representations, and/or actual fraud and objection to debtors' discharge, pursuant to 523 and 727 of the Bankruptcy Code

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hamid Farkhondeh Pro Se

**Defendant(s):**

Hamid Farkhondeh Pro Se

Mary Dadyan Pro Se

**Joint Debtor(s):**

Mary Dadyan Pro Se

**Plaintiff(s):**

Noushin Laaly Represented By  
Stella Rafiei

Kourosh Laaly Represented By  
Stella Rafiei

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se



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**1:18-11909 Marianna Scalise**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Marianna Scalise	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**1:18-10834 Godwin Osaigbovo Iserhien**

**Chapter 11**

**#1.00 Motion for Setting Property Value  
Re: 13458 Vose Street, Valley Glen, Ca 91405**

Docket 34

**Tentative Ruling:**

Service: Proper.  
Property Address: 5106 Pacific Avenue, Marina Del Rey, CA 90292  
First trust deed: \$ 3,694,276.59  
Second trust deed (to be avoided): \$ 350,000  
Fair market value per appraisal: \$3,587,000

**APPEARANCE IS WAIVED.** If written or oral opposition is presented at the hearing, the motion may be continued to the next Chapter 11 calendar.

Disposition: GRANTED.

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

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

**Debtor(s):**

Godwin Osaigbovo Iserhien

Represented By  
Onyinye N Anyama

**Movant(s):**

Godwin Osaigbovo Iserhien

Represented By  
Onyinye N Anyama

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**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#2.00** Motion Re: Objection to Claim Number 2  
by Claimant Internal Revenue Service

fr. 6/20/18

Docket 49

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 6/25/18 - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**Movant(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

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**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#3.00** Motion RE: Objection to Claim Number  
Claimant A & R I Partnership with request  
for valuation of security, payment of fully  
secured claims, and modification of  
undersecured claims

fr. 7/18/18

Docket 109

**Tentative Ruling:**

Service proper. No opposition filed. The motion is GRANTED.

APPEARANCES WAIVED

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

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**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#4.00** Motion RE: Objection to Claim by  
Claimant California Franchise Tax Board  
with request for valuation of security, payment  
of fully secured claims, and modification of  
undersecured claims

fr. 7/18/18

Docket 108

**Tentative Ruling:**

Service proper. No opposition filed. The motion is GRANTED.

APPEARANCES WAIVED

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

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**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#5.00** U.S. Trustee's Motion to Dismiss or Convert  
Case withand Order Directing Payment of  
Quarterly Fees and for Judgment Thereon

fr. 3/28/18, 5/2/18, 5/23/18, 7/18/18

Docket 106

**\*\*\* VACATED \*\*\* REASON: Ntc. o w/d filed 8/7/18 (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson**

**Chapter 11**

**#6.00 U.S. Trustee Motion to dismiss or convert Case**

fr. 5/16/18, 5/30/18, 6/13/18

Docket 43

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By  
Matthew D Resnik  
Roksana D. Moradi-Brovia

**Joint Debtor(s):**

Keri Ingvarsson

Represented By  
Matthew D Resnik  
Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10256 Tours Incorporated, Inc.**

**Chapter 11**

**#7.00 Status and Case Management Conference**

fr. 3/22/17, 9/13/17; 12/6/17, 3/21/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#7.01 Hearing on Confirmation of Debtor's  
Chapter 11 Plan of Reorganization**

Docket 340

**Tentative Ruling:**

Having reviewed all relevant documents, there being no objections to plan confirmation, and all requirements having been met, the plan will be confirmed. Debtor to include all necessary findings in the plan confirmation order.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#8.00 Scheduling and Case Management Conference**

fr. 11/3/16, 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17, 2/7/18, 5/2/18,  
6/6/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#9.00** Motion for relief from stay

LA HABRA KNOLLS HOMEOWNERS ASSOCIATION

Docket 2113

**Tentative Ruling:**

Petition Date: 1/9/12

Converted to ch. 7: 3/14/12

Service: Proper. No opposition filed.

Movant: La Habra Knolls HOA

Relief Sought to: Pursue Pending Litigation \_\_\_ Commence Litigation

XX Pursue Insurance \_\_\_ Other

Litigation Information

Case Name: not yet filed

Court/Agency: unk.

Date Filed: not yet filed

Judgment Entered:

Trial Start Date:

Action Description: account stated; open book account (not yet filed)

Grounds

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3<sup>rd</sup> Parties \_\_\_

Nondischargeable XX

Mandatory Abstention \_\_\_ Non-BK Claims Best Resolved in Non-BK Forum

XX

Other:

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **6** (binding and effective against any debtor for 180 days.)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Owner Management Service, LLC and Trustee Corps Chapter 7**  
NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Owner Management Service, LLC	Pro Se
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**Movant(s):**

La Habra Knolls Homeowners	Represented By Debora M Zumwalt
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**Trustee(s):**

David Seror (TR)	Represented By Richard Burstein Michael W Davis David Seror David Seror (TR) Steven T Gubner Reagan E Boyce Jessica L Bagdanov Reed Bernet Talin Keshishian
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:14-14889 Guy Pierre Hector and Brenda Buell Hector**

**Chapter 13**

**#10.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 7/18/18

Docket 63

**\*\*\* VACATED \*\*\* REASON: Resolved via APO 8/7/18 (doc. 65) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Guy Pierre Hector

Represented By  
Leon D Bayer

**Joint Debtor(s):**

Brenda Buell Hector

Represented By  
Leon D Bayer

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10837 Dawn Elizabeth Thomas**

**Chapter 13**

**#11.00** Motion for relief from stay

WELLS FARGO BANK

Docket 44

**Tentative Ruling:**

Petition Date: 3/22/16

Chapter 13 plan confirmed: 6/15/16

Service: Proper. Opposition filed.

Property: 7239 Balboa Bl. #A, Van Nuys, CA 91406

Property Value: \$490,000 (per debtor's schedules)

Amount Owed: \$244,969

Equity Cushion: 50.0%

Equity: \$114,663.74

Post-confirmation Delinquency: \$20,178.37 (4 payments of \$929.47; 5 payments of \$940.65; 12 payments of \$941.60; 1 payment of \$690.69; post-petition advances of \$400; less suspense account balance of \$902.65).

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received on this debt was on or about March 22, 2017.

Debtor opposes the Motion, arguing that there is sufficient equity in the Property to adequately protect Movant's claim. Debtor, who lives at the Property, requests an APO to catch up on the delinquent payments.

Is Movant amenable to Debtor's request of an APO?

APPEARANCE REQUIRED.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Dawn Elizabeth Thomas**

**Chapter 13**

**Debtor(s):**

Dawn Elizabeth Thomas

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10739 Jacobo Lopes Tunchez**

**Chapter 13**

**#12.00** Motion for relief from stay

GATEWAY ONE LENDING & FINANCE

Docket 27

**Tentative Ruling:**

Petition Date: 3/22/17  
Chapter 13 plan confirmed: 8/3/17  
Service: Proper. Opposition filed.  
Property: 2003 Hummer H2  
Property Value: \$11,815 (per debtor's schedules)  
Amount Owed: \$7,707.09  
Equity Cushion: 35.1%  
Equity: \$4,107.91  
Post-Petition Delinquency: \$3,393.16 (6 payments of \$460.36, and attorney's fees of \$631)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Debtor requests to cure the delinquent payments in an APO. Is Movant amenable to this request?

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Jacobo Lopes Tunchez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jacobo Lopes Tunchez**

**Chapter 13**

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 15, 2018

Hearing Room 302

11:00 AM

1:17-11641 John A, Gillett and Pearlene Gillett

Chapter 13

#13.00 Motion for relief from stay

NATIONSTAR MORTGAGE LLC

fr. 7/18/18

Docket 47

\*\*\* VACATED \*\*\* REASON: Order resolving entered 7/20/18 - jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By  
Julie J Villalobos

**Movant(s):**

Nationstar Mortgage LLC

Represented By  
Merdaud Jafarnia  
Nancy L Lee

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11641 John A, Gillett and Pearlene Gillett**

**Chapter 13**

**#13.01** Motion for relief from stay

WELLS FARGO BANK NA

fr. 8/1/18

Docket 45

**Tentative Ruling:**

This hearing was continued from 8/1/18 so that the parties could discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

8/1/18 TENTATIVE BELOW

Petition Date: 6/21/18

Chapter 13 plan confirmed: 11/9/17

Service: Proper. No opposition filed.

Property: 23700 Nadir St., Canoga Park, CA 91304

Property Value: \$740,000 (per debtor's schedules)

Amount Owed: \$136,623.68

Equity Cushion: 50.61%

Equity: \$119,516

Post-Petition Delinquency: \$2,485.89 (1 payment of \$495.77, 4 payments \$497.53)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay). While Debtor is post-petition delinquent, there is sufficient equity to protect Movant's interest. Has the option of an APO been explored?

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... John A, Gillett and Pearlene Gillett**

**Chapter 13**

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By  
Julie J Villalobos

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Austin P Nagel

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11807 Arturo Juarez**

**Chapter 13**

**#14.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 5/16/18, 7/18/18

Docket 55

**Tentative Ruling:**

This hearing was continued from 8/1/18 so that the parties could discuss an APO. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED.

7/18/18 TENTATIVE BELOW

At the previous hearing, the parties indicated that they were working on an adequate protection agreement. Since the hearing, Debtor filed an opposition to the motion, arguing that more payments have been made to Movant than the Motion accounts for. Debtor seeks to cure through APO to make up post-petition payments over a 12 month.

What is the status of the APO efforts?

**5/16/18 Tentative**

Petition Date: 7/8/17

Chapter: 13

Service: Proper. No opposition filed.

Property: 9100 Omelveny Ave., Sun Valley, CA 91352

Property Value: \$460,156 (per debtor's schedules)

Amount Owed: \$ 437,275.90 (per RFS motion)

Equity Cushion: 0.0% (assuming 8% cost of sale)

Equity: \$22,880.10

Post-Petition Delinquency: \$7,909.34

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Arturo Juarez**

**Chapter 13**

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (co-debtor stay terminated); and **7** (waiver of the 4001(a) (3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Arturo Juarez

Represented By  
Shirlee L Bliss

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12056 Samuel Araos Pasag and Nellie Garingan Pasag**

**Chapter 13**

**#15.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 6/13/18

Docket 34

**Tentative Ruling:**

This hearing was continued from June 13, 2018, to allow the Debtor to apply for a loan modification. What is the status of this Motion?

APPEARANCE REQUIRED

**6/13/18 TENTATIVE BELOW**

Petition Date: 08/2/2017

Service: Proper. Opposition filed.

Property: 21051 Schoenborn St., Canoga Park, California 91304

Property Value: \$ 560,000.00 (per debtor's schedules)

Amount Owed: \$ 687,555.73

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$11,056.62 (4 payments of \$10,251.16; \$0.00 in post-petition advances; \$1,031 in attorneys' fees; less \$225.54 in suspense account or partial paid balance)

Debtor opposes the Motion, arguing that there is an application for a loan modification still under review, and requests a continuance of this hearing to allow for a determination of the loan modification application. See Opposition, Ex. A.

Movant requests relief under 11 U.S.C. 362(d)(1). Movant requests specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **5** (11 U.S.C. §1201 (a) or §1301(a) co-debtor stay terminated, modified, or annulled); and **6** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Samuel Araos Pasag and Nellie Garingan Pasag**

**Chapter 13**

**Debtor(s):**

Samuel Araos Pasag

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Nellie Garingan Pasag

Represented By  
Hasmik Jasmine Papian

**Movant(s):**

Deutsche Bank National Trust Co.,

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 15, 2018

Hearing Room 302

11:00 AM

1:17-13304 Melissa D Kurtz

Chapter 13

#16.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 37

**Tentative Ruling:**

Petition Date: 12/12/17

Chapter 13 plan confirmed: 5/2/18

Service: Proper. No opposition filed.

Property: 13105 Portola Way, Sylmar (Los Angeles), CA 91342

Property Value: \$458,701 (per debtor's schedules)

Amount Owed: \$453,538

Equity Cushion: 1.1%

Equity: \$0.00.

Post-Petition Delinquency: \$9,011.06 (3 payments of \$3,003.81, less  
suspense account balance of \$0.37)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay). Movant alleges that the last payment received on this claim was 5/8/2018.

Debtor opposes the Motion, contending that she had some family emergencies which caused her to fall behind on payments. Debtor requests to cure any arrears by entering into an APO. Is Movant amenable to Debtor's request?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Melissa D Kurtz

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Melissa D Kurtz**

Kevin T Simon

**Chapter 13**

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Kelsey X Luu  
Jenelle C Arnold  
Angie M Marth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11502 Nahid Saffari**

**Chapter 7**

**#17.00** Motion for relief from stay

CAB WEST LLC

Docket 10

**Tentative Ruling:**

Petition Date: 6/14/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Ford Fusion

Property Value: \$0 (LEASED, per debtor's schedules)

Amount Owed: \$

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$890.90

Debtor intends to reject the lease, according to her filed Statement of Intention. Movant states that it regained possession of the vehicle on 7/6/18.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Nahid Saffari

Represented By  
Navid Kohan

**Movant(s):**

Cab West LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Nahid Saffari**

Sheryl K Ith

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11760 Paul T Formanek**

**Chapter 7**

**#18.00** Motion for relief from stay

YOSEMITE CAPITAL LLC

Docket 7

**Tentative Ruling:**

Petition Date: 7/13/18

Chapter: 7

Service: Proper. Oppositions filed.

Property: 22703 Burton Street, Canoga Park, CA 91304

Property Value: \$535,000 (per debtor's schedules)

Amount Owed: \$316,924

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$44,685.82 (11 payments of \$4,038.66)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that there is no equity in the Property because there are approx. \$379,000 of tax liens secured in part by the Property, in addition to his secured claim.

Trustee opposes the Motion, arguing that Movant's debt is only \$316,924 and is the only consensual lien on the Property. Even using Movant's value of \$445,000, Trustee estimates that there would still be \$229,000 in equity or 58% cushion, which more than adequately protects Movant's claim. Trustee notes that the tax liens may be cross-collateralized with other property, including two parcels of real property, one of which has approx. \$130,000 in equity, and thus may not constitute an encumbrance on the Property. Under Bankruptcy Code §724, the procedure and distribution of funds from sale of property encumbered by tax liens is that after payment of voluntary liens (as in the case of Movant) and costs of administration, proceeds are then distributed to the tax lien claimants. Thus, upon liquidation by the Trustee, the

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Paul T Formanek**

**Chapter 7**

tax lien claimants will receive a distribution on their respective claims. In the event the Property is foreclosed upon, it is not certain whether the tax liens will survive the foreclosure and whether or to what extent tax lien claimants will be paid. Trustee maintains that it is in the best interest of the creditors of this Estate for the Trustee to liquidate the property.

Debtor opposed the Motion as well, arguing that Movant has not met his burden of proof to establish that there is insufficient equity in the Property. The appraisal submitted with the Motion is not supported by a declaration of the appraiser, and is outdated as having been obtained on or around October 2014. Lastly, Debtor contends that Movant's calculation of its claim with respect to the interest and late charge portion. Debtor argues that this motion should be denied without prejudice, or continued for approx. 60 days, to allow Trustee to fully market and sell the Property for fair market value, instead of allowing Lender to conduct a foreclosure sale at which buyers typically pay far less than in a negotiated market sale. Realizing the full fair market value of the Property is critical to Debtor, as he contends he has significant non-dischargeable tax liabilities to entities such as the IRS.

Here, Movant has not sustained his burden to show that there are grounds for relief from stay under 362(d)(1) or (d)(2) at this time. Parties should appear prepared to discuss a timeline for resolution of the issues presented in this Motion.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

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

**Debtor(s):**

Paul T Formanek

Represented By  
Taylor F Williams

**Movant(s):**

Yosemite Capital, LLC

Represented By  
Edward T Weber

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Paul T Formanek**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#19.00** Status Conference re: Complaint for damages,  
declaratory and injunctive relief for violation of  
11 u.s.c. section 524

fr. 1/24/18, 2/14/18, 8/1/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

Parties should indicate at s/c whether any objection to following deadlines:

Discovery should be completed by 12/7/18.

Any dispositive motions must be filed by 12/19/18 and noticed for 1 pm on  
2/6/19

The MSJ schedule will be lengthened slightly due to the holidays:

Moving brief filed by 12/19/18

Response due 1/16/19

Reply due 1/23/19

Hearing 2/6/19 at 1pm

If no MSJ is filed, the pretrial stip will be due by 1/23 for the 2/6 hearing.

**Party Information**

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Pro Se

Leo Fasen

Pro Se

Vincent J Quigg

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Hermine Nazaryan**

**Chapter 7**

Michael Waldren

Pro Se

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:15-14037 David Brown Levy**

**Chapter 7**

Adv#: 1:16-01024 Poteet et al v. Levy

**#20.00** Status Conference re Complaint to determine dischargeability of debt

fr. 5/4/16; 11/16/16; 3/29/17, 8/2/17; 10/18/17, 4/25/18

Docket 1

**Tentative Ruling:**

Have state court proceedings concluded?

**Party Information**

**Debtor(s):**

David Brown Levy Pro Se

**Defendant(s):**

David Brown Levy Pro Se

**Plaintiff(s):**

Victor Poteet Represented By  
Bernard J Kornberg

Michael Clofine Represented By  
Bernard J Kornberg

Gene Salkind Represented By  
Bernard J Kornberg

The Workshop LLC Represented By  
Bernard J Kornberg

**Trustee(s):**

Nancy J Zamora (TR) Represented By  
Wesley H Avery

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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11:00 AM

**CONT... David Brown Levy**

**Chapter 7**

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#21.00** Pre-Trial Status Conference Re Complaint to:  
Determine Dischargeability of debt

fr. 9/27/17, 12/13/17; 2/14/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 10/24/18 at  
1:00 p.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Claudia Maria Ragsdale Pro Se

**Defendant(s):**

Claudia Maria Ragsdale Pro Se

**Plaintiff(s):**

American Contractors Indemnity Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11951 Kenneth Paul Lui**

**Chapter 7**

Adv#: 1:17-01085 Lui v. NAVIENT SOLUTIONS,INC

**#22.00** Status Conference Re: Amended Complaint for Determination that Student Loan Debt is Dischargeable Pursuant to 11 USC Sec. 523(a)(8)(B)

fr. 11/8/17, 6/13/18

Docket 1

**Tentative Ruling:**

Parties should start preparing pretrial stipulation. It will be due by 10/3 for a 10/17 pretrial conference at 11 am. Trial will be 10/30 at 9:30 am

**Party Information**

**Debtor(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Defendant(s):**

NAVIENT SOLUTIONS,INC

Pro Se

**Plaintiff(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#23.00** Motion to Compel Chapter 7 Trustee to Abandon  
Property of the Estate Pursuant to 11 USC section 554(b)

Docket 119

**Tentative Ruling:**

Appearance required or parties may stipulate to continue a month or two until  
adversary proceedings are further along.

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Movant(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13557 Agavni Adzhiyan**

**Chapter 7**

**#24.00** Motion to Avoid Lien Under 11 USC section 522(f) with Core Properties, LLC

Docket 42

**Tentative Ruling:**

On October 24, 2015, Agavni Adzhiyan ("Debtor") filed a voluntary chapter 7 petition. On February 2, 2016, the case was closed after discharge was entered. Since February 26, 2016, Debtor has, in one way or another, attempted to avoid judicial liens under § 522(f), but Debtor either withdrew the Motion to Avoid (see ECF doc. 20) or failed to pay the reopen case fee (see ECF doc. 28; 30; 31; and 34). On May 4, 2018, Debtor again moved *pro se* to reopen her chapter 7 case. On May 8, 2018, creditor Core Properties, LLC ("Core Properties") filed an Opposition to the motion to reopen. On May 25, 2018, the Court entered an Order Granting Motion to Reopen under § 350.

On June 19, 2018, Debtor filed two Motions to Avoid Liens under § 522(f), one as to creditor Sidney Djanogly (ECF doc. 41) and the other as to Core Properties (ECF doc. 42).

On July 6, creditor Core Properties filed an opposition. The opposition argues that Debtor's valuation of \$280,000, supported by an appraisal from Jennifer Bosco, is not an accurate estimate of the Property's value. Core Properties submits an opposing appraisal by Sangbum Kim for \$380,000.

Core Properties further argues that Debtor is not entitled to a \$75,000 exemption on the real property located at 165 Apache, Topanga, CA (the "Property") because Debtor did not reside at the Property at the time the bankruptcy was filed. The property was, Core Properties alleges, used for rental purposes. In support of its allegation, Core Properties attaches a "Statement of Tenancy" dated March 14, 2016 and signed by Cori Ann Ketchum. The Statement of Tenancy indicates that Ms. Ketchum has been the sole occupant of the property since June, 2015 and that her landlord is the Debtor, Susan Adzhiyan.

Core Properties correctly points out that Debtor cannot obtain an exemption for \$75,000 under C.C.P. § 703.140(b)(1), as indicated on page two of the Motion; however, Debtor's schedule C, attached to the Motion as, indicates that the

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11:00 AM

CONT... **Agavni Adzhiyan**

**Chapter 7**

homestead exemption is being claimed under C.C.P. § 704.730. The Court agrees that Debtor's Motion is incorrect as to the section citation, but that mistake alone is not fatal. Core Properties is also correct that, as set forth In re Thomas, a creditor's refusal to voluntarily withdraw a judgment lien is not a violation of the discharge injunction. 102 B.R. 199 (Bankr. E.D. Cal (1989)). Absent a showing of additional facts, the Court will not entertain a discharge injunction violation argument, particularly where the only motion before the Court seeks lien avoidance under § 522 (f).

Debtor raises an evidentiary objection to Core Properties' evidence as hearsay, lacking authentication, and irrelevant. Since an evidentiary hearing will be held and Core Properties may authenticate these items there, a ruling will be postponed until that hearing.

It appears that an evidentiary hearing will be required to determine factual issues, including 1) Debtor's entitlement to a homestead exemption, and 2) the value of the property. The parties should be prepared to suggest hearing dates.

APPEARANCE REQUIRED

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

**Debtor(s):**

Agavni Adzhiyan

Represented By  
Elena Steers

**Movant(s):**

Agavni Adzhiyan

Represented By  
Elena Steers  
Elena Steers  
Elena Steers  
Elena Steers  
Elena Steers

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12749 Bradley N Berman**

**Chapter 7**

**#25.00** Order to Show Cause Why James Finigan, Esq., and Arthur Shapiro, Individually and as Agent for AMZ Packing, Inc. Should Not Be Held in Contempt for Willful Violation of the Discharge Injunction

fr. 6/20/18

Docket 26

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Bradley N Berman

Represented By  
Daniel J Winfree

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10862 Marcos De Souza**

**Chapter 7**

**#26.00** Motion Under 11 USC section 110 For Disgorgement  
Of Fees And Fines Against Bankruptcy Petition  
Preparer German De La Cruz

Docket 21

**Tentative Ruling:**

Marcos de Souza ("Debtor"), had health complications in April 2017 which led to financial distress. Debtor was referred by a friend to bankruptcy petition preparer German de la Cruz in Spring of 2017.

Debtor's declaration in support of Trustee's Motion for Sanctions & Disgorgement alleges several actions by Mr. De La Cruz that violate § 110. Trustee therefore seeks disgorgement of \$1,035 in fees paid by Debtor to Mr. De La Cruz, statutory damages to be awarded to Debtor in the amount of \$2,000 under § 110(i)(1), and the assessment of a fine against Mr. De La Cruz in the amount of \$2,000.

Disgorgement pursuant to § 110(h)(3)

Under § 110(h)(3)(A), the Bankruptcy Court shall disallow any fee in excess of the value of any services rendered during the twelve months before the date the petition was filed, and shall order the immediate turnover of those fees. In any case in which the preparer fails to comply with §§ 110(b)-(h), the court has the authority to order the petition preparer to forfeit all fees charged.

Mr. De La Cruz charged Debtor \$700 for preparation of Debtor's schedules and an additional \$335 for the filing fee. De La Cruz gave Debtor legal advice by explaining the differences between bankruptcy chapters, recommending the Debtor file a chapter 7, selecting Debtor's exemptions, and indicating the character of Debtor's debts. Mr. De La Cruz violated § 110(f) by indicating that he provides "legal services" and that he holds a "JD." De La Cruz also violated § 110(h)(1) when he failed to notify the Debtor of the maximum amount he could charge for preparing the bankruptcy. The \$1,035 in fees collected by Mr. De La Cruz is subject to the forfeiture of all fees under §§ 110(h)(3)(A) and (B).

Statutory damages pursuant to § 110(i)(1)

Section 110(i)(1) provides that if a petition preparer violates § 110 or "commits any

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**CONT... Marcos De Souza**

**Chapter 7**

act that the court finds to be fraudulent, unfair, or deceptive," the court "shall order" the petition preparer to pay to the debtor A) the debtor's actual damages; B) the greater of \$2,000 or twice the amount of the preparer's fee; and C) reasonable attorneys' fees and costs in moving for damages under this subsection.

Trustee argues that De La Cruz engaged in deceptive and fraudulent conduct when he initially told the Debtor that he had filed his case with the bankruptcy court, when in fact he had not done so, and spent the monies the Debtor had paid him for court filing fee for the case. Trustee argues he engaged in further deceptive conduct when he charged the Debtor \$500 more than the amount permitted for typical chapter 7 documents in this District, without giving the Debtor a copy of the BPP Guidelines. If the Debtor had been provided a copy of the BPP Guidelines, which Mr. De La Cruz was required to have supplied, the Debtor would have known that Mr. De La Cruz typically would be allowed to charge only \$200 for his services.

Without making a finding as to whether failure to provide Debtor a copy of the BPP Guidelines while charging in excess of those guidelines constitutes "fraudulent unfair, or deceptive" within the meaning of § 110(i)(1), the Court finds that De La Cruz's misrepresentation to Debtor that he had filed his bankruptcy case in September 2017, in combination with De La Cruz's conduct in keeping for his own use \$1,035, a portion of which was supposed to be the "filing fee" for Debtor's case, constitutes fraudulent, unfair or deceptive conduct within the meaning of § 110(i)(1). Mr. De La Cruz is ordered to pay \$2,000 in statutory damages to the Debtor.

Fines pursuant to § 110(l)(1)

Section 110(l)(1) provides that a BPP may be fined in an amount up to \$500 for each violation of subsections (b) through (h). Under § 110(l)(4), the fines imposed under this section shall be paid to the U.S. Trustee, who shall deposit that amount into a special account of the U.S. Trustee System Fund described in 28 U.S.C. § 586(e)(2).

Trustee argues Mr. De La Cruz has violated the following requirements of § 110 and should be fined for each violation in the amount indicated below:

- 1) § 110(e)(2): \$500 fine (for offering legal advice);
- 2) § 110(f): \$500 fine (for using the word "legal" in an advertisement);
- 3) § 110(g): \$500 fine (for collecting the filing fee); and
- 4) § 110(h)(1): \$500 fine (for failing to notify the Debtor of the maximum amount he could charge).

The Court agrees with the Trustee as to the four violations indicated above. De La

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**CONT... Marcos De Souza**

**Chapter 7**

Cruz will therefore be fined in the amount of \$2,000

APPEARANCE REQUIRED

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

**Debtor(s):**

Marcos De Souza

Pro Se

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12980 Mainstream Advertising, a California Corporation**

**Chapter 7**

**#27.00** Application to Employ Levene, Neale, Bender, Yoo & Brill L.L.P. as Special  
Litigation Counsel Pursuant to 11 U.S.C § 327(c)

Docket 107

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Mainstream Advertising, a

Represented By  
Michael Jay Berger

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
David B Golubchik  
Peter J Mastan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, August 15, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10555 Julio C Molica**

**Chapter 13**

**#28.00** Motion to vacate dismissal

Docket 31

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Julio C Molica

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 15, 2018**

**Hearing Room 302**

1:00 PM

**1:17-12333 Karmile Yurdumyan**  
Adv#: 1:18-01030 Gottlieb (TR) v. Gemilyan

**Chapter 7**

**#29.00** Motion for Summary Judgment as to Defendant  
Karen Galust Gemilyan or, in the Alternative,  
Summary Adjudication of Issues

Docket 9

**Tentative Ruling:**

A memo will issue after the hearing. I am interested in the following clarifications:

The exact theories of the first and second claims for relief are somewhat confusing as articulated in the complaint. The difference between the first and second claims for relief is not clear. It appears the citation in the caption of the second claim for relief to § 502(b)(4) is a typographical error, and § 502(b)(1) is intended. But there is nothing in the complaint objecting to the claim. Is the trustee simply objecting to the lien?

How does § 544 interplay with Cal. Bus. & Prof. Code § 7031? The complaint does not explain this.

In whose shoes does the trustee stand for this action? A creditor under 544 or the debtor's?

The trustee seeks judicial notice of a number of documents that appear to be uncontroverted, so that is taken. Evidentiary objections were also made, but don't they relate to factual matters that are legally irrelevant?

Defendant did not specifically object to the trustee's statement of undisputed facts, but only added additional facts. The additional facts submitted by defendant seem to be either legal issues, irrelevant, or are facts which are not material to the conclusions reached here. Shouldn't the trustee's statement of undisputed facts be adopted?

The plain language of § 7031(a) prohibits a suit for "performance of any act or contract where a license is required" unless the individual was "a

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CONT... **Karmile Yurdumyan**

Chapter 7

duly licensed contractor at all times during the performance of that act or contract." On its face, the strict licensing requirement applies to the performance of a contract if the contract involves any work requiring a license. Isn't defendant's point about what work he did through December irrelevant? Defendant should address WSS Indus. Constr., Inc. v. Great W. Contractors, Inc., 162 Cal. App. 4th 581, 591–92 (2008), as modified (Apr. 28, 2008)(contractor cannot segregate "acts" performed in furtherance of the contract.)

Defendant argues that the Trustee's action is subject to a four-year statute of limitations under C.C.P. § 337. Because the Gemilyan Deed was signed sixteen years prior to this action, Defendant argues that Trustee's action is time-barred. Defendant may still raise this issue under Magana v. Com. of the N. Mariana Islands, 107 F.3d 1436, 1446 (9th Cir. 1997), as amended (May 1, 1997). In Magana, the Ninth Circuit reversed the district court's grant of summary judgment, concluding that there was no prejudice to the opposing party because the defendant raised the statute of limitations defense only three months after filing their answer.

That said, given that the nature of § 7031(a) is a defensive shield against actions by a contractor, it's not clear that any statute of limitations would apply. It is only the unusual context presented by this case, where a trustee in bankruptcy is seeking to use the unenforceability of a claim under § 502(b)(1) as a basis to avoid a lien under § 506(d), that the shield of § 7031 (a) becomes an offensive weapon. In a suit by Defendant against Debtor outside of bankruptcy to collect upon Defendant's claim, wouldn't Debtor have the benefit of a defense under § 7031(a)?

Even if there is no statute of limitations as a defense to the lien, why would there not be a statute of limitations for affirmatively going after defendant 16 years later for the \$1,000 payment? The California courts appear to have avoided the issue, but the affirmative use of 7031(b) would appear to be different.

Additionally, how is this actually plead in the complaint? It appears not to be a cause of action and just tossed in at paragraph 77 at the end of the claim to determine the validity of the lien.

How has trustee actually objected to the claim itself rather than just the



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**CONT... Karmile Yurdumyan**  
validity of the lien? Does it matter?

**Chapter 7**

APPEARANCE REQUIRED

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Karen Galust Gemilyan

Represented By  
David Brian Lally

**Movant(s):**

David K. Gottlieb (TR)

Represented By  
Peter A Davidson

**Plaintiff(s):**

David K. Gottlieb (TR)

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
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**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11114 Lori K Dumont**

**Chapter 7**

**#1.00 Pro se Reaffirmation Agreement Between Debtor and  
American Honda Finance Corporation**

Docket 8

**Tentative Ruling:**

Petition date: 4/30/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Honda Civic

Debtor's valuation of property (Sch. B): not listed on Sch. B (**LEASE**)

Amount to be reaffirmed: \$9,567.30

APR: N/A

Contract terms: \$318.91 per month for 30 months

Monthly Income (Schedule I): \$3,407.76

Monthly expenses: (Schedule J): \$3,368.91

Disposable income: \$38.85

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor did not explain how she will make the payments on this lease. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 25, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING

**Party Information**

**United States Bankruptcy Court  
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8:30 AM

**CONT... Lori K Dumont**

**Chapter 7**

**Debtor(s):**

Lori K Dumont

Represented By  
R Grace Rodriguez

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11156 Marybell Estrada**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor  
and Ford Motor Credit Company LLC**

Docket 10

**Tentative Ruling:**

Petition date: 5/4/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Ford Fusion

Debtor's valuation of property (Sch. B): \$7,562

Amount to be reaffirmed: \$10,826.81

APR: 3.9%

Contract terms: \$681.34 per month for approx. 15 months (one payment of \$714.89)

Monthly Income (Schedule I): \$4,686.30

Monthly expenses: (Schedule J): \$5,235.06

Disposable income: <\$548.76>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that she got a new job with slightly higher pay, as well as cut some of her expenses. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 10, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
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San Fernando Valley  
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8:30 AM

**CONT... Marybell Estrada**

**Chapter 7**

**Debtor(s):**

Marybell Estrada

Represented By  
Mark J Markus

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11292 Silvia L Sandoval**

**Chapter 7**

**#3.00 Pro se Reaffirmation Agreement Between Debtor and  
BEN BRIDGE JEWELERS**

Docket 11

**Tentative Ruling:**

Petition date: 5/18/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: Gold Rolex Cosmograph watch

Debtor's valuation of property (Sch. B): not listed on Sch. B; creditor lists value as \$17,410

Amount to be reaffirmed: \$6,322.32

APR: 12% (19.80% prior to bankruptcy)

Contract terms: \$225 per month for 33 months

Monthly Income (Schedule I): \$3,569.05

Monthly expenses: (Schedule J): \$3,537.98

Disposable income: \$58.07

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that she got a raise at her job. A \$225 payment is listed on Sch. J, but it is under the category of "transportation."

Debtor has a right to rescind agreement anytime prior to discharge, or until October 2, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

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8:30 AM

**CONT... Silvia L Sandoval**

**Chapter 7**

**Debtor(s):**

Silvia L Sandoval

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11328 Dalia Goldin and Asher Goldin**

**Chapter 7**

**#4.00 Pro se Reaffirmation Agreement Between  
and Ally Financial**

Docket 14

**Tentative Ruling:**

Petition date: 5/23/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2006 Hummer H2

Debtor's valuation of property (Sch. B): \$15,000

Amount to be reaffirmed: \$6,443.58

APR: 7.25%

Contract terms: \$517.61 per month for 13 months

Monthly Income (Schedule I): \$7,060

Monthly expenses: (Schedule J): \$10,143

Disposable income: <\$3,083>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtors explain that Mr. Goldin has had medical issues but is trying to increase his income. The payment for this vehicle is not listed on Sch. J, but the payments for two other vehicles are listed (a Ford F-150 and a leased Lexus).

Debtor has a right to rescind agreement anytime prior to discharge, or until September 3, 2018, whichever is later.

**RULING MAY BE MODIFIED AT HEARING.**



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**CONT... Dalia Goldin and Asher Goldin**

**Chapter 7**

**Party Information**

**Debtor(s):**

Dalia Goldin

Represented By  
David S Hagen

**Joint Debtor(s):**

Asher Goldin

Represented By  
David S Hagen

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11328 Dalia Goldin and Asher Goldin**

**Chapter 7**

**#5.00 Pro se Reaffirmation Agreement Between Debtor  
and Ford Motor Credit Company LLC**

Docket 18

**Tentative Ruling:**

Petition date: 5/23/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Ford F-150

Debtor's valuation of property (Sch. B): \$23,000

Amount to be reaffirmed: \$32,410

APR: 2.9%

Contract terms: \$849.45 per month for 40 months

Monthly Income (Schedule I): \$7,060

Monthly expenses: (Schedule J): \$10,143

Disposable income: <\$3,083>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that the payments for this vehicle are current and that Debtor needs the vehicle for work. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 3, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Dalia Goldin and Asher Goldin**

**Chapter 7**

**Debtor(s):**

Dalia Goldin

Represented By  
David S Hagen

**Joint Debtor(s):**

Asher Goldin

Represented By  
David S Hagen

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11508 Louis Mancini and Judith Mancini**

**Chapter 7**

**#6.00 Pro se Reaffirmation Agreement Between Debtor and  
BMW Financial Services NA, LLC**

Docket 11

**Tentative Ruling:**

Petition date: 6/14/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 BMW 328i

Debtor's valuation of property (Sch. B): \$15,238

Amount to be reaffirmed: \$19,114.89

APR: 1.9%

Contract terms: \$356.41 per month for 55 months

Monthly Income (Schedule I): \$5,365.77

Monthly expenses: (Schedule J): \$5,347.20

Disposable income: \$18,57

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtors state that they are attempting to find employment and "monetize" their podcast.

Debtor has a right to rescind agreement anytime prior to discharge, or until September 25, 2018, whichever is later.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Louis Mancini and Judith Mancini**

**Chapter 7**

**Debtor(s):**

Louis Mancini

Represented By  
Daniel King

**Joint Debtor(s):**

Judith Mancini

Represented By  
Daniel King

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11332 Sousan Najafi**

**Chapter 11**

**#7.00 Motion to Dismiss Debtor**

Docket 20

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sousan Najafi

Represented By  
Dana M Douglas

**Movant(s):**

Sousan Najafi

Represented By  
Dana M Douglas  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

9:00 AM

**1:16-10348 Jim K. Nikolopoulos and Ayarpi Nikolopoulos**

**Chapter 13**

**#8.00** Motion for Authority to Incur Debt to  
Purchase and Finance Real Property

Docket 41

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jim K. Nikolopoulos

Represented By  
Scott D Olsen

**Joint Debtor(s):**

Ayarpi Nikolopoulos

Represented By  
Scott D Olsen

**Movant(s):**

Jim K. Nikolopoulos

Represented By  
Scott D Olsen

Ayarpi Nikolopoulos

Represented By  
Scott D Olsen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

10:00 AM

**1:15-13557 Agavni Adzhiyan**

**Chapter 7**

**#9.00 EVID HRG -  
Motion to Avoid Lien Under 11 USC section  
522(f) with Core Properties, LLC**

fr. 8/15/18

Docket 42

**Tentative Ruling:**

On October 24, 2015, Agavni Adzhiyan ("Debtor") filed a voluntary chapter 7 petition. On February 2, 2016, the case was closed after discharge was entered. Since February 26, 2016, Debtor has, in one way or another, attempted to avoid judicial liens under § 522(f), but Debtor either withdrew the Motion to Avoid (see ECF doc. 20) or failed to pay the reopen case fee (see ECF doc. 28; 30; 31; and 34). On May 4, 2018, Debtor again moved *pro se* to reopen her chapter 7 case. On May 8, 2018, creditor Core Properties, LLC ("Core Properties") filed an Opposition to the motion to reopen. On May 25, 2018, the Court entered an Order Granting Motion to Reopen under § 350.

On June 19, 2018, Debtor filed two Motions to Avoid Liens under § 522(f), one as to creditor Sidney Djanogly (ECF doc. 41) and the other as to Core Properties (ECF doc. 42).

On July 6, creditor Core Properties filed an opposition. The opposition argues that Debtor's valuation of \$280,000, supported by an appraisal from Jennifer Bosco, is not an accurate estimate of the Property's value. Core Properties submits an opposing appraisal by Sangbum Kim for \$380,000.

Core Properties further argues that Debtor is not entitled to a \$75,000 exemption on the real property located at 165 Apache, Topanga, CA (the "Property") because Debtor did not reside at the Property at the time the bankruptcy was filed. The property was, Core Properties alleges, used for rental purposes. In support of its allegation, Core Properties attaches a "Statement of Tenancy" dated March 14, 2016 and signed by Cori Ann Ketchum. The Statement of Tenancy indicates that Ms. Ketchum has been the sole occupant of the property since June, 2015 and that her landlord is the Debtor, Susan Adzhiyan.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, August 21, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Agavni Adzhiyan**

**Chapter 7**

Core Properties correctly points out that Debtor cannot obtain an exemption for \$75,000 under C.C.P. § 703.140(b)(1), as indicated on page two of the Motion; however, Debtor's schedule C, attached to the Motion as, indicates that the homestead exemption is being claimed under C.C.P. § 704.730. The Court agrees that Debtor's Motion is incorrect as to the section citation, but that mistake alone is not fatal. Core Properties is also correct that, as set forth In re Thomas, a creditor's refusal to voluntarily withdraw a judgment lien is not a violation of the discharge injunction. 102 B.R. 199 (Bankr. E.D. Cal (1989). Absent a showing of additional facts, the Court will not entertain a discharge injunction violation argument, particularly where the only motion before the Court seeks lien avoidance under § 522(f).

Debtor raises an evidentiary objection to Core Properties' evidence as hearsay, lacking authentication, and irrelevant. Since an evidentiary hearing will be held and Core Properties may authenticate these items there, a ruling will be postponed until that hearing.

It appears that an evidentiary hearing will be required to determine factual issues, including 1) Debtor's entitlement to a homestead exemption, and 2) the value of the property. The parties should be prepared to suggest hearing dates.

APPEARANCE REQUIRED

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

**Debtor(s):**

Agavni Adzhiyan

Represented By  
Elena Steers

**Movant(s):**

Agavni Adzhiyan

Represented By  
Elena Steers  
Elena Steers  
Elena Steers  
Elena Steers  
Elena Steers

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 23, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12057 Auckland Senior Care LLC**

**Chapter 7**

**#1.00** Order to Show Cause (1) Why This Case Should Not Be Dismissed for Violation of Local Bankruptcy Rule 9011-2(a); Or, In The Alternative, (2) Why A Patient Care Ombudsman Should Not Be Appointed

Docket 0

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Auckland Senior Care LLC	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11979 Damian S Forbes**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Damian S Forbes

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11990 Roman Mendoza Diaz**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Roman Mendoza Diaz

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:00 AM

**1:18-11700 Dimitry Voronokov**

**Chapter 13**

**#0.03 Motion to vacate dismissal**

Docket 12

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Dimitry Voronokov	Pro Se
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**Movant(s):**

Dimitry Voronokov	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12066 Georgianne Mary Leong**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Georgianne Mary Leong

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:12-13299 Manoochehr Mike Namdar**

**Chapter 11**

**#1.00 Motion for Entry of Discharge**

Docket 152

**Tentative Ruling:**

The motion indicates that debtor has completed payments to unsecured creditors in the amount of \$69,000, estimated to pay 10% of unsecured claims, pursuant to the plan confirmed on August 30, 2013. Section 1141(d)(5) provides for the discharge of debts in an individual chapter 11 case before all payments under the plan are complete only if certain conditions are met. As detailed in the motion and supporting declaration, Debtor has met the requirements under that subsection. The Court finds that there is no reasonable cause to believe that § 522(q)(1) is applicable or that there is a pending proceeding which may make § 522(q)(1) applicable to Debtor. The motion is GRANTED.

NO APPEARANCE REQUIRED.

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

**Debtor(s):**

Manoochehr Mike Namdar

Represented By

M. Jonathan Hayes

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#2.00 Hearing on Debtor's Amended Disclosure Statement**

Docket 217

**Tentative Ruling:**

The disclosure statement to which this hearing relates is the amended disclosure statement filed on July 11, 2018 (Doc. 217). On August 16, 2018, Debtor filed another Amended Disclosure Statement (Doc. 229) also noticed for hearing on August 29. After a brief review of the two amended disclosure statements, the Court notes that there are differences between the two documents, including the attachment of an exhibit relating to stipulated treatment for the secured creditor, Bank of New York Mellon. No party has filed an objection to the Amended Disclosure Statement. Debtor has not complied with the notice requirements with respect to the August 16 Amended Disclosure Statement, but disclosure otherwise seems adequate. Because Debtor has not provided the full notice, the Court will accept objections relating to disclosure at the time of plan confirmation.

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#3.00 U.S. Trustee's Motion Under 11 USC section 1112(b)  
To Dismiss Or Convert Case**

fr. 7/18/18

Docket 208

**Tentative Ruling:**

While debtor was in compliance at the last hearing, this matter was continued to August 29 to trail the disclosure statement hearing Trustee indicated that she would withdraw the Motion if the disclosure statement was approved.

**7/18/18 Tentative**

UST moves to dismiss, arguing that there is cause under 11 U.S.C. § 1112(b) to dismiss or convert this case. First, Debtor, an individual, has had almost four years to obtain approval of a disclosure statement and plan. Despite this significant amount of time, Debtor has been unable to obtain approval of a disclosure statement delaying creditors' rights to receive any payment on their claims. In addition, the Court has advised Debtor that he needs to wrap up the case and was to notice a hearing on his amended disclosure statement and plan for July 18, 2018, which would have required Debtor to file the amended disclosure statement and plan by June 6, 2018. Regardless of this warning and the July 18, 2018 deadline, Debtor has not filed or noticed an amended disclosure statement for a July 18, 2018 hearing. Lastly, UST contends that Debtor is delinquent in filing the May MOR and providing proof of current insurance for the Honda Accord.

On June 23, 2018, Debtor filed his opposition to the Motion, contending that he has filed proof of his current insurance and the May MOR. Debtor also represents that he has received the accounting from the lender Ditech Financial. In the Opposition, filed a mere 25 days on what is usually a 42-day notice period under LBR 3017-1(a), Debtor states that he will be filing his disclosure statement. An amended disclosure statement was filed on July 11, 2018 - one week before it was set to be heard.

The Court is inclined to grant this Motion.

**APPEARANCE REQUIRED**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Joseph Youseffia**

**Chapter 11**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17,  
2/7/18; 3/7/18; 4/4/18, 5/23/18, 7/18/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12518 Ireland Needlecraft, Inc.**

**Chapter 11**

**#5.00** Motion for relief from stay

VW CREDIT INC

Docket 183

**Tentative Ruling:**

Petition Date: 8/29/16  
Chapter: 11  
Service: Proper. Opposition filed.  
Property: 2016 Audi A6  
Property Value: \$ N/A, Lease  
Amount Owed: \$ 35,958.90  
Post-Petition Delinquency: \$664.90

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Debtor filed a limited opposition, indicating that the lease terminated in June, 2018 and that Debtor has since turned the vehicle in to the dealer. The vehicle has allegedly had a number of mechanical issues which the dealer was unable to repair. While Debtor states that it has no objection to paying the \$664.90 arrearage, Debtor objects to any request by Movant for relief from stay to enforce its state law rights against Debtor or anyone else in connection with this lease. Debtor has no objection to Movant liquidating the vehicle and receiving payments as an unsecured creditor through the plan.

Movant's claim is treated in the Chapter 11 Plan. What is the relief that Movant is seeking?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Ireland Needlecraft, Inc.

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Ireland Needlecraft, Inc.**

Steven R Fox

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#6.00** Motion for Order Confirming Second  
Amended Chapter 11 Plan

fr/ 7/18/18

Docket 77

**Tentative Ruling:**

No objections to the amended plan have been filed. It appears that all of the requirements for plan confirmation have been met. The only ballot received was from Bank of New York Mellon, which constitutes an impaired consenting class under the plan. Debtor should include the required findings in the confirmation order.

Debtor never submitted orders on the claims objections which were granted on 8/15. Debtor should submit those orders as soon as possible.

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#7.00 Scheduling and Case Management Conference**

fr. 11/1/17, 10/25/17, 1/17/18, 2/28/18, 5/2/18,  
5/30/18, 7/18/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 29, 2018

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

#8.00 Disclosure Statement Describing Chapter 11 Plan

fr. 6/13/18

Docket 65

\*\*\* VACATED \*\*\* REASON: Stip. cont. to 11/7/18 @ 9:30am (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#9.00 Scheduling and Case Management Conference**

fr. 1/17/18, 6/13/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent. continuing hrg to 11/7/18 at 9:30  
a.m. - jc**

**Tentative Ruling:**

This matter will be continued to 11/7 to trail the disclosure statement.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 29, 2018

Hearing Room 302

9:30 AM

1:18-11544 Happy Jump, Inc.

Chapter 11

#10.00 Application by Debtor-In-Possession For Order:  
(1) Authorizing Employment of Donahoe & Young LLP  
as Chapter 11 Consel; and (2) Authorizing Donahoe & Young LLP  
to Receive and Draw Down on Future Payments

Docket 27

**Tentative Ruling:**

D&Y indicates in its reply that any payment of fees would be subject to Court approval, but the language of the agreement states that this "evergreen retainer... is designed so that at the beginning of each billing cycle (typically calendar months but perhaps another period) D&Y is paid current and holds \$10,000 as a deposit toward future work. D&Y may apply these funds (or withdraw these funds from Trust) as and when permitted to do so pursuant to the Order approving D&Y's employment or a subsequent Order authorizing such payment." Trustee's reading that D&Y is seeking to pay itself without court approval is a reasonable reading of the above quoted language. This should be clarified in the employment order.

Trustee's concern about how these ongoing \$10,000 retainer payments will affect Debtor's cash flow are responded to in the reply brief. Does this adequately address the UST's concern?

APPEARANCE REQUIRED

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

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10256 Tours Incorporated, Inc.**

**Chapter 11**

**#10.01 Status and Case Management Conference**

fr. 3/22/17, 9/13/17; 12/6/17, 3/21/18, 8/15/18

Docket 1

**Tentative Ruling:**

No status report has been filed. The order on the motion to value was entered on August 6. Debtor failed to appear at the August 15, 2018 hearing, and the U.S. Trustee indicated that Debtor was not in compliance with monthly operating report requirements.

When will Debtor be filing its Second Amended Disclosure Statement?

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11646 Edgar Rufino Hernandez**

**Chapter 13**

**#11.00** Motion for relief from stay

CAH 2014-2 BORROWER LLC

Docket 51

**Tentative Ruling:**

Petition Date: 6/2/16

Ch 13 plan confirmed: 12/5/16

Service: Proper; tenant served. Opposition filed.

Movant: CAH 2014-2 Borrower, LLC

Property Address: 22419 Victory Bl., Canoga Park, CA 91307

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 5/23/18

UD Judgment: 6/16/18

Movant alleges cause for relief under 11 U.S.C. 362(d)(1); (d)(2), with the specific relief as requested in paragraphs **2** (proceed under non-bankruptcy law), **4** (annulment of stay); **5** relief from the co-debtor stay; and **6** (waiver of 4001(a) (3) stay). Movant alleges that Debtor has not tendered the monthly rent of \$3,295 since May 1, 2018. Movant requests annulment of the stay, as it alleges that it filed and proceeded with the unlawful detainer complaint without notice or knowledge of the bankruptcy.

Debtor opposes the Motion, explaining that he had an emergency that caused him to fall behind on his rent. Debtor states that he requests Movant to vacate the default UD judgment and allow him to promptly cure the default. Debtor also opposes the request to annul the stay, arguing that his intentions were not to delay, hinder or defraud Movant. Debtor does not address whether Movant had notice or knowledge of the bankruptcy when it proceeded with the UD action.

**APPEARANCE REQUIRED**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Edgar Rufino Hernandez**

**Chapter 13**

**Party Information**

**Debtor(s):**

Edgar Rufino Hernandez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12694 Aleyda Arias**

**Chapter 13**

**#12.00** Motion for relief from stay

CAH 2014-2 BORROWER LLC

Docket 39

**Tentative Ruling:**

Petition Date: 9/15/16

Ch 13 plan confirmed: 4/11/17

Service: Proper; tenant served. Opposition filed.

Movant: CAH 2014-2 Borrower, LLC

Property Address: 22419 Victory Bl., Canoga Park, CA 91307

Type of Property: Residential

Occupancy: lease in default

Foreclosure Sale: n/a

UD case filed: 5/23/18

UD Judgment: 6/16/18

Movant alleges cause for relief under 11 U.S.C. 362(d)(1); (d)(2), with the specific relief as requested in paragraphs **2** (proceed under non-bankruptcy law), **4** (annulment of stay); **5** relief from the co-debtor stay; and **6** (waiver of 4001(a) (3) stay). Movant alleges that Debtor has not tendered the monthly rent of \$3,295 since May 1, 2018. Movant requests annulment of the stay, as it alleges that it filed and proceeded with the unlawful detainer complaint without notice or knowledge of the bankruptcy.

Debtor opposes the Motion, explaining that she intends to cure the default. Debtor requests Movant to vacate the default UD judgment and allow her to promptly cure the default and finish the remainder of the lease. Debtor also opposes the request to annul the stay, arguing that her intentions were not to delay, hinder or defraud Movant. Debtor does not address whether Movant had notice or knowledge of the bankruptcy when it proceeded with the UD action.

**APPEARANCE REQUIRED**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

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11:00 AM

CONT... Aleyda Arias

**Chapter 13**

**Debtor(s):**

Aleyda Arias

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, August 29, 2018

Hearing Room 302

11:00 AM

1:17-10898 Jeannie Claire Acdan

Chapter 13

#13.00 Motion for relief from stay

FREEDOM MORTGAGE CORPORATION

Docket 35

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 41) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jeannie Claire Acdan

Represented By  
Scott Kosner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**1:17-11776 Thelma L. Gatlin-Wilson**

**Chapter 13**

**#14.00** Motion for relief from stay

US BANK TRUST NA

fr. 8/8/18

Docket 37

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 43) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thelma L. Gatlin-Wilson

Represented By  
Kevin T Simon

**Movant(s):**

U.S. Bank Trust, N.A., as Trustee for

Represented By  
Merdaud Jafarnia  
Madison C Wilson  
Ashlee Fogle  
Nancy L Lee

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12596 Lynne Suzanne Boyarsky**

**Chapter 13**

**#15.00** Motion for relief from stay

CITIZENS BUSINESS BANK

fr. 5/16/18, 6/20/18, 7/18/18, 8/8/18

Docket 31

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 9/26/18 at 11 a.m.  
(doc. 40) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Lynne Suzanne Boyarsky

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10377 Robyn Jennifer Robinson**

**Chapter 13**

**#16.00** Motion for relief from stay

CAPITAL ONE AUTO FINANCE,

Docket 34

**Tentative Ruling:**

This case was dismissed on August 8, 2018, for the reasons stated at the hearing on confirmation. As such, this motion is DENIED as moot.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Robyn Jennifer Robinson

Represented By  
Stephen L Burton

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10914 Edward Alberto Diaz**

**Chapter 13**

**#17.00** Motion for relief from stay

NP162, LLC

Docket 23

**Tentative Ruling:**

Petition Date: 4/13/18

Chapter: 13

Service: Proper; co-debtor served. Non-opposition filed by Debtor.

Property: 7432 Oak Park Ave., Van Nuys, CA 91406

Property Value: \$230,000 (per debtor's schedules; title held jointly with Debtor's brother)

Amount Owed: \$233,182

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$5,299.64 (4 payments of \$1,050.91; three late charges of \$15.00; attorney's fees of \$1,081)

On August 16, 2018, Debtor filed a non-opposition to the Motion.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.**

**Party Information**

**Debtor(s):**

Edward Alberto Diaz

Represented By  
Elena Steers

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Edward Alberto Diaz**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11103 Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**#18.00** Motion for relief from stay

BMW BANK OF NORTH AMERICA

Docket 21

**Tentative Ruling:**

Petition Date:

Chapter 7 discharge entered: 8/20/18

Service: Proper. No opposition filed.

Property: 2013 Mercedes Benz GLK Class Utility vehicle

Property Value: \$18,300 (per Movant's evidence - NADA Guide)

Amount Owed: \$22,380

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,167.88 (4 payments of \$541.97)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jose Antonio Nanola Paredes

Represented By  
Navid Kohan

**Joint Debtor(s):**

Rowena Cruz Paredes

Represented By  
Navid Kohan

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Jose Antonio Nanola Paredes and Rowena Cruz Paredes**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11545 Ian Ellis Silber and Jane Ellen Silber**

**Chapter 13**

**#19.00** Motion for relief from stay

KURT AND IRENE SILBER

Docket 39

**Tentative Ruling:**

Petition Date: 6/19/18

Chapter: 13

Service: Proper. No opposition filed.

Property: two civil appeal bonds securing payment of a civil judgment against Debtors in the amount of \$452,376

Property Value: not listed on Debtor's schedules

Amount Owed: \$452,376

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$452,376

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **6** (waiver of 4001(a)(3) stay). Relief granted as requested in paragraphs **7** (binding and effective for two years from the date of the entry of order); and **9** (binding and effective against any debtor for 180 days so that no stay shall arise as to this Property), due to multiple filings affecting Movants' rights to the subject property (see 1:18-bk-11178-MT; 1:18-bk-11065-VK).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa



**United States Bankruptcy Court  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Ian Ellis Silber and Jane Ellen Silber**

**Chapter 13**

**Joint Debtor(s):**

Jane Ellen Silber

Represented By  
Henry Glowa

**Movant(s):**

Kurt and Irene Silber

Represented By  
Timothy R Hanigan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, August 29, 2018

Hearing Room 302

11:00 AM

1:18-11575 Roderick Bill Norseweather

Chapter 13

#20.00 Motion for relief from stay

BROKER SOLUTIONS INC DBA NEW AMERICAN FUNDING

Docket 15

**Tentative Ruling:**

Petition Date: 6/21/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 1412 W. 89th St., Los Angeles, CA 90047

Property Value: \$585,000 (per debtor's schedules)

Amount Owed: \$352,282

Equity Cushion: 39.8%

Equity: \$232,718

Post-Petition Delinquency: unk.

Movant requests relief under 11 U.S.C. 362(d)(1) , with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); **7** (waiver of the 4001(a)(3) stay); and **9** (*in rem* relief under 362(d)(4)). Movant alleges cause for *in rem* relief because of an unauthorized transfer and multiple bankruptcies affecting the subject property.

On October 10, 2017, Debtor's sister, Desiree Edwards, filed a chapter 13 petition, 2:17-bk-22427-SK (the "LA Case"). On February 21, 2018, Movant filed a motion for relief from the automatic stay, relating to this property. On March 20, 2018, an Order for Adequate Protection was entered. Ms. Edward's plan was confirmed on June 14, 2018, which provided for payment of arrears on Movant's claim.

On June 19, 2018, Movant filed a Declaration of Default Under Adequate Protection Order, alleging that Debtor had failed to make the APO payments due on May 1 and June 1, respectively. The Order Granting RFS was entered in the

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11:00 AM

CONT... Roderick Bill Norseweather

Chapter 13

LA Case on June 20, 2018. Movant alleges that, on June 21, 2018, Ms. Edwards executed an unauthorized transfer of the subject property to her brother, Debtor. That same day, Debtor filed this chapter 13 case, with the same attorney as was employed by Ms. Edwards in the LA Case. Movant alleges that the unauthorized transfer and immediate bankruptcy filing by Debtor was done with the intent to delay, hinder, and defraud Movant.

Debtor opposes the Motion, arguing that the notice of default provisions of the LA case APO were not properly complied with and that the notices of default that were mailed to Ms. Edwards were sent to the wrong address. Debtor alleges that Movant's actions in the LA Case made it so that Ms. Edwards was unable to comply with the terms because Movant would not allow any extra time for payment. Debtor states that the Property is fully provided for in his proposed chapter 13 plan, and that all post-petition payments are current. Debtor provides evidentiary support for his position and appears to be able to cure all arrearages.

Given the large equity cushion protecting this claim, is Movant amenable to this property being reorganized in this bankruptcy?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Roderick Bill Norseweather

Represented By  
James Geoffrey Beirne

**Movant(s):**

Broker Solutions, Inc. dba New

Represented By  
Mark S Krause

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

**#21.00** Motion for relief from stay

SANTANDER CONSUMER USA INC.

Docket 23

**\*\*\* VACATED \*\*\* REASON: Resolved per APO Doc. No. 34**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Kourosh Izadpanahi

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11603 William Alfano**

**Chapter 7**

**#22.00** Motion for relief from stay

VENTURA COUNTY CREDIT UNION

Docket 7

**Tentative Ruling:**

Petition Date: 6/25/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2014 Nissan Rogue

Property Value: \$15,383 (per Debtor's schedules)

Amount Owed: \$20,829

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$871.98 (approx. two payments of \$435.99)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

William Alfano

Represented By  
David R Hagen

**Movant(s):**

Ventura County Credit Union

Represented By  
Ann G. Lee

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... William Alfano**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11732 Susan Fines Caldera**

**Chapter 7**

**#23.00** Motion for relief from stay

AMERICAN CONTRACTORS INDEMNITY COMPANY

Docket 8

**Tentative Ruling:**

Petition Date: 7/10/18

Chapter: 7

Service: Proper. No opposition filed.

Movant: American Contractors Indemnity Co.

Relief Sought to: Pursue Pending Litigation  Commence Litigation  
Pursue Insurance  Other

Litigation Information

Case Name: Conservatorship of Rosita V. Andres, LP-013-825

Court/Agency: Los Angeles Superior Court

Date Filed: 9/25/08

Judgment Entered: 6/5/18 (LASC approved Stipulation for Surcharge)

Trial Start Date: n/a

Action Description: stipulated surcharge of Debtor

Grounds

Bad Faith  Claim is Insured  Claim Against 3<sup>rd</sup> Parties

Nondischargeable  Mandatory Abstention

Non-BK Claims Best Resolved in Non-BK Forum

Other:

On 9/28/08, Debtor was appointed as temporary conservator for the Estate of Rosita V. Andres, on the condition that Debtor post a Probate and Fiduciary Bond in the amount of \$220,000. Decl. of Tracy Stevenson, para. 2. Movant then issued and posted the Bond.

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11:00 AM

**CONT... Susan Fines Caldera**

**Chapter 7**

On 4/4/16, Debtor was removed as conservator and a Public Guardian ("PG") was appointed. On 2/28/18, Debtor's stipulation with the Public Guardian and Movant that Debtor would be surcharged \$130,000 for knowing breaches of her fiduciary duty. On 6/5/18, a Joint Judgment was issued against Debtor and Movant. Movant had intended, after the Joint Judgment became final in December 2018, to pay the PG to satisfy the Joint Judgment. Then, under California law, Movant would have filed a Motion in the State Court Action for a direct judgment against Debtor for the \$130,000 and other costs. Because of the bankruptcy filing, Movant seeks relief from the automatic stay to conclude the State Court Action. Movant would then seek to use the resulting state court judgment for preclusion in the pending nondischargeability action against Debtor, 18-ap-01090-MT.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **5** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Susan Fines Caldera

Represented By  
Scott Kosner

**Movant(s):**

American Contractors Indemnity

Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11779 Krystle Morrow**

**Chapter 7**

**#24.00** Motion for relief from the automatic stay

American First Credit Union

Docket 7

**Tentative Ruling:**

Petition Date: 7/17/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Jeep Wrangler

Property Value: \$15,000(per debtor's schedules)

Amount Owed: \$48,496

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$4,080.70

Debtor surrendered the vehicle to Movant on or about 7/15/18.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.**

**Party Information**

**Debtor(s):**

Krystle Morrow

Represented By  
Lindsey B Green

**Trustee(s):**

David Seror (TR)

Pro Se

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Central District of California  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11853 Daniel Mark Stipkovich**

**Chapter 13**

**#25.00** Motion for relief from stay

TRINITY FINANCIAL SERVICES, LLC

Docket 14

**Tentative Ruling:**

Petition Date: 7/24/18

Ch: 13

Service: Proper. Opposition filed.

Movant: Trinity Fin. Services, LLC

Property Address: 17646 Raymer St., Northridge, CA 91325

Type of Property: residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 1/19/18

UD case filed: 6/21/18

Movant requests relief under 11 U.S.C. 362(d)(1); (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (binding & effective against any debtor for 180-days); and **11** (binding & effective against this Debtor for 180-days). Movant allege that it foreclosed on the subject property in January and seeks to go forward with a pending unlawful detainer action to regain possession of the property. Movant seeks binding and effective relief because Debtor is a repeat filer.

Debtor opposes the Motion, arguing that Movant's foreclosure sale was invalid because, for various reasons, Movant did not have an interest in the subject property when it purportedly foreclosed in January 2018. On August 24, 2018, Debtor filed an adversary complaint seeking a declaratory judgment as to the various interest(s) in the property, and fraud against the former holder of the first

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11:00 AM

**CONT... Daniel Mark Stipkovich Chapter 13**

position lien. See 1:18-ap-01099-MT. Debtor contends that this case was not filed in bad faith, as his previous case 17-bk-12195-VK was dismissed on his voluntary request because it had been hi-jacked. Furthermore, Debtor asserts that there is sufficient equity in the property to protect Movant's claim, even though it is Debtor's position that Movant's lien is wholly unsecured.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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Central District of California  
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**Hearing Room 302**

11:00 AM

**1:18-11872 Min Ho Song**

**Chapter 13**

**#26.00** Motion for relief fromstay

SOOK PARK AND DAE KEUN PARK REVOCABLE TRUST

Docket 9

**Tentative Ruling:**

This case was dismissed on August 10, 2018, for the reasons stated at the chapter 13 status conference. As such, this motion is DENIED as moot.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Min Ho Song

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11807 Arturo Juarez**

**Chapter 13**

**#26.01** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 5/16/18, 7/18/18, 8/15/18

Docket 55

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 70) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Arturo Juarez

Represented By  
Shirlee L Bliss

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11843 Leslie Richards**

**Chapter 7**

**#26.02** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 9

**Tentative Ruling:**

On 7/23/18, Debtor filed this chapter 7 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 18-bk-11402-MT, was a chapter 7 that was filed on 6/1/18 and dismissed on 7/5/18 for failure to file all required case commencement documents.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to file documents because injuries from a car accident that occurred approx. 8 days post-petition. Debtor states that since the First Filing was dismissed, she is under the care of several doctors to treat her various illnesses and ailments. Debtor states in the Motion that the property of the estate included in the request for relief is described in the attached Declaration, but the Declaration does not describe the property.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING. NO APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Leslie Richards	Pro Se
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**Movant(s):**

Leslie Richards	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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11:00 AM

**CONT... Leslie Richards**

**Chapter 7**

**United States Bankruptcy Court  
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**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

Adv#: 1:17-01004 Ballout v. Sarieddine

**#27.00** Pre-Trial Conference re: First Amended Complaint

fr. 6/28/17, 7/5/17, 1/24/18, 2/14/18, 8/8/18

Docket 19

**Tentative Ruling:**

This matter was continued from August 8th to allow time for the settlement to be approved. What is the status of the settlement?

APPEARANCE REQUIRED

**8/8/18 Tentative**

Having reviewed the dockets for both the adversary and bankruptcy cases, and finding that this matter has settled, this pretrial conference will be continued to **August 29, 2018 at 11 a.m.**, to allow time for the Motion to Approve Compromise under Rule 9019 to be resolved.

APPEARANCES WAIVED ON 8/8/18.

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

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Defendant(s):**

Mike Sarieddine

Represented By  
Daniel J King  
Daniel J King

**Plaintiff(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Kamel M. Ballout**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11888 ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Adv#: 1:18-01076 Seror v. Aslanjan et al

**#28.00** Status Conference re: First Amended Complaint

Docket 5

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/3/18 -CT**

**Tentative Ruling:**

This hearing will be continued to October 3rd at 11:00. An order will issue shortly.

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

**Debtor(s):**

ALLIANCE FUNDING GROUP

Represented By  
Stephen F Biegenzahn

**Defendant(s):**

Does 1-10, Inclusive	Pro Se
AMERICAN FUNDERS CORP.	Pro Se
Eva Askar	Pro Se
Robert Askar	Pro Se
Arthur Nagapetyan	Pro Se
Anjana S. Sura	Pro Se
Puja J. Savla	Pro Se
Neelam J. Savla	Pro Se
Greg Mkrchyan	Pro Se
Mkrtchyan Investments, LP	Pro Se
Natalia Usmanova	Pro Se
Alexander Usmanov	Pro Se
Sonia Kellzi	Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**CONT... ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Zaven Kellzi	Pro Se
Kellzi Family Trust	Pro Se
Allen Melikian	Pro Se
Helen Minassian	Pro Se
Hamlet Betsarghez	Pro Se
Razmik Aslanjan	Pro Se

**Plaintiff(s):**

David Seror	Represented By Reagan E Boyce
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**Trustee(s):**

David Seror (TR)	Represented By Reagan E Boyce Richard Burstein
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10724 John Gordon Jones**

**Chapter 7**

Adv#: 1:18-01075 Levin, M.D. v. Jones

**#29.00** Status Conference re: Complaint

Docket 1

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed): November 30, 2018

Expert witness designation deadline: Are any contemplated? Please advise

Case dispositive motion filing deadline (MSJ; 12(c)): December 28, 2018

Pretrial conference: February 20, 2019 at 1 pm

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference): Feb. 6, 2019

**PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS.**

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

**Debtor(s):**

John Gordon Jones

Represented By  
Michael Worthington

**Defendant(s):**

John Gordon Jones

Pro Se

**Plaintiff(s):**

John Levin, M.D.

Represented By  
Michael Jay Berger

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:10-15822 David B. Rosen**

**Chapter 11**

Adv#: 1:18-01023      Rosen v. Wilmington Savings Fund Society, FSB, dba Christia

**#30.00**      Motion for a Preliminary Injunction and Order  
                 Staying Foreclosure Sale Pending Adjudication of Issues  
                 under Complaint

fr. 5/23/18

Docket      6

**Tentative Ruling:**

The parties indicated they had reached a resolution, but it has not been filed.

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

**Debtor(s):**

David B. Rosen

Represented By  
Louis J Esbin

**Defendant(s):**

Wilmington Savings Fund Society,

Represented By  
Sonia Plesset Edwards

Selene Finance LP

Represented By  
Sonia Plesset Edwards

**Plaintiff(s):**

David B. Rosen

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#31.00** Motion for Order Deeming Estate's Interest in Real Property  
Located at 5544 Fallbrook Avenue, Woodland Hills, California 91367  
(APN 2040-012-021) Abandoned Nunc Pro Tunc to July 26, 2018

Docket 2124

**Tentative Ruling:**

GRANTED. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#32.00** Motion of Chapter 7 Trustee for Order Deeming Estate's Interest in Real Property Located at 24272 Airporter Way, Laguna Niguel, California 92677 (APN 939-953-59) Abandoned Nunc Pro Tunc to June 18, 2018

Docket 2127

**Tentative Ruling:**

GRANTED. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#33.00** Motion of Chapter 7 Trustee for Order Deeming  
Estate's Interest in Real Property Located at  
17031 Halsey Street, Granada Hills, California 91344  
(APN 2607-014-019) Abandoned Nunc Pro Tunc to June 19, 2018

Docket 2119

**Tentative Ruling:**

GRANTED. NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 29, 2018

Hearing Room 302

11:00 AM

1:17-13154 Scott Ray Ramage

Chapter 7

#34.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f); Approving Overbid Procedure; Approving Payment of Commissions; and Waiving the Rule 6004(h) Stay

Docket 52

**Tentative Ruling:**

Property: 24301 Sylvan Glen Rd., Calabasas, CA 91302  
Offer: \$935,000  
Purchaser: The Jennifer Farrell Trust

A conditional non-opposition was filed by secured creditor Specialized Loan Servicing, LLC ("SLS"). As a first position lienholder, SLS requests payoff in full. Trustee does not oppose this request. However, SLS also requests that the sale order include language stating that relief from the automatic stay will be granted if the property is not sold within 90 days of the order granting the motion to sell. Trustee opposes the inclusion of language regarding relief from the automatic stay.

The Court will not approve the language requiring automatic relief from the automatic stay. SLS can bring a motion for relief from the automatic stay at any time, and the court will evaluate relief from stay on the merits.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Scott Ray Ramage

Represented By  
John D Faucher

**Movant(s):**

Amy L Goldman (TR)

Represented By  
Todd A Frealy  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Scott Ray Ramage**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Todd A Frealy  
Carmela Pagay

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#35.00** Motion to Dismiss First Amended Complaint

(Wells Fargo Bank)

Docket 51

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 9/12/18 @ 1pm (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc. Chapter 7**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR) Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#36.00** Motion to Dismiss Second to Seventh Causes of Action  
in First Amended Complaint and for a More  
Definite Statement

Docket 53

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 9/12/18 @ 1pm (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc. Chapter 7**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR) Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

- #37.00** First Amended Complaint  
Status Conference re: Complaint to Recover Damages for:  
1) Breach of Contract ; 2) Breach of Fiduciary Duties;  
3) Aiding & Absetting; 4) Substantive Consolidation;  
5) Impose Liability under Alter Ego Theory;  
6) Unjust Enrichment /Restitutiion;  
7) To avoid and Recover Post-Petition  
Transfer pursuant to 11 u.s.c. section 549  
8) To recover Avoided Transfer pursuant to 11 u.s.c. 550, and  
9) Automatic Preservation of Avoided Transfers pursuant to 11 u.s.c. section 551  
  
fr. 5/23/18, 5/30/18

Docket 47

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 9/12/18 @ 1pm (eg)**

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, August 29, 2018

Hearing Room 302

1:00 PM

CONT... **R.J. Financial, Inc.**

**Chapter 7**

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc. Chapter 7**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR) Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#38.00** Motion to Dismiss First Amended Complaint

Docket 48

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 9/12/18 @ 1pm (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, August 29, 2018**

**Hearing Room 302**

1:00 PM

**CONT...**

**R.J. Financial, Inc.**

**Chapter 7**

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

MELINA ABALKHAD

Represented By  
Daniel J McCarthy

Randy Abalkhad

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**Movant(s):**

OPEN BANK

Represented By  
John H Choi  
John H Choi  
Tony K Kim  
Tony K Kim

**Plaintiff(s):**

David Seror

Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 30, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#1.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 9/20/18 at 9:00 a.m. - jc**

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Stripe Entertainment Group, Inc.	Pro Se
Like Zebra, LLC	Pro Se
KBS Dreams, Inc.	Pro Se
Applied Funding, Inc.	Pro Se
C2K Group, LLC	Pro Se
Gwendolyn Phillips	Pro Se
KEITH PHILLIPS	Pro Se
Craig Rickard	Pro Se
Kimberly S Ricketts	Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 30, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

Process America, Inc.

Pro Se

**Plaintiff(s):**

Tigrent Group Inc.

Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 30, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #2.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
7/22/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18

Docket 76

**\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 9/20/18 at 9:00  
a.m. - jc**

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 30, 2018**

**Hearing Room 302**

---

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, August 30, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#3.00** Motion For Turnover Of Property Of The Estate

Docket 141

**\*\*\* VACATED \*\*\* REASON: Order granting cont. to 9/20/18, @ 9am (eg)**

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz



United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Thursday, August 30, 2018

Hearing Room 302

10:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#4.00 Status and Case Management Conference

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16, 12/14/16, 6/21/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Order ent continuing hrg to 9/20/18 at 9:00  
a.m. - jc

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#64.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18; 3/27/18; 4/24/18,  
6/19/18; 7/31/18

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

An application for entry of discharge has been filed. However, according to statements made at the last hearing, the parties require an order specifying 1) that discharge will not be granted as to Selene Finance, 2) the amount still owed on that obligation, and 3) the distribution of funds by the trustee. The Court also indicated at the last hearing that if the Debtor was not able to work this out the case would be dismissed. Nothing has been filed and no order has been lodged. Unless Debtor has taken action on this by the September 11 hearing date, this case will be dismissed.

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Victoria Ruiz**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#64.01 Trustee's Motion to Dismiss Case**

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18; 4/24/18, 6/19/18; 7/31/18

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:13-13056 Patricia Maria Blume**

**Chapter 13**

**#65.00** Motion RE: Objection to Claim Number 1 by Claimant Deutsche Bank Trust Company Americas As Trustee For Residential Accredit Loans Inc. Pass Through Certificates 2006-QO10

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Patricia Blume ("Debtor") filed this objection to claim (the "Objection") of her mortgage lender Deutsche Bank Trust Company Americas ("Deutsche"), serviced by Nationstar Mortgage, LLC, which is now known as Mr. Cooper ("Nationstar"). Proof of claim 1-1 was filed by Nationstar in the amount of \$716,065.20 on August 23, 2013 (before the claims bar date). The claim was amended on July 11, 2018 to claim \$981,863. This mortgage has a somewhat complicated history, as described in the Objection. Debtor alleges that Nationstar is attempting to include a \$265,589.73 balloon payment amount in its accounting that was "written off" in a loan modification agreement before this case was filed. A loan modification agreement with the interlineations by Debtor and her husband striking out the portions referring to the \$265,798.73 non-interest-bearing balloon payment, and initials of a bank officer, is attached to the Objection as Exhibit 2; however, a separate copy of the loan modification agreement, without the relevant interlineations and with seemingly different signatures is attached to Nationstar's opposition.

In its opposition to the Objection, Nationstar states that it amended its claim because it inadvertently failed to include in its initial proof of claim the non-interest bearing deferred/balloon payment amount of \$265,798.73. Nationstar also invokes the anti-modification clause of § 1322(b)(2) to argue that Debtor may not modify its claim, or otherwise "should be apprised of its right to litigate this this issue in state court or through an adversary proceeding." The Court finds § 1322(b)(2) to be completely irrelevant to this inherently contractual issue. The Court declines Nationstar's invitation to leave this matter for a state court, as this is simply an issue of whether

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, September 11, 2018**

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11:00 AM

**CONT... Patricia Maria Blume Chapter 13**

the proof of claim was properly amended. This matter will require an evidentiary hearing.

As Debtor has rebutted the presumption of validity of the claim, and raised potential estoppel concerns, the burden of proof is on Nationstar to prove its amended claim.

APPEARANCE REQUIRED

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

**Debtor(s):**

Patricia Maria Blume

Represented By  
Jeffrey J Hagen

**Movant(s):**

Patricia Maria Blume

Represented By  
Jeffrey J Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:14-10332 Robert Richard Loski and Sheila Faith Loski**

**Chapter 13**

**#66.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18

Docket 76

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Robert Richard Loski

Represented By  
Gregory M Shanfeld

**Joint Debtor(s):**

Sheila Faith Loski

Represented By  
Gregory M Shanfeld

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14490 Charlene Decoff**

**Chapter 13**

**#67.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 5/22/18, 6/19/18; 7/31/18

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Charlene Decoff

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#68.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10240 Fernando Becerril**

**Chapter 13**

**#69.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Fernando Becerril

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11072 Humberto Delgadillo Garcia**

**Chapter 13**

**#70.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18

Docket 111

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Humberto Delgadillo Garcia

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10837 Dawn Elizabeth Thomas**

**Chapter 13**

**#71.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Dawn Elizabeth Thomas

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10898 Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**#72.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18

Docket 68

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 8/29/18 -jc**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, September 11, 2018

Hearing Room 302

11:00 AM

1:16-11542 Dolores Margaret Lomeli

Chapter 13

#73.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 52

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Dolores Margaret Lomeli

Represented By  
Steven A Alpert

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#74.00 Motion to Dismiss Case for Failure to Make Plan Payments**

fr. 11/28/17; 2/27/18; 3/27/18, 5/22/18; 7/31/18

Docket 48

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12528 Damian M Wilson**

**Chapter 13**

**#75.00 Motion to Dismiss Case for  
Failure to Make Plan Payments**

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Damian M Wilson

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10010 Milton T Appel**

**Chapter 13**

**#76.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Milton T Appel

Represented By  
Stephen S Smyth  
William J Smyth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11019 Mario Alberto Cerritos**

**Chapter 13**

**#77.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 4/24/18, 6/19/18; 7/31/18

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Mario Alberto Cerritos

Represented By  
Luis G Torres

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11267 Irma Villalpando**

**Chapter 13**

**#78.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#79.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11635 Makedon Makarian**

**Chapter 13**

**#80.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 7/31/18

Docket 61

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Makedon Makarian

Represented By  
Rabin J Pournazarian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10004 Cynthia Deniese Sanders**

**Chapter 13**

**#81.00 Chapter 13 Trustee's Objection to Debtor's  
Claim of Homestead Exemption**

Docket 42

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Debtor's plan was confirmed 8/16/18. The Court previously sustained a separate objection to exemptions. Does Trustee wish to pursue this objection? No objection nor amended schedule C has been filed.

<b>Party Information</b>
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**Debtor(s):**

Cynthia Deniese Sanders Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10524 Peter A. Holliday**

**Chapter 13**

**#82.00** Motion RE: Objection to Claim Number 6,7  
by Claimant Kristie Laurel Holliday

fr. 6/19/18

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Peter A. Holliday

Represented By  
Stephen Parry

**Movant(s):**

Peter A. Holliday

Represented By  
Stephen Parry  
Stephen Parry  
Stephen Parry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, September 11, 2018

Hearing Room 302

11:00 AM

1:18-10828 Nazaret Kechejian

Chapter 13

#83.00 Chapter 13 Trustee's Objection to  
Debtor's Homestead Exemption

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nazaret Kechejian

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10891 Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

**#84.00 Chapter 13 Trustee's Objection to Debtors' Homestead Exemption**

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Hamid Farkhondeh	Pro Se
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**Joint Debtor(s):**

Mary Dadyan	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11002 Joshua M Smith**

**Chapter 13**

**#85.00** Objection to Homestead Exemption

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Joshua M Smith

Represented By  
David T Egli

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11077 Vincent Sunga Mallari and Loyola Lalic Mallari**

**Chapter 13**

**#86.00** Objection to Homestead Exemption

Docket 19

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Vincent Sunga Mallari

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Loyola Lalic Mallari

Represented By  
Hasmik Jasmine Papian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11142 Francisco Cuevas Arias and Rosana L Arias**

**Chapter 13**

**#87.00** Objection to Homestead Exemption

Docket 30

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Francisco Cuevas Arias

Represented By  
Shai S Oved

**Joint Debtor(s):**

Rosana L Arias

Represented By  
Shai S Oved

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11178 Ian Ellis Silber**

**Chapter 13**

**#88.00** U.S. Trustee's Motion For Order Compelling Attorney  
To File Disclosure Of Compensation And Disgorgement  
Of Fees Pursuant To 11 USC section 329

Docket 21

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed on 8/8/18 (jr)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa

**Movant(s):**

United States Trustee (SV)

Represented By  
S Margaux Ross

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11203 Barjinder Singh**

**Chapter 13**

**#89.00 Amended Objection to Homestead Exemption**

Docket 18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Barjinder Singh

Represented By  
D Justin Harelik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11210 Thomas Vy Nguyen**

**Chapter 13**

**#90.00** Objection to Homestead Exemption

Docket 20

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Thomas Vy Nguyen

Represented By  
Joshua L Sternberg

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, September 11, 2018

Hearing Room 302

11:00 AM

1:18-11288 Neli Maria Negrea

Chapter 13

#91.00 Motion RE: Objection to Claim Number 8  
by Claimant Ellen Orsa

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

There is an interesting issue of whether Mirzai applies or not to the *res judicata* analysis. Neither party discusses whether the rule in Bohbot,2014 Bankr. LEXIS 2680 might apply. In any case, this appears to be a complicated factual inquiry that may be better left to the judge who originally ruled on the issue.

The issue of the house and the boat can be discussed at the confirmation hearing in that this is a matter the Chapter 13 Trustee may want to evaluate before the next confirmation hearing.

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

**Debtor(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Movant(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11424 Peter Saucedo**

**Chapter 13**

**#92.00** Motion To Avoid Junior Lien On Principal Residence

Docket 24

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Peter Saucedo

Represented By  
Matthew D. Resnik

**Movant(s):**

Peter Saucedo

Represented By  
Matthew D. Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:12-16322 Henry Gonzalez Silva**

**Chapter 13**

**#93.00 Trustee's Motion to Dismiss Case**

fr. 3/27/18, 5/22/18, 7/31/18

Docket 81

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**5/22/18 Tentative**

Nothing new has been filed. What is the status of the delinquency?

**3/27/18 Tentative**

Trustee brings this motion to dismiss for expiration on the grounds that \$2,525 remains to be paid. Debtor requests time to cure the delinquency.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Henry Gonzalez Silva

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12702 Jose R. Fernandez and Esther Fernandez**

**Chapter 13**

**#94.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Jose R. Fernandez

Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Esther Fernandez

Represented By  
Donald E Iwuchuku

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13460 Kathy Sophia Brening-Ray**

**Chapter 13**

**#95.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Kathy Sophia Brening-Ray

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 11, 2018**

**Hearing Room 302**

11:00 AM

**1:13-16047 Gabriel M. Aranda**

**Chapter 13**

**#96.00** Motion to Dismiss Case for Failure to Make Plan Payments

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Gabriel M. Aranda

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12107 Joyce Ann Williams**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Joyce Ann Williams	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12122 Jay Scott Cohen**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Jay Scott Cohen

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12210 Fred S Hong**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Fred S Hong

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12192 Jocelyn A Soliven**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Jocelyn A Soliven

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12165 Armine Yeghiazarian**

**Chapter 13**

**#0.05** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Armine Yeghiazarian

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12175 Roger E Kendall**

**Chapter 13**

**#0.06** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Roger E Kendall	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:09-20447 Law Offices of Masry & Vititoe**

**Chapter 11**

**#1.00 Post confirmation Status Conference**

fr. 12/14/09, 1/11/10, 3/29/10, 6/30/10, 8/30/10, 8/31/10,  
9/29/10, 11/10/10, 11/17/10, 1/31/11, 2/4/11, 2/10/11,  
3/1/11, 3/29/11, 11/3/11, 11/17/11, 5/10/12, 8/30/12,  
11/15/12, 3/7/13, 5/23/13, 6/27/13, 8/1/13, 9/12/13,  
12/12/13, 11/13/14, 11/5/15, 6/2/16; 4/27/17, 4/26/17

Docket 1

**Tentative Ruling:**

Based on the 8/30/18 status report, it appears that payments are continuing as planned. Unless any party has anything else to raise at the status conference, this should be continued another year to see if the remaining cases resolve and pay out. Please advise whether a continued date of **October 23, 2019** presents any conflicts.

**Party Information**

**Debtor(s):**

Law Offices of Masry & Vititoe

Represented By  
Leslie A Cohen

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#2.00 Debtor's First Amended Disclosure Statement in Support  
of Debtor's Chapter 11 Plan of Reorganization**

fr. 7/18/18

Docket 197

**Tentative Ruling:**

Since the previous hearing, Debtor has filed an amended disclosure statement offering \$15,000 as new value. The amended plan also changes treatment of secured creditors, including objecting creditor US Bank. This disclosure hearing is being heard on 21 days' notice with the Court's permission, and no new objections have been filed. Does the new plan satisfy the previous objections of US Bank and the Trustee?

**APPEARANCE REQUIRED**

**7/18/18 Tentative**

Two objections have been filed to the adequacy of this disclosure statement. The United States Trustee objects on the grounds that the discharge standard in the disclosure statement is incorrect. The discharge provision provides:

Upon completion of all payments to Class 4, Debtor may, after notice and a hearing, request the Court grant a discharge of all pre-confirmation debts, whether or not a creditor filed a proof of claim or accepted the Plan. Such discharge will not discharge Debtor from any debts that are non-dischargeable under section 523 or the obligations created by this Plan.

Disclosure Statement 21:16-20. As Trustee point out, in an individual chapter 11 case, the debtor does not receive a discharge until the debtor completes all payments under the plan, not only the members of a particular class. 11 U.S.C. § 1141(d)(5). Debtor should amend the disclosure statement to make the discharge provision mirror the requirements of § 1141.

Another objection was filed by creditor U.S. Bank, N.A. U.S. Bank first objects on the

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Farideh Warda**

**Chapter 11**

grounds that the disclosure statement only provides for a secured claim in its favor in the amount of \$625,000, which the Court has determined is the value of the property located at 3037 W. 12<sup>th</sup> St., Los Angeles, CA 90006 (the "Property"). U.S. Bank argues that Debtor has failed to account for its security interest in the post-petition, pre-confirmation rents generated by the Property. Those rents constitute cash collateral due to an assignment of rents provision in the deed of trust against the Property. Debtor's disclosure statement fails to add any and all net cash collateral that has accrued in Debtor's DIP account for purposes of determining U.S. Bank's secured claim.

Furthermore, U.S. Bank argues that by providing for only 4% of its total \$312,351.29 unsecured claim, Debtor's Chapter 11 plan is not fair and equitable because it violates the absolute priority rule of § 1129(b)(2)(B)(ii) and is therefore patently unconfirmable. U.S. Bank relies on Zachary v. California Bank & Trust, 811 F.3d 1191, 1194 (9th Cir. 2016). This Court agrees that, absent any new value contribution, the absolute priority rule as set forth in § 1129(b)(2)(B)(ii), applicable in individual chapter 11 cases per Zachary, precludes confirmation of this plan.

All objections to the disclosure statement are SUSTAINED and approval of the disclosure statement is DENIED.

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 4/4/18, 7/18/18

Docket 0

**Tentative Ruling:**

The First amended Disclosure Statement, Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than October 5, 2018

Ballots to be returned/objections to confirmation filed no later than October 31, 2018

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than November 21, 2018

Confirmation hearing to be held on **December 12, 2018 at 9:30 am**

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

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

**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#4.00** First Interim Application By M. Jonathan Hayes,  
General Bankruptcy Counsel For The Debtor, For  
Allowance Of Fees And Reimbursement Of Costs

Period: 7/8/2016 to 7/16/2018  
Fees \$55,230.00 Expenses: \$338.00

Docket 253

**Tentative Ruling:**

No objections filed. Fees and expenses appear reasonable and necessary.  
GRANTED. No appearance required.

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

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**Movant(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes  
M. Jonathan Hayes  
M. Jonathan Hayes  
M. Jonathan Hayes  
M. Jonathan Hayes



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#5.00 Debtor's Second Amended Disclosure Statement**

Docket 248

**Tentative Ruling:**

The United States Trustee ("Trustee") objects to this disclosure statement as containing inadequate information. Trustee points to discrepancies in rental income from Debtor's several properties between Debtor's disclosure statement (totaling \$6,500) and the projections to support the Plan's feasibility (totaling \$9,500 by the Court's math, though Trustee states the sum is \$9,025). The recent monthly operating reports match the higher rental income described in the projections. Having reviewed the disclosure statements, there are a number of inconsistencies regarding the current rental status and income of the various properties in the body of the disclosure statement. Debtor's reply acknowledges the deficiencies, and will amend the body of the disclosure statement prior to sending it to creditors. This appears to be a good solution

U.S. Bank N.A. objects on the grounds that the plan has not been filed in good faith on the grounds that it fails to provide for adequate protection payments to U.S. Bank pending confirmation. Debtor's reply states that he is willing to make adequate protection payments to U.S. Bank beginning in September 2018 in the amount provided in the plan: \$1,523. This seems reasonable, is the bank amenable to this arrangement?

**APPEARANCE REQUIRED**

<b>Party Information</b>
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**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18, 4/25/18,  
6/13/18, 7/18/18

Docket 1

**Tentative Ruling:**

The Disclosure Statement (with changes discussed to rental income), Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than September 28, 2018

Ballots to be returned/objections to confirmation to be filed no later than Oct. 31, 2018

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than November 28, 2018

Confirmation hearing to be held on December 12, 2018 at 9:30 am

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

M Jonathan Hayes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

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9:30 AM

**CONT...**

**Samuel James Esworthy**

M Jonathan Hayes

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#7.00 Debtor's Second Amended Disclosure Statement**

Docket 160

**Tentative Ruling:**

The second amended plan and disclosure statement have a couple of inconsistencies. The disclosure statement provides for a 2.5% dividend to general unsecured creditors, while the plan provides for .0168%. Article V of the plan states that the plan will be funded with net proceeds upon sale of Debtor's residence, but the residence has already been sold.

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#8.00 Status and Case Management Conference**

fr. 9/8/16; 1/19/17; 1/26/17, 7/12/17; 9/27/17,  
11/29/17, 2/28/18, 5/2/18, 5/23/18, 7/18/18

Docket 1

**Tentative Ruling:**

The Disclosure Statement (with changes discussed at hearing), Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than September 28, 2018

Ballots to be returned/objections to confirmation to be filed no later than Oct. 31, 2018

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than November 28, 2018

Confirmation hearing to be held on December 12, 2018 at 9:30 am

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12518 Ireland Needlecraft, Inc.**

**Chapter 11**

**#9.00 Post Confirmation Status Conference**

fr. 11/3/16; 3/30/17; 3/29/17, 6/21/17; 8/23/17,  
5/2/18

Docket 1

**Tentative Ruling:**

No status report has been filed. APPEARANCE REQUIRED

**5/2/18 Tentative**

This will be continued to September 12, 2018 at 9:30 am. Based on the detailed status report, there is no need to incur additional cost bringing debtor in on May 2. The payments to unsecured creditors have been as planned and remaining payments are primarily to secured creditors, so debtor may feel free to bring a motion for final decree as soon as all unsecured debts are paid.

**Party Information**

**Debtor(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

#10.00 Motion to Disallow Claims Of Bank  
of New York Mellon, as Trustee

Docket 85

**Tentative Ruling:**

This Motion was originally continued due to improper service. The Court indicated in its tentative that service was improper and suggested using the FDIC address. The Debtor served Bank of New York Mellon ("BONYM") BONYM at the FDIC insured address and BONYM subsequently filed a response.

Under section 502, a proof of claim is deemed allowed, unless a party of interest objects. FRBP 3001(f) states that a Proof of Claim filed and executed in accordance with the rules shall constitute prima facie evidence of the validity and amount of the claim. FRBP 3001-3007.

Debtor argues that the claim was made in bad faith, given the lack of adequate documentation. Bad faith is not one of the enumerated reasons a claim may be disallowed under § 502(b). BONYM has attached an "allonge" which indicates that the loan should be paid to the order of BONYM. BONYM further attaches an accounting of the loan. Under In re Heath, 331 B.R. 424 (B.A.P. 9th Cir. 2005), it is not a sufficient objection to rely solely on an alleged lack of prima facie validity of the proof of claim and its documentation.

Because Debtor has not presented evidence that rebuts the presumed validity of the claim, Debtor's Motion is DENIED.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**CONT...**

**Castillo I Partnership**

Mark E Goodfriend

**Chapter 11**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#11.00** Motion to Disallow Claims of Chase Bank USA, N.A.

Docket 89

**Tentative Ruling:**

Chase bank, alleged holder of a secured claim against the Valleyheart Property, did not file a proof of claim in this case. Nor did it file opposition to this Motion. Debtor objects to the claim on the grounds that 1) the claim lacks supporting documentation, 2) the claim is made in bad faith, and 3) no prejudice to claimant. The Court previously continued this matter due to Debtor's improper service upon Chase. The proof of service indicates that Chase bank was served by first class mail, rather than certified mail, which again does not satisfy FRBP 7004. Nor has Debtor identified a valid grounds for disallowance of the claim under § 502(b). In fact, the Court cannot identify any claim filed by Chase or any amount scheduled to be owed to Chase. Furthermore, see Calendar number 13.  
Motion DENIED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#12.00** Motion to Disallow Claims of Mortgage  
Electronic Registration System, Inc.

Docket 79

**Tentative Ruling:**

The deed of trust upon which this claim rests is the same 1994 Deed of Trust executed by the Benjamin Kolodaro and Nily Kolodaro and the U.S. Small Business Administration. The USSBA has responded to the objection to their claim. This matter is therefore addressed in calendar number 13.  
Motion DENIED

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

9:30 AM

1:17-13341 Castillo I Partnership

Chapter 11

#13.00 Motion to Disallow Claims of U.S.  
Small Business Administration

Docket 81

**Tentative Ruling:**

The response filed the U.S. Small Business Administration (the "SBA") indicates that the loan was sold in March 2002 to Bayview Financial Trading Group. The SBA further rightly rejects Debtor's absurd argument that the proof of claim was filed in "bad faith," noting that the SBA did not file a proof of claim in this case. Debtor filed a "claim" by listing debtor in its schedule D. The SBA argues that the objection should be overruled on the basis that the SBA is not a creditor and has no interest in the property or the Debtor's estate. The SBA also argues that the objection was not properly served, because the Objection to Claim constitutes a contested matter which must be served in the manner provided by Rule 7004.

The Court notes that this is the second objection to claim where a "creditor" filed a response only after the Court initially rejected the objection for improper service. Furthermore, the SBA raises a serious issue regarding whether the current holder of the loan, Bayview, has been properly served. Debtor is attempting to avoid a consensual deed of trust without regard for the rights of the secured lender. Debtor's game plan of scheduling debts, then objecting to the "claims" of those creditors is disturbing. Debtor is free to amend schedules at any time to remove those "claims," but Debtor continues to seek orders from the court disallowing these claims.

Service issues have been a constant theme in this case. In the relief from stay motion for the Valleyheart property, the movant alleged this bankruptcy filing was in bad faith as evidenced by the "transfers and other indicia of bad faith, such as listing Movant (a known creditor) on the Schedules with the wrong address." Notice of Tentative Ruling, Doc. 60 2:13-15. The Court made a finding on that motion that the Debtor was involved in a scheme to hinder, delay, or defraud creditors. The *modus operandi* employed as to the Valleyheart property appears to be the same here. The Court will not approve any objections to claim by this Debtor unless Debtor appears and produces evidence: 1) that the creditor to whose claim is objected to in fact has a claim against Debtor or property of the Debtor's estate under § 102(2); 2) of how Debtor determined that the that this particular creditor has a claim, including relevant history; and 3) of what efforts the Debtor has made to determine the correct service

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Castillo I Partnership**  
address of that creditor.

**Chapter 11**

Motion DENIED. SBA may set up as a straw man so that some argument can later be made against Bayview, who was never served. It is not clear what debtor is trying to do, but these claims objections are being done improperly.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#14.00 Motion to Disallow Claims of Unifund CCR, LLC**

Docket 87

**Tentative Ruling:**

Unifund, alleged holder of a secured claim against the Castillo Property, did not file a proof of claim in this case. Nor did it file opposition to this Motion. Debtor objects to the claim on the grounds that 1) the claim lacks supporting documentation and is unenforceable against the Debtor or the Property, 2) no prejudice to claimant; and 3) the claim is made in bad faith. The Court previously continued this matter due to Debtor's improper service upon Chase. The proof of service indicates that Chase bank was served by first class mail, rather than certified mail, which again does not satisfy FRBP 7004. Nor has Debtor identified a valid grounds for disallowance of the claim under § 502(b). Debtor states that the claim "is unenforceable against the Debtor or the property," but specifies no factual or legal grounds for the assertion that this purported lien may not be enforced against the property to which it is attached. Furthermore, see Calendar number 13.

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

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**Movant(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10949 MEJD PARTNERSHIP**

**Chapter 11**

**#15.00 Disclosure Statement**

Docket 34

**Tentative Ruling:**

CHAMBERS COPIES MUST BE SUBMITTED WITH ONE PAGE PRINTED PER PAGE. THE 4 PAGES PER SHEET IS SIMPLY TOO HARD TO READ. MOTIONS WILL BE REJECTED IN THE FUTURE WITH SUCH COPIES.

The United States Trustee ("Trustee") objects to the disclosure statement in this single asset real estate case. Debtor's only source of funds to implement the plan is contributions from Debtor's principals. Trustee objects on the grounds that no proof is provided regarding the partners' willingness or ability to pay the \$100,000 required by the plan and the additional funds to ensure that Debtor has \$10,000 on hands at all times.

As a reply to the Trustee's objection, Debtor filed Declarations by Ubaldo Morales Escamilla and Maria Arce Morales. Ms. Morales and her husband are each 50% partners of the Debtor. The declaration states that the partners are willing to contribute the funds necessary to implement the debtor's plan. The funds include over \$35,000 from Mr. Escamilla's personal account and over \$55,000 from "the business account of U & M Waterproofing, of which I am a 50% partner, which currently has over \$110,000 in its account."

With respect to the funds from U & M Waterproofing, the Court has been presented with no proof that Mr. Escamilla has the authority to bind the entity to such a large transfer which may be outside the ordinary course of a "waterproofing" business. Who is the other 50% owner of U & M? How will the \$300,000 required for renovation be funded? The feasibility of this plan is not explained.

There is also a reference to being defrauded out of the property and regaining it. More information should be provided about whose name the property is in, and in whose name the loans on the property are in. All declarants must testify under oath at the confirmation hearing. Who is the other 50% owner? Why did the debtor list Ubaldo Morales Escamilla and Maria Arce Morales as principles in paragraph B but not name the other 50% partner referred to in paragraph A of the Background section?

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**Wednesday, September 12, 2018**

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9:30 AM

**CONT... MEJD PARTNERSHIP**

**Chapter 11**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

MEJD PARTNERSHIP

Represented By  
Mark E Goodfriend  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, September 12, 2018

Hearing Room 302

9:30 AM

1:18-10949 MEJD PARTNERSHIP

Chapter 11

#16.00 Status and Case Management Conference

fr. 5/23/18

Docket 1

**Tentative Ruling:**

**5/23/18 Tentative**

As this is a SAR, debtor should file a disclosure statement and plan by July 18. A notice and order of claims bar date should be submitted within a week for a July 13 bar date.

Unless other issues are raised at the hearing, the status conference will be continued to September 12 at 9:30 to be heard with the deisclosure statement. any motion to value should be self calendared before that date.

**Party Information**

**Debtor(s):**

MEJD PARTNERSHIP

Represented By  
Mark E Goodfriend



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11575 Roderick Bill Norseweather**

**Chapter 13**

**#16.01** Motion for relief from stay

BROKER SOLUTIONS INC DBA NEW AMERICAN FUNDING

fr. 8/29/18

Docket 15

**Tentative Ruling:**

This hearing was continued so that the parties' counsel had an opportunity to discuss a consensual resolution. Nothing has been filed since the last hearing. What is the status of this motion?  
APPEARANCE REQUIRED

8-29-18 TENTATIVE BELOW

Petition Date: 6/21/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 1412 W. 89th St., Los Angeles, CA 90047

Property Value: \$585,000 (per debtor's schedules)

Amount Owed: \$352,282

Equity Cushion: 39.8%

Equity: \$232,718

Post-Petition Delinquency: unk.

Movant requests relief under 11 U.S.C. 362(d)(1) , with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); **7** (waiver of the 4001(a)(3) stay); and **9** (*in rem* relief under 362(d)(4)).

Movant alleges cause for *in rem* relief because of an unauthorized transfer and multiple bankruptcies affecting the subject property.

On October 10, 2017, Debtor's sister, Desiree Edwards, filed a chapter 13 petition, 2:17-bk-22427-SK (the "LA Case"). On February 21, 2018, Movant filed a motion for relief from the automatic stay, relating to this property. On

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11:00 AM

**CONT... Roderick Bill Norseweather**

**Chapter 13**

March 20, 2018, an Order for Adequate Protection was entered. Ms. Edward's plan was confirmed on June 14, 2018, which provided for payment of arrears on Movant's claim.

On June 19, 2018, Movant filed a Declaration of Default Under Adequate Protection Order, alleging that Debtor had failed to make the APO payments due on May 1 and June 1, respectively. The Order Granting RFS was entered in the LA Case on June 20, 2018. Movant alleges that, on June 21, 2018, Ms. Edwards executed an unauthorized transfer of the subject property to her brother, Debtor. That same day, Debtor filed this chapter 13 case, with the same attorney as was employed by Ms. Edwards in the LA Case. Movant alleges that the unauthorized transfer and immediate bankruptcy filing by Debtor was done with the intent to delay, hinder, and defraud Movant.

Debtor opposes the Motion, arguing that the notice of default provisions of the LA case APO were not properly complied with and that the notices of default that were mailed to Ms. Edwards were sent to the wrong address. Debtor alleges that Movant's actions in the LA Case made it so that Ms. Edwards was unable to comply with the terms because Movant would not allow any extra time for payment. Debtor states that the Property is fully provided for in his proposed chapter 13 plan, and that all post-petition payments are current. Debtor provides evidentiary support for his position and appears to be able to cure all arrearages.

Given the large equity cushion protecting this claim, is Movant amenable to this property being reorganized in this bankruptcy?

APPEARANCE REQUIRED

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

**Debtor(s):**

Roderick Bill Norseweather

Represented By  
James Geoffrey Beirne

**Movant(s):**

Broker Solutions, Inc. dba New

Represented By

**United States Bankruptcy Court  
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San Fernando Valley  
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Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Roderick Bill Norseweather**

Mark S Krause

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12154 Silvia Veronica Venegas**

**Chapter 13**

**#16.02** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 6

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Silvia Veronica Venegas

Represented By  
Matthew D. Resnik

**Movant(s):**

Silvia Veronica Venegas

Represented By  
Matthew D. Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#17.00 Motion for relief from stay

HSBC BANK USA NA

Docket 651

**Tentative Ruling:**

Petition Date: 5/20/11

Chapter: 7

Service: Proper. No opposition filed.

Property: 621-623 W. 62nd St., Los Angeles, CA 90044

Property Value: not provided

Amount Owed: unk

Equity Cushion: unk.

Equity: unk.

Post-Petition Delinquency: unk.

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of, and multiple bankruptcies affecting, the subject property.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); **8** (law enforcement may evict); and **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

L.D.T. Investments Inc.

Pro Se

**Movant(s):**

HSBC Bank USA, National

Represented By

**United States Bankruptcy Court  
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11:00 AM

**CONT... L.D.T. Investments Inc.**

**Chapter 7**

Mark T. Domeyer  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror  
David Seror (TR)  
Steven T Gubner  
Corey R Weber  
Michael W Davis  
Richard Burstein  
Elissa Miller  
Aram Ordubegian  
Andy Kong  
Jessica L Bagdanov  
Ronald P Abrams  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#18.00** Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18, 6/13/18, 8/8/18

Docket 78

**Tentative Ruling:**

This matter has been continued several times since the first hearing on March 21, 2018. At the hearing on June 13, 2018, the parties represented that Debtor has secured refinancing. On July 23, 2018, Debtor filed a Motion for Authority to Refinance Real Property (ECF doc. 95). On August 1, 2018, chapter 13 trustee Rojas filed a response to the Refinance Motion, recommending the Court deny the Refinance Motion (ECF doc. 97). What is the status of this Motion?

APPEARANCE REQUIRED.

**3/21/18 Tentative**

Petition Date: 08/13/2012

Chapter: 13

Service: Proper. Opposition filed.

Property: 20637 Wells Drive, Woodland Hills, CA 91364

Property Value: \$714,000 (per debtor's schedules)

Amount Owed: \$772,540.69 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$308,087.21 (10 payments of \$4,410.38; 5 payments of \$8,350.33; 16 payments of \$8,483.22; 8 payments of \$8,644.15; \$17,761.90 in post-petition advances; \$1,031 in attorneys' fees; less \$1,445.86 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

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11:00 AM

**CONT...**      **Elizabeth Maybalian**  
Debtor filed a late opposition.

**Chapter 13**

APPEARANCE REQUIRED

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

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Movant(s):**

COMPASS BANK, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10837 Dawn Elizabeth Thomas**

**Chapter 13**

**#19.00** Motion for relief from stay

WELLS FARGO BANK

fr. 8/15/18

Docket 44

**Tentative Ruling:**

This hearing was continued from 8/15/18 so that the parties could discuss resolving this matter with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

8-15-18 TENTATIVE BELOW

Petition Date: 3/22/16

Chapter 13 plan confirmed: 6/15/16

Service: Proper. Opposition filed.

Property: 7239 Balboa Bl. #A, Van Nuys, CA 91406

Property Value: \$490,000 (per debtor's schedules)

Amount Owed: \$244,969

Equity Cushion: 50.0%

Equity: \$114,663.74

Post-confirmation Delinquency: \$20,178.37 (4 payments of \$929.47; 5 payments of \$940.65; 12 payments of \$941.60; 1 payment of \$690.69; post-petition advances of \$400; less suspense account balance of \$902.65).

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received on this debt was on or about March 22, 2017.

Debtor opposes the Motion, arguing that there is sufficient equity in the Property to adequately protect Movant's claim. Debtor, who lives at the

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11:00 AM

**CONT... Dawn Elizabeth Thomas**

**Chapter 13**

Property, requests an APO to catch up on the delinquent payments.

Is Movant amenable to Debtor's request of an APO?

APPEARANCE REQUIRED.

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

**Debtor(s):**

Dawn Elizabeth Thomas

Represented By  
Ali R Nader

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

**1:16-10898 Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**#20.00** Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

Docket 73

**\*\*\* VACATED \*\*\* REASON: Continued to 9/12/18 per stipulation --CT**

**Tentative Ruling:**

Petition Date: 3/28/16

Chapter 13 plan confirmed: 3/9/17

Service: Proper; co-debtor served. No opposition filed.

Property: 10580 Horse Creek Ave., Shadow Hills, CA 91040

Property Value: \$975,000 (per Order Granting Motion to Avoid Lien, doc. 41)

Amount Owed: \$1,185,447 (1st DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$64,849.66 (approx. 6 payments of \$4,034;  
10 payments of \$4,064)

Movant alleges that the last payment received was on or about May 2017.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By  
Matthew D Resnik

**United States Bankruptcy Court  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**Movant(s):**

Bayview Loan Servicing, LLC as

Represented By  
Christina J O

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10739 Jacobo Lopes Tunchez**

**Chapter 13**

**#21.00** Motion for relief from stay

GATEWAY ONE LENDING & FINANCE

fr. 8/15/18

Docket 27

**Tentative Ruling:**

This hearing was continued from 8/15/18 so that the parties could discuss resolving this matter with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

8-15-18 TENTATIVE BELOW

Petition Date: 3/22/17

Chapter 13 plan confirmed: 8/3/17

Service: Proper. Opposition filed.

Property: 2003 Hummer H2

Property Value: \$11,815 (per debtor's schedules)

Amount Owed: \$7,707.09

Equity Cushion: 35.1%

Equity: \$4,107.91

Post-Petition Delinquency: \$3,393.16 (6 payments of \$460.36, and attorney's fees of \$631)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Debtor requests to cure the delinquent payments in an APO. Is Movant amenable to this request?

APPEARANCE REQUIRED

**United States Bankruptcy Court  
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**Wednesday, September 12, 2018**

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11:00 AM

**CONT... Jacobo Lopes Tunchez**

**Chapter 13**

**Party Information**

**Debtor(s):**

Jacobo Lopes Tunchez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12284 Seyed A Amid**

**Chapter 13**

**#22.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

Docket 25

**Tentative Ruling:**

Petition Date: 8/28/17

Chapter 13 plan confirmed: 12/18/17

Service: Proper. No opposition filed.

Property: 20850 Martha St., Woodland Hills (Los Angeles), CA 1

Property Value: \$690,000 (per debtor's schedules)

Amount Owed: \$657,876

Equity Cushion: 4.7%

Equity: \$32,124

Post-confirmation Delinquency: \$18,610.66 (7 payments of \$2,953.57; post-petition advances of \$750; less suspense account balance of \$2,814.33)

Movant alleges that the last payment received was on or about June 2018.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.**

**MOVANT TO LODGE ORDER WITHIN 7 DAYS.**

**Party Information**

**Debtor(s):**

Seyed A Amid

Represented By  
Devin Sawdayi

**United States Bankruptcy Court  
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11:00 AM

**CONT... Seyed A Amid**

**Chapter 13**

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Sean C Ferry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



United States Bankruptcy Court  
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Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

1:17-13304 Melissa D Kurtz

Chapter 13

#23.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

fr. 8/15/18

Docket 37

\*\*\* VACATED \*\*\* REASON: Settled by Stipulation entered 8/22/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Melissa D Kurtz

Represented By  
Kevin T Simon

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Kelsey X Luu  
Jenelle C Arnold  
Angie M Marth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

1:18-10207 Gloria Rodriguez

Chapter 13

#24.00 Motion for relief from stay

LAKEVIEW LOAN SERVICING LLC

Docket 42

**Tentative Ruling:**

Petition Date: 1/23/17

Chapter: 13

Service: Proper; co-debtor served. Opposition filed.

Property: 8662 Norris Ave., Sun Valley, CA 91352

Property Value: \$425,000 (per debtor's schedules, she is a 50% owner with daughter)

Amount Owed: \$175,660

Equity Cushion: 57%

Equity: \$249,340.

Post-Petition Delinquency: \$13,288.58 (approx. 6 payments of \$2,042.93, plus attorney's fees of \$1,031)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **5** (relief from the co-debtor stay) and **6** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that she and the mortgage company have been in loan modification discussions and that she was assured by the mortgage company that they would help her with the modification. Debtor believes that the mortgage company and Movant (the mortgage servicer) were not communicating, and thus the mortgage servicer filed this Motion. Debtor requests that the Court *sua sponte* transfer this case to Judge Barash so that Debtor can participate in the loan modification program.

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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11:00 AM

**CONT... Gloria Rodriguez**

**Chapter 13**

**Debtor(s):**

Gloria Rodriguez

Represented By  
Stella A Havkin

**Movant(s):**

Lakeview Loan Servicing, LLC

Represented By  
S Renee Sawyer Blume  
Bonni S Mantovani

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11102 Kendra Renee Settle**

**Chapter 7**

**#25.00** Motion for relief from stay

FIRST CITY CREDIT UNION

Docket 17

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/drawal filed 9/7/18 (eg)**

**Tentative Ruling:**

Petition Date: 4/30/18

Chapter 7 discharge entered: 8/20/18

Service: Proper. No opposition filed.

Property: 2014 Ford Fusion

Property Value: \$14,024 (per Movant's evidence - KBB)

Amount Owed: \$19,559.35

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,088 (approx. 4 payments of \$522)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Kendra Renee Settle

Pro Se

**Movant(s):**

First City Credit Union

Represented By  
Karel G Rocha

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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11:00 AM

**CONT... Kendra Renee Settle**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11379 Leonid Shneyder**

**Chapter 7**

**#26.00** Motion for relief from the automatic stay

JP MORGAN CHASE BANK

Docket 19

**Tentative Ruling:**

Petition Date: 5/30/18

Converted to Chapter 7: 6/13/18

Service: Proper. Opposition & Reply filed.

Property: 1513 Twin Tides Place, Oxnard, CA 93035

Property Value: \$1,100,000 (per debtor's schedules)

Amount Owed: \$2,213,334 (1st DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$365,768 (approx. 84 payments of \$8,298.18)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that he has been working with Movant to arrange a short sale. Debtor requests time to complete the short sale process. Movant notes in Reply that short sale discussions are not grounds for denial of relief from stay.

Is Movant amenable to setting a date by which no foreclosure can be held, so that Debtor can complete the short sale process?

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Leonid Shneyder**

**Chapter 7**

**Debtor(s):**

Leonid Shneyder

Represented By  
Stella A Havkin

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11877 Diana Ivanova Kolev**

**Chapter 7**

**#27.00** Motion for relief from the automatic stay

DAIMLER TRUST

Docket 15

**Tentative Ruling:**

Petition Date: 7/26/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2017 Mercedes Benz GLE 350W

Property Value: not provided - LEASE

Amount Owed: \$47,146

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$2,140 (approx. 3.2 payments of \$679.44)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Diana Ivanova Kolev

Represented By  
Eileen Keusseyan

**Trustee(s):**

Diane C Weil (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

1:18-12104 Raquel Rosales-Yapo

Chapter 13

#28.00 Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 8

**Tentative Ruling:**

On 8-19-18, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-12057-MT, was a chapter 13 that was filed on 8/2/17 and dismissed on 6/22/18 for failure to make plan payments and to tender necessary documents.

Debtor now moves for an order continuing/imposing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to tender payments and documents because she was unable to comply with the requirements of her case, as a family emergency in the Philippines required her to spend money to travel there and bring her ill mother to the U.S. Debtor claims there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, she is in negotiations to sell her real property, which will greatly reduce her expenses and enable her to make all required payments.

Service proper. No opposition filed.

MOTION GRANTED. RULING MAY BE MODIFIED AT HEARING.

NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Raquel Rosales-Yapo

Represented By  
Kevin T Simon

**Movant(s):**

Raquel Rosales-Yapo

Represented By

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**CONT... Raquel Rosales-Yapo**

Kevin T Simon

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12175 Roger E Kendall**

**Chapter 13**

**#28.01** Motion for relief from stay

GRANT C. KEARY

Docket 10

**Tentative Ruling:**

Petition Date: 8/28/18

Ch: 13

Service: Proper. No opposition filed.

Movant: Grant C. Keary

Property Address: 18132 Cohasset St., Reseda, CA 91335

Type of Property: residential

Occupancy: holdover after eviction for default month-to-month tenancy

Foreclosure Sale: n/a

UD case filed: unk.

UD Judgment: 6/20/18 (prepetition)

Writ of Possession issued: 6/30/18 (prepetition)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a) (3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law) and **9** (binding & effective relief against any debtor for 180-days)

APPEARANCE REQUIRED DUE TO SHORTENED TIME  
RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Roger E Kendall

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Roger E Kendall**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

1:18-12175 Roger E Kendall

Chapter 13

#28.02 Lessor's Objection to Debtor's Certification

Docket 8

**Tentative Ruling:**

Section 362(l)(1)(B) required that Debtor certify on his petition that he had deposited with the Clerk any rent that would become due during the 30-day period after the filing of the petition. Objecting Creditor Grant Keary established that Debtor's Certification under § 362(l)(1)(B) was patently false, where he deposited only \$12 of the rent due under the defaulted month-to-month tenancy. Because the requirements of both § 362(l)(1)(A) and (B) must be met, as evidenced by use of the conjunction "and" between them, Debtor's failure to tender the required deposit to the bankruptcy court with his Petition is fatal to any claim that the eviction proceedings were stayed under § 362(l). In re Wilson, 2016 WL 3209533 (Bankr.C.D. Cal. May 31, 2016).

Creditor's objection is SUSTAINED.

**Party Information**

**Debtor(s):**

Roger E Kendall

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10026 Matthew Fuscaldo**

**Chapter 7**

Adv#: 1:17-01032 Swift Capital Corporation dba Swift Capital v. Fuscaldo et al

**#29.00** Pre-Trial Conference re: Complaint

fr. 6/14/17; 11/15/17, 3/7/18, 5/2/18, 7/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Voluntarily Dismissed (doc. 24) - hm**

**Tentative Ruling:**

Based on the status report and tentative settlement, this matter will be continued to September 12, 2018 at 11 am to allow and settlement to be effectuated.

NO Appearance required on 7/18/18

**Party Information**

**Debtor(s):**

Matthew Fuscaldo

Represented By  
Jeffrey J Hagen

**Defendant(s):**

Melissa Lynn Golde-Fuscaldo

Pro Se

Matthew Fuscaldo

Pro Se

**Joint Debtor(s):**

Melissa Lynn Golde-Fuscaldo

Represented By  
Jeffrey J Hagen

**Plaintiff(s):**

Swift Capital Corporation dba Swift

Represented By  
Daren M Schlecter

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 12, 2018

Hearing Room 302

11:00 AM

**1:17-11968 Ovidio A Flores**

**Chapter 7**

Adv#: 1:17-01110 Weil, Chapter 7 Trustee v. Espitia et al

**#30.00** Status Conference re: Trustee Complaint 1 - To Avoid  
and Recover Fraudulent Transfer; and 2 - For Turnover

fr. 2/28/18, 3/7/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed without prejudice 8/27/18 (doc.  
11) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ovidio A Flores

Represented By  
David H Chung

**Defendant(s):**

Elsa Espitia

Pro Se

Oscar Espitia

Pro Se

**Joint Debtor(s):**

Silene M Flores Espitia

Represented By  
David H Chung

**Plaintiff(s):**

Diane C. Weil, Chapter 7 Trustee

Represented By  
Sonia Singh

**Trustee(s):**

Diane C Weil (TR)

Represented By  
John N Tedford  
Sonia Singh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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11:00 AM

**CONT... Ovidio A Flores**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13208 Nataly Lavy**

**Chapter 7**

Adv#: 1:18-01024 Personal Energy Finance, Inc. v. Lavy

**#31.00** Status Conference re: First Amended Complaint

Docket 18

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Nataly Lavy

Represented By  
Shai S Oved

**Defendant(s):**

Nataly Lavy

Represented By  
Shai S Oved

**Plaintiff(s):**

Personal Energy Finance, Inc.

Represented By  
Donald T Dunning

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady

**#32.00**      Status Conference re: Complaint

fr. 5/2/18, 7/181/8

Docket      1

**\*\*\* VACATED \*\*\***

**Tentative Ruling:**

Having reviewed the docket for this adversary proceeding and finding that a Motion to Dismiss the Crossclaim is set for hearing on Sept. 26, 2018, the Court finds cause to continue this status conference to September 26, 2018, at 1:00 p.m., to be heard at the same time as the Motion to Dismiss.

Plaintiff to give notice of continuance.  
APPEARANCES WAIVED ON 9/12/18

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

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady et al

**#33.00**      Status Conference re: Crossclaim by Yehuda Elady  
                 against Paul Brentwood Derby; Jeffrey F Gersh;  
                 Gersh Derby LLP a California corporation; Gersh Derby, LLP;  
                 Paul B Derby A Professional Corporation a California  
                 corporation and dba Gersh Derby LLP; The GERSH  
                 LAW FIRM INC a CA corporation

fr. 7/18/18

Docket      5

\*\*\* VACATED \*\*\*

**Tentative Ruling:**

Having reviewed the docket for this adversary proceeding and finding that a Motion to Dismiss the Crossclaim is set for hearing on Sept. 26, 2018, the Court finds cause to continue this status conference to September 26, 2018, at 1:00 p.m., to be heard at the same time as the Motion to Dismiss.

Plaintiff to give notice of continuance.  
APPEARANCES WAIVED ON 9/12/18

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

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

**United States Bankruptcy Court  
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San Fernando Valley  
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11:00 AM

**CONT... Yehuda Elady**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

**#34.00** Motion to Avoid Lien with Bank of America NA

Docket 13

**Tentative Ruling:**

Service of this motion was improper under Fed. R. Bankr. P. 7004(h), which requires service by Certified U.S. Mail on a named officer of the FDIC insured institution like Bank of America.

APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Kourosh Izadpanahi	Pro Se
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**Trustee(s):**

Nancy J Zamora (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

**#35.00** Motion to Avoid Lien with Fred Darwich

Docket 14

**Tentative Ruling:**

APPEARANCE REQUIRED.

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

**Debtor(s):**

Kourosh Izadpanahi

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
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11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

**#36.00 Motion to Avoid Lien with East West Bank**

Docket 15

**Tentative Ruling:**

Motion is DENIED, as section 522(f) is inapplicable to consensual deeds of trust.

APPEARANCE REQUIRED.

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

**Debtor(s):**

Kourosh Izadpanahi

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

**#37.00** Motion to Avoid Lien with Capital One Bank USA NA

Docket 16

**Tentative Ruling:**

Service of this motion was improper under Fed. R. Bankr. P. 7004(h), which requires service by Certified U.S. Mail on a named officer of the FDIC insured institution like Capital One.

APPEARANCE REQUIRED.

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

**Debtor(s):**

Kourosh Izadpanahi	Pro Se
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**Trustee(s):**

Nancy J Zamora (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
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**Wednesday, September 12, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#38.00** Motion to Dismiss First Amended Complaint,  
filed by Wells Fargo Bank

fr. 8/29/18

Docket 51

**Tentative Ruling:**

**Background**

Multiple defendants in this action have filed Motions to Dismiss the First Amended Complaint under Fed. R. Civ. P. 12(b)(6) (collectively, the "Motions"), including defendants Open Bank, A California Corporation ("Open Bank") and Wells Fargo Bank, N.A. ("Wells Fargo") (the "Banks"). The Court previously granted the Banks' motions to dismiss the original complaint on statute of limitations grounds, but allowed plaintiff to amend the complaint to include facts to support a new argument for tolling of the statute of limitations. Plaintiff in this action is David Seror ("Trustee"), acting as chapter 7 trustee for corporate debtor R.J. Financial, Inc. ("Debtor"). Trustee has brought actions against the Banks for aiding and abetting a breach (or breaches) of fiduciary duty by Debtor's CEO and primary shareholder, Randy Abalkhad aka Ramil Abalkhad ("Randy").

The primary breach of fiduciary duty to which the aiding and abetting allegations relate are post-petition (but pre-conversion to chapter 7) checks written to "cash" by Randy as Debtor's principal.<sup>1</sup> The 46 checks at issue were written during a two-month period from July to August of 2014 and total approximately \$399,249. FAC, 23:25-24:5. The checks were typically for amounts just under \$10,000. Id. The checks were issued from Debtor's account at Open Bank and were negotiated or cashed at the same Wells Fargo branch. Id. Trustee has alleged that Open Bank knew that Randy, by

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CONT... **R.J. Financial, Inc.**

**Chapter 7**

issuing the checks to cash, was "improperly and fraudulently" taking the funds for his own personal benefit. FAC, 28:22-27. Trustee alleges that Open Bank "presumably" had Randy provide documentation as to his corporate authority to act on behalf of the Debtor. FAC, 28:17-21.

Trustee has also alleged that Wells Fargo knew that Randy was improperly and fraudulently taking funds from the Debtor by cashing the checks at the Wells Fargo branch. FAC, 29:9-15. Trustee alleges that both banks have a policy for reporting suspicious activity, such as the 46 checks for amounts just under \$10,000, and that neither bank adhered to its own policy and did not report this "questionable activity" to the Debtor or to proper authorities. FAC, 29:1-27.

**Standard**

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. A Rule 12(b)(6) dismissal "may be based on either a lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory." Kwan v. SanMedica Int'l, 854 F.3d 1088, 1093 (9th Cir. 2017).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Id. at 1096. On the other hand, the court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

**Discussion**

The Banks raise several affirmative defenses in support of their Motions and, additionally, argue that Debtor has failed to state a plausible claim for relief.

**Statute of Limitations**

**United States Bankruptcy Court  
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CONT...

**R.J. Financial, Inc.**

**Chapter 7**

The Banks renew their arguments that this action was untimely filed.

The applicable statute of limitations for a claim for aiding abetting a breach of fiduciary duty is the same as the statutes of limitations for the primary offense. Am. Master Lease LLC v. Idanta Partners, Ltd., 225 Cal. App. 4th 1451, 1479 (2014), as modified (May 27, 2014). There is no dispute that the applicable statute of limitations is three years under Cal. Civ. Proc. Code § 338. Because the transfers at issue allegedly occurred in July and August 2014, the statute would typically be time-barred as of July or August 2017. This adversary proceeding was filed on March 14, 2018, nearly four years after the relevant transfers.

A Trustee bringing claims on behalf of a debtor corporation steps into the debtor's shoes and Debtor's knowledge is imputed to the trustee. In re Mediators, Inc., 105 F.3d 822, 825-26 (2d Cir. 1997); Nasr v. De Leon, 18 F. App'x 601, 605 (9th Cir. 2001). Therefore, the discovery rule is not available to toll the statute of limitations. Trustee argues that the doctrine of equitable tolling and the doctrine of adverse domination apply to toll the statute of limitations until either Trustee was appointed on July 14, 2015 or November 2015, when the Trustee learned of the alleged improper conduct at a continued meeting of creditors. Using either of these dates, Trustee's action would be timely.

As discussed in the Court's adopted tentative on the Banks' Motions to dismiss the original complaint, "Trustee does not provide any support that the equitable tolling doctrine, which is read into every federal statute of limitations, In re United Ins. Mgmt., Inc., 14 F.3d 1380, 1384 (9th Cir. 1994), also applies to California common law claims." Trustee's opposition to the Motions primarily relies upon the adverse domination doctrine.

*Adverse Domination*

Under the adverse domination doctrine, "[a] statute of limitations tolls when a claim arises from a director's or employee's defalcation and the wrongdoers' control makes discovery impossible." Smith v. Superior Court,

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CONT... **R.J. Financial, Inc.**

Chapter 7

217 Cal. App. 3d 950, 954 (Ct. App. 1990). Tolling the statute of limitations under the adverse domination theory "may be appropriate in situations where there is such domination and control as to preclude non-wrongdoing employees from 'discovery.'" California Union Ins. Co. v. Am. Diversified Sav. Bank, 948 F.2d 556, 565 (9th Cir. 1991). As one court cogently explained:

[T]he adverse domination doctrine is merely a corollary of ... the discovery rule. . . giving credence to the basic principle that knowledge of a cause of action is meaningless unless it is coupled with an ability to act.

In re Fair Fin. Co., 834 F.3d 651, 681 (6th Cir. 2016), reh'g denied (Sept. 23, 2016).

In an unpublished decision, the Ninth Circuit rejected the application of the adverse domination doctrine under California law where "the alleged dominating agent and the alleged wrongdoer are not the same." Nasr, 18 F. App'x at 605 n. 4. Trustee argues that, unlike the Nasr case, the "alleged dominating agent and the alleged wrongdoer" are the same in this case. Trustee cites the Court to non-binding authority for the proposition that "under California law, the adverse domination doctrine is not limited to actions against corporate insiders who allegedly dominated the corporation. Damian v. A-Mark Precious Metals, Inc., No. CV 16-7198 FMO (SSX), 2017 WL 6940515, at \*4 (C.D. Cal. Aug. 28, 2017). After reviewing the two decisions, the Court finds the reasoning of Damian compelling, and the Nasr decision simply is both not on point and not appropriate to rely on as an unpublished decision. The "alleged wrongdoer" referred to in Nasr is not a stand-in for "defendant." In Nasr, the self-dealing (or "wrongdoing") agent was Geary, while Reeder was the dominating agent. Damian persuasively explains California law permitting application of the adverse domination doctrine in this situation. As spelled out by Damian, the adverse domination doctrine may be employed to toll the statute of limitations against third-party defendants.

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CONT...

**R.J. Financial, Inc.**

**Chapter 7**

Open Bank argues that the adverse domination doctrine does not apply because Trustee "has alleged a controlling party other than [Randy] Abalkhad." Open Bank argues that Randy's wife Melina Abalkhad ("Melina") was also a person in control of the Debtor's operations. While Trustee primarily focuses on Randy's domination over the Debtor, Melina is also alleged to have aided and abetted the relevant breaches of fiduciary duty. To the extent Melina had the authority to act on behalf of Debtor, the allegations are clear that she was complicit in Randy's actions. FAC, 30:12-17. Furthermore, Trustee also alleges that "Randy (and Melina) adversely dominated the Debtor's operations until the July 14, 2015 Chapter 7 conversion." FAC 14:6-8 (emphasis added). These allegations are sufficient to overcome Open Bank's argument regarding Melina's power to control the Debtor.

Open Bank also argues that adverse domination does not apply because Debtor was a debtor-in-possession at the time of Randy's alleged breaches, and therefore could not have "complete dominion" over the Debtor because certain of Debtor's actions were subject to approval of the bankruptcy court. A bankruptcy court does not exercise the type of control over a chapter 11 debtor, particularly post-confirmation, contemplated by the adverse domination doctrine. In fact, the very concept of a debtor-in-possession contemplates a debtor in control of the corporation operating just as trustee would. See 11 U.S.C. 1101(1).

The facts alleged in the FAC fall squarely within the purview of the adverse domination doctrine. Debtor's claims allegedly arose as a result of Randy's defalcation, assisted by Melina, and Randy and Melina's control of Debtor made discovery and prosecution of those claims impossible. Smith, 217 Cal. App. 3d 954. Because the adverse domination doctrine applies, the three-year statute of limitations was tolled during the period of the bankruptcy where Randy remained in control of the Debtor, until at least July 14, 2015. The action is therefore timely.

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1:00 PM

CONT...

**R.J. Financial, Inc.**

**Chapter 7**

Aiding and Abetting Breach of Fiduciary Duty

California has adopted the common law rule for subjecting a defendant to liability for aiding and abetting an intentional tort. A person may be liable for aiding and abetting a breach of fiduciary duty in two circumstances. Am. Master Lease LLC v. Idanta Partners, Ltd., 225 Cal. App. 4th 1451, 1477 (2014), as modified (May 27, 2014). The first requires that the aider and abettor owe an independent fiduciary duty to the victim and "requires only that the aider and abettor provide substantial assistance to the person breaching his or her fiduciary duty." Id. The second theory arises when the aider and abettor commits an independent tort, making "a conscious decision to participate in tortious activity for the purpose of assisting another in performing a wrongful act." Id. Two elements must be pled before liability may be imposed under this independent tort: (1) the defendant must have actual knowledge of the primary wrong; and (2) the defendant must give substantial assistance or encouragement to the principal wrongdoer. Casey v. U.S. Bank Nat. Assn., 127 Cal. App. 4th 1138, 1145 (2005); Am. Master Lease LLC, 225 Cal. App. 4th at 1475 ("[L]iability for aiding and abetting depends on proof the defendant had actual knowledge of the specific primary wrong the defendant substantially assisted.").

The alleged transfers at issue constituted a breach of Randy's fiduciary duty of loyalty to Debtor because, by writing checks from Debtor's account to cash allegedly for his own use and benefit, Randy failed to act in Debtor's best interest and instead acted in his own. It is undisputed that the Banks did not owe Debtor an independent fiduciary duty. In order to state a claim for aiding and abetting that breach of fiduciary duty, Trustee must allege that the Banks had actual knowledge that Randy's actions constituted a breach of fiduciary duty and that the Banks actions substantially assisted Randy in that breach.

In its reply, Wells Fargo raises the argument that no facts are alleged that would indicate that Wells Fargo knew that there was a fiduciary

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relationship between Randy and Debtor. FAC, 7:1-2. Debtor is not alleged to have maintained an account with Wells Fargo. Trustee alleges for the first time in his opposition to the Motion that "presumably, Wells Fargo had Randy, as the Debtor's president, provide some form of documentation and/or proof as to Randy's corporate authority to act on behalf of Debtor in cashing checks at Wells Fargo." Opposition, 11:11-15.

Trustee has alleged that Open Bank "knew that Randy was improperly and fraudulently taking funds from the Debtor by issuing forty-six (46) checks in July and August 2014." FAC, 28:12-16. Trustee further alleges that, "presumably," Open Bank required Randy, as Debtor's president, to provide documentation as proof of his authority to act on behalf of Debtor. FAC, 28:17-21. Trustee further alleges that Open Bank knew that the transfers were for Randy's own benefit. FAC, 28:22-27. These allegations go beyond a claim that Open Bank knew that "something fishy" was going on, as it argues in its motion.

Allegations regarding state of mind under the pleading standard of Fed. R. Civ. P. 8(a) must meet the "plausibility" standard of Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557 (2007). "To survive a motion to dismiss for failure to state a claim upon which relief can be granted, factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true even if doubtful in fact." Id. at 555.

The cashing of the checks at each of the Banks is insufficient to show that the Banks aided and abetted the violations of fiduciary duty. There is no allegation that the Banks knew what Randy Abalkhad was actually doing with the funds. It is too great a leap to infer aiding and abetting a breach of fiduciary duty based on the use of cash alone. The Banks' duty is to report suspicious activity for numerous checks under \$10,000 is a duty owed to relevant governmental authorities and not to creditors. These allegations do not rise to the level described in Casey. Simply cashing checks for an

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authorized signatory, without more, is insufficient under Twombly.

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**Conclusion**

Because of the failure to plead aiding and abetting adequately, there is no need to reach the *in pari delicto* issue. The Banks' motions to dismiss are GRANTED.

**Party Information**

**Debtor(s):**

R.J. Financial, Inc. Pro Se

**Defendant(s):**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

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MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

OPEN BANK Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC Represented By



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Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
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ROMANO'S JEWELERS

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CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

**Plaintiff(s):**

David Seror

Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

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Adv#: 1:18-01029 Seror v. Abalkhad et al

**#39.00** Motion to Dismiss Second to Seventh Causes of Action  
in First Amended Complaint and for a More  
Definite Statement

fr. 8/29/18

Docket 53

**Tentative Ruling:**

**Background**

The lead bankruptcy case, assigned number 1:10-bk-10209-MT, was filed by R.J. Financial, Inc. dba Romano's Jewelers ("Debtor"), as a chapter 11 on January 7, 2010. Debtor operated eight retail jewelry stores throughout southern California and had approximately 60 employees at the time the case was filed. Debtor's primary shareholder is Randy (Ramil) Abalkhad ("Randy"), who ran day-to-day operations for the business. Debtor confirmed a chapter 11 plan of reorganization on April 11, 2013 (the "Plan"). In July 2015, after mounting allegations that Randy was engaged in questionable activity including transferring the Debtor's assets to newly formed entities, the Court ordered that the case be converted to chapter 7.

Following conversion, David Seror was appointed as chapter 7 trustee ("Trustee"). In this adversary, filed on March 14, 2018, Trustee alleges a number of causes of action against Randy, his wife Melina Abalkhad ("Melina"), various entities allegedly owned by the couple, and banks that served the various defendants. The various entities allegedly owned by Randy and Melina are Diamond Trading Company of Glendale Galaria – Romano Jewelers, LLC ("DTC Glendale"); Diamond Trading Company of Main Place – Romano's Jewelers, LLC ("DTC Main Place"); Diamond Trading Company of Plaza Bonita – Romano's Jewelers, LLC ("DTC Plaza Bonita"); Diamond Trading Company of Temecula Mall – Romano's Jewelers, LLC ("DTC Temecula Mall"); Diamond Trading Company of Cerritos – Romano's Jewelers, LLC ("DTC Cerritos"); Diamond Trading Company of Downey –

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Romano's Jewelers, LLC ("DTC Downey"); California Diamonds Trading Company – Lakewood, LLC ("DTC Lakewood"); Romano's Jeweler's Services, Inc. aka Romano's Jeweler's, Inc. ("Romano's Jeweler's Services"); Branden & Company, Inc. fka RJ Brandon, Inc. ("Branden"); and MBNB Financial, Inc. ("MBNB"). Collectively, the Court will refer to the parties listed in the previous sentence, all of which are represented by the same counsel, as the "Abalkhad Defendants."

The Court previously granted in part and denied in part the Abalkhad Defendants' motion to dismiss and for a more definite statement. The only cause of action that was deemed to be sufficiently pled, and therefore not at issue in this motion, is the first cause of action for breach of contract against Randy. Trustee then filed a First Amended Complaint ("FAC"). This Motion to Dismiss Second to Seventh Causes of Action in First Amended Complaint and for a More Definite Statement (the "Motion") was subsequently filed by the Abalkhad Defendants.

**Standard**

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the allegations set forth in the complaint. A Rule 12(b)(6) dismissal "may be based on either a lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory." Kwan v. SanMedica Int'l, 854 F.3d 1088, 1093 (9th Cir. 2017).

In resolving a Civil Rule 12(b)(6) motion to dismiss, the court must construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. Id. at 1096. On the other hand, the court is not bound by conclusory statements, statements of law, or unwarranted inferences cast as factual allegations. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555-57 (2007); Clegg v. Cult Awareness Network, 18 F.3d 752, 754-55 (9th Cir. 1994).

A motion for a more definite statement under Rule 12(e) may be granted if a pleading to which the moving party may respond "is so vague or ambiguous that the party cannot reasonably prepare a response."

**Discussion**

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The Motion attacks the sufficiency of the pleading of the second through seventh causes of action. The Court will address each separately.

Breach of Fiduciary Duties by Randy

The elements of an action for breach of fiduciary duty under California law are 1) a fiduciary relationship, 2) a breach thereof, and 3) damages proximately caused by the breach. Second Measure, Inc. v. Kim, 143 F. Supp. 3d 961, 979 (N.D. Cal. 2015). Directors and officers of a corporation hold a fiduciary relationship in relation to the corporation. Bancroft-Whitney Co. v. Glen, 64 Cal. 2d 327, 345 (1966).

A public policy, existing through the years, derived from a profound knowledge of human characteristics and motives, has established a rule that demands of a corporate officer or director, peremptorily and inexorably, the most scrupulous observance of his duty, not only affirmatively to protect the interests of the corporation committed to his charge, but also to refrain from doing anything that would work injury to the corporation, or to deprive it of profit or advantage which his skill and ability might properly bring to it, or to enable it to make in the reasonable and lawful exercise of its powers.'

Id. Where a fiduciary relationship exists, the fiduciary has a "duty to act with the utmost good faith for the benefit of the other party." Persson v. Smart Inventions, Inc., 125 Cal. App. 4th 1141, 1160 (2005). "A failure to act in good faith may be shown, for instance, where the fiduciary intentionally acts with a purpose other than that of advancing the best interests of the corporation, where the fiduciary acts with the intent to violate applicable positive law, or where the fiduciary intentionally fails to act in the face of a known duty to act, demonstrating a conscious disregard for his duties." Leyte-Vidal v. Semel, 220 Cal. App. 4th 1001, 1014 (2013). Under California law, inherent in each fiduciary relationship "is the duty of undivided loyalty the fiduciary owes to its beneficiary." Gilman v. Dalby, 176 Cal. App. 4th 606, 614 (2009).

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The Motion argues that Trustee has failed to cure the defects of the original complaint. The FAC and opposition argue that Randy had a duty of loyalty, a duty to act in Debtor's best interest, not to conduct business for his own benefit and not to unduly risk corporate assets that might otherwise be used to pay creditors. FAC, 21:26-22:4. Trustee specifies eight actions taken by Randy which constituted breaches of his fiduciary duties:

- 1) his failure and refusal to collect and make "new value" contribution required under the Debtor's plan;
- 2) "floating funds" and making significant cash withdrawals and/or transfers from Debtor's accounts without any accounting or justification. (The Motion divides floating funds and cash withdrawals into two separate items. While the Court agrees that "floating funds" still has not been defined by Trustee, the Court can treat this as a single item, as alleged in the complaint as funds that may not have been used for proper purposes.)
- 3) failing to maintain accurate books and records for the Debtor;
- 4) commingling the Debtor's books and records with other entities owned and controlled by Randy and Melina;
- 5) using Debtor's assets to fund other businesses owned by Randy or Melina;
- 6) allowing Debtor's assets to be transferred for no consideration to entities owned and controlled by Randy "(i.e. leasehold interest, jewelry)";
- 7) continuing to do business with MBNB after the expiration of the Court's 2010 order regarding transactions with MBNB had expired; and
- 8) conducting business with Branden and paying inflated prices after the expiration of the Court's 2010 order regarding transaction with Branden

FAC, 22:17-23:18.

The Motion argues that the above do not adequately allege damages, or "even why they were wrongful." It also discusses each allegation on its own and ignores the overall picture they describe. While Trustee fails to explain why some of the allegations matter, for the most part the combined effect

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must be considered.

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"For example," the Motion argues, "just because there was bad record-keeping or that MBNB and Branden helped keep the Debtor alive by factoring its sales and selling jewelry to Debtor at wholesale prices does not mean that such conduct damaged the Debtor or its creditors." Abalkhad Defendants' Motion, 4:1-6. While Randy's failure to maintain accurate books and records for the Debtor and "commingling" the books with those of other entities might not be a violation of fiduciary duty in and of itself, those allegations must be read in the context of the other allegations that he took large sums of cash out of the Debtor and funded other companies with the Debtor's assets. The lack of record keeping would make it easier to carry out the other actions.

With respect to the Abalkhad Defendants' argument MBNB and Branden "helped keep the debtor alive by factoring its sales and selling jewelry at wholesale prices," this is not the appropriate time for defendants to allege disputed facts. This may indeed be a defense to the allegations, but the sufficiency of the Trustee's allegations are all that can be considered at this stage. The FAC alleges that Debtor paid inflated prices to Branden, which is a sufficient allegation of harm for the pleading stage. The complaint does not contain any allegations of harm resulting from the "sell[ing] accounts receivable to MBNB after the expiration" of the Court order. FAC, 23:8-12. The preface to that allegation refers to the duty of loyalty and self-dealing, so the allegation may stand since it is within that context.

The Abalkhad Defendants also argue that Trustee's allegations that Randy made the 2011-2014 cash transactions for his own personal benefit are conclusory and potentially violate F.R.B.P. 9011. The 9011 footnote is not relevant at this point, and will not be discussed. The allegations in the FAC, as written, seem to indicate that all of the cash transactions from 2011 to 2014, totaling in excess of \$2.1 million were used for Randy's personal benefit and depriving Debtor and Debtor's creditors of those funds for Debtor to pay its debts. FAC, 23:19-24, 24:12-16. The question is whether it is plausible that checks written out to cash in suspicious amounts from a corporate debtor's bank account and cashed at a different bank might constitute a scheme by the principal to loot the Debtor corporation. Such allegations are plausible and supported by sufficient factual allegations that the Court does not find the allegations to be conclusory. Twombly, 550 U.S.

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at 555-57. The allegations provide a roadmap of operating a large business using cash transactions where Randy was the last person to be in possession of the funds, as far as Debtor's records are alleged to show. A conclusion that Randy retained those funds after he acquired them follows where creditors were not paid as required and is not conclusory for purposes of the pleading standard under Rule 8.

The Abalkhad Defendants also misconstrue theory 6 above, arguing that there was nothing wrongful about closing of Debtor's Glendale location and allowing it to reopen as the entity DTC Glendale. The crux of theory 6 is that Randy used Debtor's assets to supply inventory and/or pay for the lease of DTC Glendale. FAC, 18:12-13 ("A non-Debtor store, DTC Glendale, was operated on premises leased by the Debtor."). Damages are adequately pled. The Court agrees that the details surrounding the Glendale store could have been much clearer, specifically whether Trustee alleges that Debtor's jewelry assets provided the inventory for DTC Glendale. See FAC, 19:5-16. Under Rule 8's pleading standard, the details of the operation of DTC Glendale may be supplied later.

The Abalkhad Defendants lastly argue that theory 1 above does not constitute a breach of fiduciary duty. Trustee argues that Randy breached his fiduciary duties by failing to pay the Debtor, or collect from himself on the Debtor's behalf, \$200,000 pursuant to the New Value Contribution required by the plan. While failure to make a new value contribution would likely not violate the fiduciary duties Randy owed to the Debtor by itself, it may be considered as part of the overall scheme to operate Debtor for his own gain and not in the interests of paying creditors. As set forth in the Court's ruling on the previous Motion to Dismiss, Trustee has stated a claim for breach of contract against Randy for his failure to make the required new value contribution. The failure to make a capital contribution may additionally be considered as part of the series of actions constituting a breach of fiduciary duty.

The reply reiterates the argument that Trustee has not adequately alleged damage to Debtor. The Abalkhad Defendants point to the statement in the FAC "transactions and transfers between [Randy's] companies to the Debtor's detriment" as the only example of damage being alleged against the Debtor or creditors. There is no talismanic approach to alleging damages



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required by Rule 8(a). As set forth above, looting assets and overpaying for jewelry are additional allegations of damage to the Debtor.

The Motion is denied as to breach of fiduciary duty.

Aiding and Abetting Breach of Fiduciary Duty by Melina

California has adopted the common law rule for subjecting a defendant to liability for aiding and abetting an intentional tort. A person may be liable for aiding and abetting a breach of fiduciary duty in two circumstances. Am. Master Lease LLC v. Idanta Partners, Ltd., 225 Cal. App. 4th 1451, 1477 (2014), as modified (May 27, 2014). The first requires that the aider and abettor owe an independent fiduciary duty to the victim and "requires only that the aider and abettor provide substantial assistance to the person breaching his or her fiduciary duty." Id. The second theory arises when the aider and abettor commits an independent tort, making "a conscious decision to participate in tortious activity for the purpose of assisting another in performing a wrongful act." Id. Two elements must be pled before liability may be imposed under this independent tort: (1) the defendant must have actual knowledge of the primary wrong; and (2) the defendant must give substantial assistance or encouragement to the principal wrongdoer. Casey v. U.S. Bank Nat. Assn., 127 Cal. App. 4th 1138, 1145 (2005); Am. Master Lease LLC, 225 Cal. App. 4th at 1475 ("[L]iability for aiding and abetting depends on proof the defendant had actual knowledge of the specific primary wrong the defendant substantially assisted.").

The FAC alleges generally that Melina knew of Randy's breaches of fiduciary duty, described above. FAC, 8-11. Trustee alleges that Melina knew that Randy was using Debtor's funds for personal gain and benefit, including the cash transactions discussed above. FAC, 27:22-26. The totality of the allegations makes it clear that Melina was closely involved with the various jewelry businesses owned by Randy and herself. FAC, 3:10-15 ("Melina is Randy's spouse"), 3:21-20-22 ("Melina is identified as the chief executive officer and sole member of DTC Glendale"), 4:6-7 ("Melina is identified as the chief executive officer and sole member of DTC Main Place"), 27:8-11 ("Melina. . . was also an officer, director, manager, and/or person in control of the Debtor"), 14:2 ("Randy (and Melina) operated, managed and controlled the Debtor's operations"), 17:1-6 ("[The Abalkhad Defendants] had entangled



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business dealings with the Debtor").

The Motion argues that the FAC "fails to inform Melina what she supposedly did in acting 'with complicity and knowledge' . . . and in rendering 'substantial assistance.'" Motion, 5:20-21. The FAC adequately alleges facts indicating that Melina knew of the improper activity alleged. As Randy's alleged spouse, business partner, as an agent for Debtor, and as the alleged principal of entities to which assets were allegedly wrongfully transferred, Melina is alleged to have sufficient knowledge and involvement of each of the breaches of fiduciary duty alleged against Randy. The Court agrees that the allegations lack specific detail but the complaint must be construed in the light most favorable to the Trustee at this point. The Motion is denied as to the third cause of action as against Melina.

§ 549(a) Avoidance of Post-petition Transfers

The Fourth cause of action alleges violations of § 549(a). Section 549(a) provides as follows:

(a) Except as provided in subsection (b) or (c) of this section, the trustee may avoid a transfer of property of the estate--

(1) that occurs after the commencement of the case; and

(2)(A) that is authorized only under section 303(f) or 542(c) of this title; or

(B) that is not authorized under this title or by the court.

The purposes of section 549 "is to provide a just resolution when the debtor himself initiates an unauthorized postpetition transfer. The general rule in such situations is that the trustee is authorized to avoid the transfer in order to protect the creditors." 40235 Washington St. Corp. v. Lusardi, 329 F.3d 1076, 1081 (9th Cir. 2003).

The Abalkhad Defendants move to dismiss the §§ 549, 550, and 551

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causes of action based on the lack of specificity in what allegedly was improperly transferred. The complaint does not say what parts of the transfers were improper—only that to the extent to which they were improper they should be avoided. This formulation is too theoretical and vague such that the defendants cannot adequately defend the allegations. To the extent that Debtor set up these transactions to benefit the other defendant entities to the harm of Debtor's creditors, that evidence may be introduced as part of the action for violation of fiduciary duties. The lack of specific tracing and explanation of what parts of the transfer are improper makes these causes of action too vague, even by Rule 8 standards.

Even if the Trustee had alleged specific transactions and how they were improperly structured, they would still only show a breach of fiduciary duty, and not a violation of § 549. Neither side has adequately addressed the requirement of § 549 that "property of the estate" be transferred.

Upon the commencement of a case, a bankruptcy estate is created under § 541(a). Upon confirmation of a chapter 11 plan, except as otherwise provided in the plan or in the order confirming the plan, all property of the estate vests in the debtor. § 1149(b). Debtor's plan of reorganization, confirmed on April 11, 2013 (the "Plan"), states:

3. Post-Confirmation Operations and Management.

A. The Reorganized Debtor has the right to continue to manage its property and business after the Effective Date.

B. All property of the estate, including, without limitation, cash collateral, will revert on the Effective Date in the Reorganized Debtor, free and clear of all claims, liens, interests and encumbrances, except for the lien of WSB.

C. On or prior to the effective Date, the Reorganized Debtor will be managed by Randy Abalkhad.

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Plan, Doc. 331-1 p. 37 (emphasis added). Again, on page 50, the plan states:

C. Vesting Of Property In Reorganized Debtor

The Confirmation of the Plan vests all of the property of the Estate in the Reorganized Debtor free and clear of all claims, liens, interests and encumbrances, except as expressly provided in the Plan.

The Order on Confirmation of Chapter 11 Plan (Doc. No. 396) also provides that all of the property of the estate shall vest in the Debtor:

25. Except as otherwise provided in the Plan, this Order, or the Exhibits to the Plan, on the Effective Date all property of the Estate shall vest in the Reorganized Debtor free and clear of all Claims, liens, encumbrances, and Interests. From and after the Effective Date, the Reorganized Debtor may operate its business and use, acquire and dispose of property and settle and compromise liabilities without supervision by the Court and free of any restrictions of the Bankruptcy Code or Bankruptcy Rules, other than those restrictions expressly imposed by the Plan and this Order.

Confirmation Order 7:21-27.

Trustee's action seeks to utilize § 549(a), which allows avoidance of transfers of property of the estate, to avoid transfers which occurred after all of the estate's property had reverted in debtor due to plan confirmation. Courts have generally concluded that this is an impermissible use of § 549. Matter of Ford, 61 B.R. 913, 917 (Bankr. W.D. Wis. 1986) ("The property of the estate reverted in the debtor subject only to outstanding liens. Section 549(a) expressly applies only to property of the estate. Since all of the debtor's property reverted it is clear that the trustee may not avoid any transfers which occurred after confirmation of the debtor's plan."); In re Chattanooga Wholesale Antiques, Inc., 930 F.2d 458, 462 (6th Cir. 1991)

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("Under § 1141(b), however, 'the confirmation of a plan vests all of the property of the estate in the debtor.' Thus, at the time the monthly payments were made to the bank the property of the estate had been revested in the debtor, as debtor in possession, and was no longer 'property of the estate.');" In re Oakhurst Lodge, Inc., 582 B.R. 784, 792 (Bankr. E.D. Cal. 2018) (citing In re Chattanooga Wholesale Antiques favorably); In re Hiller, 143 B.R. 263, 266 (Bankr. D. Colo. 1992) ("a chapter 7 trustee cannot use Section 549 to recover property which had revested in the debtor and was transferred post-confirmation and pre-conversion"). The only exception to this clear reading of "property of the estate" appears to be where the plan itself provides otherwise.

The Court agrees with the reasoning of these cases. Trustee cannot avoid transfers which occurred post-confirmation but pre-conversion because those transfers did not involve property of the estate. The Motion is GRANTED as to the fourth cause of action. Because the fifth, sixth, and seventh causes of action are all dependent upon the success of the fourth, the motion is GRANTED as to those causes of action as well.

**Conclusion**

The Motion is further DENIED as to cause of action number two. The Motion is DENIED as to cause of action three. The Motion is GRANTED as to causes of action four through seven. Trustee shall prepare an order in accordance with the ruling.

**Party Information**

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

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MBNM FINANCIAL, INC

**Chapter 7**

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MELINA ABALKHAD

Represented By  
Daniel J McCarthy

Randy Abalkhad

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror

Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR)

Represented By

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**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#40.00** Motion to Dismiss First Amended Complaint,  
filed by Open Bank

fr. 8/29/18

Docket 48

**Tentative Ruling:**

See Calendar Number 38.

**Party Information**

**Debtor(s):**

R.J. Financial, Inc.

Pro Se

**Defendant(s):**

WELLS FARGO BANK

Represented By  
Bernard J Kornberg

OPEN BANK

Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC

Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC

Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc. Chapter 7**

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

MELINA ABALKHAD Represented By  
Daniel J McCarthy

Randy Abalkhad Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY Represented By  
Daniel J McCarthy

**Movant(s):**

OPEN BANK Represented By  
John H Choi  
John H Choi  
Tony K Kim  
Tony K Kim

**Plaintiff(s):**

David Seror Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR) Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

1:00 PM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#41.00**

Status Conference re: First Amended Complaint  
to Recover Damages for:

- 1) Breach of Contract ; 2) Breach of Fiduciary Duties;
- 3) Aiding & Absetting; 4) Substantive Consolidation;
- 5) Impose Liability under Alter Ego Theory;
- 6) Unjust Enrichment /Restitutiion;
- 7) To avoid and Recover Post-Petition  
Transfer pursuant to 11 u.s.c. section 549
- 8) To recover Avoided Transfer pursuant to 11 u.s.c. 550, and
- 9) Automatic Preservation of Avoided Transfers pursuant to 11 u.s.c. section  
551

fr. 5/23/18, 5/30/18; 8/29/18

Docket 47

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before  
pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery  
subpoenas under Rule 45, must be initiated a sufficient period of time in advance of  
the cutoff date, so that it will be completed by the cut-off date, taking into account  
time for service, notice and response as set forth in the Federal Rules of Civil

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc.**  
Procedure.

**Chapter 7**

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

R.J. Financial, Inc.	Pro Se
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**Defendant(s):**

WELLS FARGO BANK	Represented By Bernard J Kornberg
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OPEN BANK	Represented By John H Choi Tony K Kim
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MBNM FINANCIAL, INC	Represented By Daniel J McCarthy
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BRANDEN & COMPANY, INC	Represented By Daniel J McCarthy
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 12, 2018**

**Hearing Room 302**

1:00 PM

**CONT... R.J. Financial, Inc.  
ROMANO'S JEWELERS**

**Chapter 7**

Represented By  
Daniel J McCarthy

CALIFORNIA DIAMONDS

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

MELINA ABALKHAD

Represented By  
Daniel J McCarthy

Randy Abalkhad

Represented By  
Daniel J McCarthy

DIAMOND TRADING COMPANY

Represented By  
Daniel J McCarthy

**Plaintiff(s):**

David Seror

Represented By  
Rosendo Gonzalez

**Trustee(s):**

David Seror (TR)

Represented By  
Robyn B Sokol  
Michael W Davis  
Travis M Daniels  
Rosendo Gonzalez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 18, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11792 Jeremy Jack**

**Chapter 7**

**#1.00 Reaffirmation Agreement  
with Ally Financial**

Docket 8

**Matter Notes:**

GRANT

DENY

- No appearance by Debtor
- withdrawn by Debtor
- undue hardship
- not in best interest of Debtor
- agreement is incomplete
- agreement is not on the mandatory form
- other

**Evidentiary Hearing** \_\_\_\_\_

**Tentative Ruling:**

Petition date: 7/18/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Dodge Ram 1500

Debtor's valuation of property (Sch. B): \$20,000

Amount to be reaffirmed: \$21,447.25

APR: 9.99% (fixed)

Contract terms: \$165 for one month, then \$485 for 55 months

Monthly Income (Schedule I): \$1,768

Monthly expenses: (Schedule J): \$2,815

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 18, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Jeremy Jack**

**Chapter 7**

Disposable income: <\$1,047>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that his income increased because he now has regular employment.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 30, 2018, whichever is later.

**Party Information**

**Debtor(s):**

Jeremy Jack

Represented By  
David S Hagen

**Movant(s):**

Ally Financial

Represented By  
Brenda Groschen

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 18, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11343 Corynne Antonia Kendall**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor and Capital  
One Auto Finance, a division of Capital One, N.A.**

Docket 17

**Matter Notes:**

GRANT

DENY

- No appearance by Debtor
- withdrawn by Debtor
- undue hardship
- not in best interest of Debtor
- agreement is incomplete
- agreement is not on the mandatory form
- other

**Evidentiary Hearing** \_\_\_\_\_

**Tentative Ruling:**

Petition date: 5/25/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Chevrolet Equinox

Debtor's valuation of property (Sch. B): \$13,500

Amount to be reaffirmed: \$17,304.92

APR: 12.84% (fixed)

Contract terms: \$555.80 per month for 36 months

Monthly Income (Schedule I): \$4,095.24

Monthly expenses: (Schedule J): \$3,423.38

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, September 18, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Corynne Antonia Kendall**

**Chapter 7**

Disposable income: \$671.86

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that she is employed full-time. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until October 6, 2018, whichever is later.

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

**Debtor(s):**

Corynne Antonia Kendall

Pro Se

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 19, 2018**

**Hearing Room 302**

10:00 AM

**1:18-10668 Angela Flores Toledo**

**Chapter 13**

**#1.00** Evidentiary Hrg re:  
Motion to Avoid Lien Junior Lien  
with Trinity Financial Services, LLC

fr. 7/31/18

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**7/31/18 Tentative**

Service: Proper. Opposition Filed.

Property Address: 13536 Beaver Street, Sylmar, CA 91342

First trust deed: \$641,450.71 (JP Morgan Chase Bank, NA)

Second trust deed (to be avoided): \$88,829.00 (Trinity Financial Services, LLC)

Fair market value per Debtor's appraisal: \$480,000

Fair market value per Trinity's appraisal: \$675,000

Parties should advise whether they want an evidentiary hearing or to submit briefs and have this decided based on the written appraisals.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Angela Flores Toledo

Represented By  
Nima S Vokshori  
Luke Jackson

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#1.00 Motion For Turnover Of Property Of The Estate**

fr. 8/30/18

Docket 141

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #2.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
7/22/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18, 8/30/18

Docket 76

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

---

9:00 AM

**CONT...**

**Process America, Inc.**

Beth Ann R Young  
John-Patrick M Fritz

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#3.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18, 8/30/18

Docket 1

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

Applied Funding, Inc.

Pro Se

KBS Dreams, Inc.

Pro Se

Like Zebra, LLC

Pro Se

Stripe Entertainment Group, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

---

9:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Plaintiff(s):**

Tigrent Group Inc.

Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, September 20, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#4.00 Status and Case Management Conference**

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16, 12/14/16, 6/21/18, 8/30/18

Docket 1

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#1.00 Motion By Plaintiff To Compel Production Of Documents By Cynergy Holdings, LLC**

Docket 159

**\*\*\* VACATED \*\*\* REASON: Moved to 10:00 a.m. per Order #174. If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Movant(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

Process America, Inc., a Nevada

Pro Se

Process America, Inc., a Nevada

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

---

9:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#2.00 Motion For Turnover Of Property Of The Estate**

fr. 8/30/18; 9/20/18

Docket 141

**\*\*\* VACATED \*\*\* REASON: Moved to 10:00 a.m. per Order #174. If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #3.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
722/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18, 8/30/18; 9/20/18

Docket 76

**\*\*\* VACATED \*\*\* REASON: Moved to 10:00 a.m. per Order #174. If**

**Courtroom Deputy:**

Answer and counterclaim filed 7/13/18. Status conference  
set for 9/26/18 at 11:00 a.m. -jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

---

9:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

9:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#4.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18, 8/30/18; 9/20/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Moved to 10:00 a.m. per Order #140. If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

9:00 AM

**CONT... Process America, Inc. Chapter 11**

Applied Funding, Inc. Pro Se

KBS Dreams, Inc. Pro Se

Like Zebra, LLC Pro Se

Stripe Entertainment Group, Inc. Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Friday, September 21, 2018

Hearing Room 302

9:00 AM

1:12-19998 Process America, Inc.

Chapter 11

#5.00 Status and Case Management Conference

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16, 12/14/16, 6/21/18, 8/30/18; 9/20/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Moved to 10:00 a.m. per Order #548. If

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having considered the status report filed by Debtor regarding the status of the 2nd Cir. appeal and finding good cause, this status conference is continued to **February 8, 2017 at 1:00 p.m.**

Debtor to give notice of the continued status conference.  
NO APPEARANCE REQUIRED ON 12/14/16.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #6.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
722/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18, 8/30/18; 9/20/18

Docket 76

**Courtroom Deputy:**

Answer and counterclaim filed 7/13/18. Status conference  
set for 9/26/18 at 11:00 a.m. -jc

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

---

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#7.00 Status and Case Management Conference**

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16, 12/14/16, 6/21/18, 8/30/18; 9/20/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#8.00** Motion For Turnover Of Property Of The Estate

fr. 8/30/18; 9/20/18

Docket 141

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

While this argument will not be continued, there will be an opportunity for a brief response to the late filed documents, with a reply, and the court will not rule on the issues related to the documents until reading both additional briefs.

Cynergy may submit a brief responding solely to the additional supplemental brief by September 28. Process america may reply by October 5. The court will not issue a ruling before October 5, and will take the matter under advisement following receipt of the last brief that day.

There are plenty of other issues to discuss in the motion so that there is no need to delay everything. There is also no need to spend any time discussing the sealing issues. All requested matter has been sealed and removed from public view.

Each side will be given 45 minutes, commencing with movant, as to all issues on calendar.

As to future dates, the status conferences currently noticed for 9/26 and 10/3 are vacated. They will be continued and trail to the next substantive hearing. as the 10/11 motion hearing date appears to present a problem, a new date will be selected. Counsel should advise which of the following dates are preferred to continue the motion to dismiss and all status conferences to: 10 am on either 10/12, 15 or 16.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#9.00** Motion By Plaintiff To Compel Production Of Documents By Cynergy Holdings, LLC

Docket 159

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Plaintiff seeks to compel production of its document request numbers 7 and 8. Cynergy opposes on the basis of relevance and burden. They also claim they have provided other info which allows debtor to figure out the accounting.

The court disagrees with Cynergy and grants the motion to compel. Cynergy relies on a South Dakota Chapter 7 case to argue that anything post-petition is irrelevant. This is a chapter 11 case, not chapter 7. Any assets belonging to or due to the debtor post-petition are highly relevant.

The information provided thus far is insufficient to determine the issue. The request is not unduly burdensome. Cynergy's position is basically that we should just take its word for it. That is not how this works. Produce the requested documents. The ledger should also be unredacted to be useful. Under Rule 37(a)(5), Cynergy is to pay Process America's fees and expenses for bringing this discovery motion. The request for terminating sanctions is denied at this time.

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

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Movant(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

Process America, Inc., a Nevada

Pro Se

Process America, Inc., a Nevada

Pro Se

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#10.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18, 8/30/18; 9/20/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Friday, September 21, 2018**

**Hearing Room 302**

10:00 AM

**CONT... Process America, Inc. Chapter 11**

Applied Funding, Inc. Pro Se

KBS Dreams, Inc. Pro Se

Like Zebra, LLC Pro Se

Stripe Entertainment Group, Inc. Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12310 Meyer Tubul**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Meyer Tubul

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12290 Caramela C Bautista**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Caramela C Bautista

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:12-10229 C.M. Meiers Company, Inc.**

**Chapter 11**

**#1.00 Status and Case management Conference**

fr. 2/21/12, 3/1/12, 4/10/12, 6/7/12, 6/12/12, 8/22/12,  
9/27/12, 11/8/12, 1/17/13, 2/28/13, 4/4/13, 7/18/13,  
1/9/14, 5/15/14, 6/11/14, 12/11/14, 2/18/15, 5/13/15,  
12/9/15, 2/10/16; 2/17/16, 6/2/16, 12/8/16, 4/6/17;  
4/12/17, 8/23/17, 12/13/17, 6/13/18

Docket 1

**Tentative Ruling:**

Having reviewed the docket of the District Court case, this matter will be continued to February 6, 2019. Plaintiff to lodge order.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

C.M. Meiers Company, Inc.

Pro Se

**Trustee(s):**

Bradley D. Sharp (TR)

Represented By  
David Gould

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:12-10229 C.M. Meiers Company, Inc.**

**Chapter 11**

Adv#: 1:14-01042 Sharp v. Essex Insurance Company

**#2.00** Status Conference on Complaint for:  
1- Declaratory Relief;  
2- Breach of COnttract;  
3- Breach of the Implied Covenant of Good  
Faith and Fair Dealing

fr. 5/7/14, 10/29/14, 11/12/14, 12/3/14, 2/18/15,  
5/13/15; 12/9/15, 2/10/16; 2/17/16, 2/24/16, 4/11/16,  
4/12/16, 9/13/16, 10/18/16, 11/8/16; 11/16/16,4/6/17,  
4/12/17, 8/23/17, 12/13/17, 6/13/18

Docket 1

**Tentative Ruling:**

Having reviewed the docket of the District Court case, this matter will be continued to February 6, 2019 at 9:30 a.m. Plaintiff to lodge order.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

C.M. Meiers Company, Inc. Pro Se

**Defendant(s):**

Essex Insurance Company Pro Se

**Plaintiff(s):**

Bradley D Sharp Represented By  
Larry W Gabriel

**Trustee(s):**

Bradley D. Sharp (TR) Represented By  
David Gould  
Stanley H Shure

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... C.M. Meiers Company, Inc.**

Larry W Gabriel

**Chapter 11**

**US Trustee(s):**

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

9:30 AM

1:14-14747 Tony Servera Company, Inc.

Chapter 11

#3.00 Status and Case Management Conference

fr. 12/18/14, 3/26/15; 6/4/15, 8/27/15, 10/29/15  
2/4/16, 4/7/16, 5/23/16, 1/19/17, 2/9/17, 8/16/17  
1/110/18, 6/6/18

Docket 1

**Tentative Ruling:**

Having considered the status report, for good cause appearing, the status conference is continued to February 6, 2019 at 9:30 a.m.

Debtor to give notice of continued status conference.

APPEARANCE WAIVED on September 26.

**Party Information**

**Debtor(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox

**Movant(s):**

Tony Servera Company, Inc.

Represented By  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12066 Muntaser A. Ammari**

**Chapter 11**

**#4.00 Motion to Dismiss Chapter 11 Case**

Docket 187

**Tentative Ruling:**

Debtor files this motion to voluntarily dismiss the case on the grounds that Debtor has satisfied the claim of his largest creditor and that there is no longer any reason to remain in bankruptcy court. The Office of the U.S. Trustee filed an opposition, stating that while it does not oppose dismissal of the case, it does oppose debtor's request to include language in the dismissal order awarding Debtor's counsel SulmeyerKupetz APC ("KP") \$108,500 on a final basis. Trustee argues that KP should comply with the Bankruptcy Code applicable rules if it wants its fees to be approved under § 330.

In its reply to the Trustee's opposition, KP submits copies of its billing statements pursuant to Trustee's request. KP has discounted its fees by more than half, from \$239,448 to \$108,500. Has the Trustee had an opportunity to review the billing statements? Because KP only disclosed its fees nine days before the hearing, the Court will allow objections to those fees to be raised at the hearing.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Muntaser A. Ammari

Represented By  
Mark S Horoupian  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12066 Muntaser A. Ammari**

**Chapter 11**

**#5.00 Status and Case Management Conference**

fr. 9/8/16, 11/17/16; 1/19/17; 1/26/17, 3/22/17; 4/12/17  
11/15/17; 2/7/18; 3/28/18, 5/23/18, 7/18/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Muntaser A. Ammari

**Represented By**

Mark S Horoupian  
Mark S Horoupian  
Mark S Horoupian  
Jason Balitzer  
Jason Balitzer  
Jason Balitzer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10861 FAMOSO PORTERVILLE, LLC**

**Chapter 11**

**#6.00** First and Final Application of Jeffrey S. Shinbrot,  
APLC, General Reorganization Counsel

Fee: \$50,452.50

Expenses: \$2,787.78 for

Period April 26, 2017 through April 28, 2018

Docket 131

**Tentative Ruling:**

Having reviewed the fee application filed by Jeffrey Shinbrot, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 9/26/18.

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

**Debtor(s):**

FAMOSO PORTERVILLE, LLC

Represented By  
Jeffrey S Shinbrot



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#7.00 Motion to Confirm Chapter 11 Plan of Reorganization**

Docket 74

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/17/18 @ 9:30 per order #75. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#8.00 Scheduling and Case Management Conference**

fr. 4/4/18, 7/18/18

Docket 36

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/17/18 @ 9:30 per order #75. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

9:30 AM

1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#9.00 Motion for Order Granting 90-Day Extension  
of Time to Assume or Reject Real Property Lease  
with Proof of Service.

Docket 42

**Tentative Ruling:**

Debtor seeks a 90 day extension of the time allowed to assume or reject real property leases under § 365(d)(4)(B)(i). Section 365(d) provides:

**(4)(A)** Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of--

**(i)** the date that is 120 days after the date of the order for relief; or

**(ii)** the date of the entry of an order confirming a plan.

**(B)(i)** The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

**(ii)** If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.

11 U.S.C.A. § 365(d)(4). This case was filed on June 1, 2018, and the 120 day period for assuming or rejecting leases under § 365(d)(4)(A) will expire on September 29, 2018. The lease at issue is a primary operating asset of Debtor, comprising office space which Debtor re-leases to professional psychologists for a profit. Payments on the lease are current both pre and post-petition. Debtor's principal believes that "[t]he requested extension will preserve the lease pending development and proposal of Debtor's chapter 11 plan and avoid any tenant disruption." No party filed an opposition. The Court finds that there is cause to extend the time to assume or reject the lease of the property located at 2730 Wilshire Blvd., Suites 600, 620, 630, 650, and 660. Debtor should lodge an order promptly.

NO APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Schaffel Development Company, Inc.**

**Chapter 11**

**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

9:30 AM

1:18-11796 Zarui Sarah Adjian

Chapter 11

#10.00 Motion for an Order Invalidating the Trustee's Sales Conducted by Secured Creditor JPMorgan on August 16, 2018k on Debtor's Properties in Violation of the Automatic Stay; Request for Monetary Sanctions and Damages

Docket 22

\*\*\* VACATED \*\*\* REASON: Ntc. of w/drawal filed on 9/6/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Zarui Sarah Adjian

Represented By  
Leo Fasen

**Movant(s):**

Zarui Sarah Adjian

Represented By  
Leo Fasen  
Leo Fasen  
Leo Fasen

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12188 Ofelia Margarita Macias**

**Chapter 11**

**#11.00** Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as the  
Court Deems Appropriate

Docket 6

**Tentative Ruling:**

On August 29, 2018, Debtor filed this Chapter 11 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The dismissed case, a chapter 13 given case number 2:17-bk-16074-VZ, was filed on May 17 2017 and dismissed on July 24, 2018 for failure to meet a number of filing requirements and to make required payments. Debtor indicated in an opposition to the motion to dismiss that Debtor was attempting to sell the real property and dismiss the case. However, Debtor withdrew that opposition and allowed the case to be dismissed.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because she did not have the income to make monthly payments. However, Debtor states that she has increased her income by obtaining tenants for her real property. Debtor's home has a significant amount of equity and filed this chapter 11 to avoid foreclosure and re-organize her debts. Having considered the motion and no opposition being filed, the motion is GRANTED.

NO APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Ofelia Margarita Macias

Represented By  
Lionel E Giron

**Movant(s):**

Ofelia Margarita Macias

Represented By  
Lionel E Giron  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Ofelia Margarita Macias**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:13-16735 Peter Clayton Purcell**

**Chapter 13**

**#12.00** Motion for relief from stay

WELLS FARGO MORTGAGE

Docket 173

**Tentative Ruling:**

Petition Date: 10/22/13

Chapter 13 plan confirmed: 5/7/14

Discharge entered: 3/20/18

Service: Proper; co-debtor served. No opposition filed.

Property: 7210 Darnoch Way, West Hills, CA 91307

Property Value: \$425,000 (per Order Granting Mtn. to Avoid Lien, doc. 33)

Amount Owed: \$558,957

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$27,979.52 (7 payments of \$2,538.06; 5 payments of \$2,549.27; less suspense account balance of \$2,533.25)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); and **4** (relief from co-debtor stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Peter Clayton Purcell

Represented By  
Kevin T Simon

**Movant(s):**

Wells Fargo Mortgage

Represented By



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Peter Clayton Purcell**

**Chapter 13**

Deborah L Rothschild  
Mya Cross  
Angela M Fowler  
Corey Phuse  
Erin Holliday  
Teosa L Peterson  
Rebecca Samuel  
Senique Moore  
Kenya C Jones  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli

Chapter 13

#13.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 7/18/18

Docket 35

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/24 per stip. Doc. no. 45 -CT

**Tentative Ruling:**

Petition Date: 3/27/15

Chapter 13 plan confirmed: 6/12/15

Service: Proper. Opposition filed.

Property: 23648 Del Cerro Circle, Canoga Park, CA 91304

Property Value: \$694,000 (per debtor's schedules)

Amount Owed: \$890,388.42

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$33,488.81 (6 payments of \$2,404.61; 10 payments of \$2,061.67; less suspense account balance of \$1,555.55)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay).

Debtor opposes the Motion, arguing that they've made more payments than have been accounted for in the Motion. Debtors state that in August 2017, they received a letter from Nationstar that informed them that their account was "paid ahead" and that the next payment would be due on January 1, 2018. See Ex. A. Nationstar, Debtors allege, communicated directly with them (instead of their attorney) and assured them that their account was in good standing and that their funds were being held in a special account. Debtors claim that this Motion was the first time that they heard their account was delinquent.

**United States Bankruptcy Court  
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Hearing Room 302

11:00 AM

**CONT... Romeo J Pettinelli and Gloria J Pettinelli**

**Chapter 13**

Debtors' counsel stated in her declaration that after communicating with Movant about the Motion and requesting a full accounting, Movant sent to chapter 13 trustee a check for \$50,020.99, without documentation as to why the money was sent. Counsel contends that Nationstar misapplied Debtor's payments.

Has Movant provided to Debtors' counsel the accounting requested in June?

APPEARANCE REQUIRED

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

**Debtor(s):**

Romeo J Pettinelli

Represented By  
Eliza Ghanooni

**Joint Debtor(s):**

Gloria J Pettinelli

Represented By  
Eliza Ghanooni

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke

Chapter 13

#14.00 Motion for relief from stay

THE BANK OF NEW YORK MELON  
AS TRUSTEE FOR CWABS INC

Docket 76

**Tentative Ruling:**

Petition Date: 6/20/16  
Chapter 13 plan confirmed: 10/7/16  
Service: Proper. Opposition filed.  
Property: 6402 Bertrand Ave., Reseda, CA 91335  
Property Value: \$527,068 (per debtor's schedules)  
Amount Owed: \$509,074  
Equity Cushion: 3.4%  
Equity: \$17,994.  
Pre-confirmation Delinquency: \$7,148.88 (four payments of \$1,787.22)  
Post-confirmation Delinquency: \$39,523.70 (fifteen payments \$1,787.22; 5  
payments of \$2,543.08)  
TOTAL Delinquency: \$46,672.58

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay).

Debtors oppose the Motion, arguing that the property is necessary for a reorganization, and offer to enter in to an adequate protection order. Is Movant amenable to discussing an adequate protection order?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

William Michael Desmuke Sr

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**CONT... William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**Joint Debtor(s):**

Priscilla Ann Desmuke

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13598 Bruce Jeffrey Starin and Geraldine Papal Starin**

**Chapter 13**

**#15.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 68

**Tentative Ruling:**

Petition Date: 12/21/16

Chapter 13 plan confirmed: 5/9/17

Service: NOT proper - secured judgment lien creditors not served.

Opposition filed.

Property: 12001 Martha St., North Hollywood, CA 91607

Property Value: \$740,000 (per Appraisal ISO Debtor's Opposition)

Amount Owed: \$137,602

Equity Cushion: 81.4%

Equity: \$602,398

Post-confirmation Delinquency: \$8,172.90 (10 payments of \$817.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay). Movant alleges that the last payment received on this debt was on or about 11/6/17.

Debtors oppose the Motion, arguing that there is considerable equity in the property and that they have been conditionally approved for a reverse mortgage in the amount of \$280,015.80. Once approved by the Court, the reverse mortgage will enable them to pay off all of the encumbrances against the Property, including Movant's claim, with \$28,000 left over to pay off most of the unsecured creditors in class 5.

Given that Movant's claim is protected by sufficient equity, the Court finds grounds to continue this hearing to **October 31, 2018, at 11:00 a.m.**, to allow time for (1) Movant to serve other creditors with a secured interest in the Property; and (2) Debtors to have all of the Motions related to approving the

**United States Bankruptcy Court  
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11:00 AM

**CONT... Bruce Jeffrey Starin and Geraldine Papel Starin**  
refinance and the motion to modify plan resolved.

**Chapter 13**

APPEARANCES WAIVED ON 9/26/18

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

**Debtor(s):**

Bruce Jeffrey Starin

Represented By  
John D Monte

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#15.01** Motion for relief from stay

JPMORGAN CHASE BANK

Docket 109

**Tentative Ruling:**

Petition Date: 5/17/17

Chapter 13 plan confirmed: 3/14/17

Service: Proper. Opposition filed.

Property: 4242 Stansbury Ave. #305, Sherman Oaks, CA 91423

Property Value: \$550,000 (per debtor's schedules)

Amount Owed: \$442,077

Equity Cushion: 19.6%

Equity: \$107,923.

Post-Petition Delinquency: \$26,180 (14 payments of \$1,744.07; 1 payment of \$1,763.40)

Movant requests relief under 11 U.S.C. 362(d)(1), with the relief specific as to paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that they have made more payments than are accounted for in the Motion, and that they wish to participate in the Court's loan modification program.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin



**United States Bankruptcy Court  
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**Wednesday, September 26, 2018**

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11:00 AM

**CONT... Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Movant(s):**

JPMORGAN CHASE BANK,

Represented By  
Christina J O  
Lee Gates

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

**1:17-11641 John A, Gillett and Pearlene Gillett**

**Chapter 13**

**#16.00** Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 60

**\*\*\* VACATED \*\*\* REASON: Settled 9/25/18 per APO stip Doc. No. 64 --  
CT**

**Tentative Ruling:**

Petition Date: 6/21/18

Chapter 13 plan confirmed: 11/9/17

Service: Proper. No opposition filed.

Property: 23700 Nadir St., Canoga Park, CA 91304

Property Value: \$740,000 (per debtor's schedules)

Amount Owed: \$291,673.98 (3rd Deed of Trust)

Equity Cushion: 11.2%

Equity: \$82,856

Post-confirmation Delinquency: \$12,918.73 (1 payment of \$1,571.94;  
7 payments \$1,620.97)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

John A, Gillett

Represented By  
Julie J Villalobos

**Joint Debtor(s):**

Pearlene Gillett

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... John A, Gillett and Pearlene Gillett**

**Chapter 13**

Julie J Villalobos

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Austin P Nagel

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
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Courtroom 302 Calendar

Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:17-12102 Arman Tombakian

Chapter 13

#17.00 Motion for relief from stay

THE BANK OF NEW YORK MELON

Docket 36

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 41) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arman Tombakian

Represented By  
Michael Jay Berger

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12363 Janice Marie Semien**

**Chapter 13**

**#18.00** Motion for relief from stay

STATEBRIDGE COMPANY LLC

Docket 46

**Tentative Ruling:**

Petition Date: 9/3/17

Chapter 13 plan confirmed: 4/13/18

Service: Proper. Opposition filed.

Property: 5107 Coldwater Canyon Ave. #10, Sherman Oaks, CA 91423

Property Value: \$450,000 (per debtor's schedules)

Amount Owed: \$423,176

Equity Cushion: 6.0%

Equity: \$26,824

Post-Petition Delinquency: \$10,023.58 (4 payments of \$2,413.29; post-petition advances of \$1,565; attorney's fees of \$1,031; less suspense account balance of \$2,225.58)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that she has made more payments than have been accounted for in the Motion and requests time to retrieve her online payment records to determine which payments have been credited and which were noted as late.

Is Movant amenable to continuing this hearing to give Debtor time to check her records?

**APPEARANCE REQUIRED**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Janice Marie Semien**

**Chapter 13**

**Party Information**

**Debtor(s):**

Janice Marie Semien

Represented By  
Vernon R Yancy

**Movant(s):**

Statebridge Company, LLC

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12596 Lynne Suzanne Boyarsky**

**Chapter 13**

**#19.00** Motion for relief from stay

CITIZENS BUSINESS BANK

fr. 5/16/18, 6/20/18, 7/18/18, 8/8/18; 8/29/18

Docket 31

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/24/18 - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Lynne Suzanne Boyarsky

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:18-10475 Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz

Chapter 13

#20.00 Motion for relief from stay  
WELLS FARGO BANK NA

Docket 44

**Tentative Ruling:**

Petition Date: 2/22/18  
Chapter 13 plan confirmed: 8/16/18  
Service: Proper. No opposition filed.  
Property: 7750 Ben Ave., North Hollywood, CA 91605  
Property Value: \$540,820 (per debtor's schedules)  
Amount Owed: \$397,411  
Equity Cushion: 26.5%  
Equity: \$143,409  
Post-Petition Delinquency: \$10,901.70 (6 payments of \$1,816.95)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4)). Movant alleges that post-petition mortgage payments are delinquent, with the last payment having been received on 1/18/18.

Movant has not alleged facts to support an allegation of a scheme to delay, hinder or defraud creditors, and thus any request for relief under 362(d)(4) will be denied.

Given that there is sufficient equity to protect Movant's claim and that a chapter 13 plan was just confirmed, have the parties discussed an APO?

APPEARANCE REQUIRED

**Party Information**



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11:00 AM

**CONT... Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz**

**Chapter 13**

**Debtor(s):**

Lavinia Lilian Ortiz

Represented By  
Grace White

**Joint Debtor(s):**

Jorge Osvaldo Ortiz

Represented By  
Grace White

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11924 Cesar Reyes**

**Chapter 7**

**#21.00** Motion for relief from stay

HONDA LEASE TRUST

Docket 10

**Tentative Ruling:**

Petition Date: 7/31/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2016 Honda Accord

Property Value: \$13,775 (per Movant's evidence - NADA Guide)

Amount Owed: \$19,671.10

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$1,404.75

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Cesar Reyes

Represented By  
Kenumi T Maatafale

**Movant(s):**

HONDA LEASE TRUST

Represented By  
Vincent V Frounjian

**United States Bankruptcy Court  
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11:00 AM

**CONT... Cesar Reyes**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:18-11948 Damaris E Hernandez

Chapter 7

#22.00 Motion for relief from stay

SANTANDER CONSUMER USA INC

Docket 10

**Tentative Ruling:**

Petition Date: 8/2/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2012 Volkswagen Passat

Property Value: \$9,100 (per Movant's evidence - NADA Guide)

Amount Owed: \$15,221.96

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$4,490.48

Movant regained possession on 7/10/18.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Damaris E Hernandez

Pro Se

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12048 Alpha-Omega Enterprises, Inc.**

**Chapter 7**

**#23.00** Motion for relief from stay

S.B. Krasnoff, Inc., a California Corp.

Docket 11

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 per order #14. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alpha-Omega Enterprises, Inc.

Represented By  
Henrik Mosesi

**Movant(s):**

S.b. krasnoff Inc., a California

Represented By  
Richard P Petersen

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
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Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

1:18-12113 Lida Platt

Chapter 7

#24.00 Motion for relief from stay

PACCAR FINANCIAL CORP.

Docket 8

**Tentative Ruling:**

Petition Date: 8/20/18

Chapter: 7

Service: Proper. No opposition filed.

Property: 2013 Kenworth T700

Property Value: \$30,250 (per Movant's evidence - NADA Guide)

Amount Owed: \$35,826.20

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$0

Debtor indicated in her schedules that she will surrender the property.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Lida Platt

Represented By  
David A Tilem

**Movant(s):**

PACCAR Financial Corp.

Represented By  
Glen Dresser

**United States Bankruptcy Court  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Lida Platt**

**Chapter 7**

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC**

**Chapter 7**

Adv#: 1:18-01079 Seror v. Gregorian et al

**#25.00** Status Conference re: Complaint to determine validity, priority and extent of liens

Docket 1

**Tentative Ruling:**

Having considered the status report, the status conference is continued to December 5, 2018 at 11:00 a.m. to allow Trustee an opportunity to file a motion for default judgment.

Plaintiff to give notice of continued status conference.

APPEARANCE WAIVED on September 26.

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

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Defendant(s):**

Alfred Gregorian Pro Se

La Vista Properties Pro Se

**Plaintiff(s):**

David Seror Represented By  
Richard Burstein  
Michael W Davis

**Trustee(s):**

David Seror (TR) Represented By  
Richard Burstein  
Michael W Davis  
David Seror



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**Wednesday, September 26, 2018**

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11:00 AM

**CONT...**

**Owner Management Service, LLC**

**Chapter 7**

David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#26.00** Status Conference re: Counterclaim

Docket 131

**\*\*\* VACATED \*\*\* REASON: Another summons issued 8/2/18. Status  
conference re: Counter-Claim continued to 10/3/18 at 11:00 a.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14536 People of the State Of California, ex rel**

**Chapter 7**

Adv#: 1:13-01231 People of the State Of California, ex rel et al v. Amidon

**#27.00** Status Conference re Complaint for: Non-Dischargeability of Debt Pursuant to 11 USC 523(a)(2), 523(a)(4) and 523(a)(6)

fr. 12/18/13, 1/15/14, 1/29/14, 12/3/14; 10/14/15, 3/15/17; 10/18/17, 2/7/18, 6/20/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case dismissed 8/28/18**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Defendant(s):**

Robert B Amidon

Represented By  
Michael Goch

Robert B Amidon

Represented By  
Michael Goch

**Movant(s):**

People of the State Of California, ex

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, September 26, 2018**

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11:00 AM

**CONT... People of the State Of California, ex rel**

**Chapter 7**

Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

**Plaintiff(s):**

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Mid Century Insurance Company

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport  
Michael Goch

Fire Insurance Exchange and Mid

Represented By  
Dennis Kass  
Kirsten A Worley  
Scott Wm. Davenport

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**CONT... People of the State Of California, ex rel Chapter 7**

Michael Goch

People of the State Of California, ex

Represented By

Dennis Kass

Kirsten A Worley

Scott Wm. Davenport

Michael Goch

People of the State Of California, ex

Represented By

Dennis Kass

Kirsten A Worley

Scott Wm. Davenport

Michael Goch

Fire Insurance Exchange and Mid

Represented By

Dennis Kass

Kirsten A Worley

Scott Wm. Davenport

Michael Goch

**Trustee(s):**

Diane Weil (TR)

Pro Se

Diane Weil (TR)

Pro Se

**US Trustee(s):**

United States Trustee (SV)

Pro Se

United States Trustee (SV)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12963 Karine Aslanyan**

**Chapter 7**

Adv#: 1:18-01055 United States Trustee (SV) v. Aslanyan et al

**#28.00** Status Conference re: Complaint

fr. 7/18/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Default entered 8/28/18, see doc. no. 19 -CT

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karine Aslanyan Pro Se

**Defendant(s):**

Karine Aslanyan Pro Se

Hakob Gasparyan Pro Se

**Joint Debtor(s):**

Hakob Gasparyan Pro Se

**Plaintiff(s):**

United States Trustee (SV) Represented By  
Katherine Bunker

**Trustee(s):**

Diane C Weil (TR) Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11143 Jerald Angelo Gregorio**

**Chapter 7**

Adv#: 1:18-01068 Gregorio v. PHEAA-Pennsylvania Higher Education et al

**#29.00** Status Conference re: Complaint Dischargeability  
523(a)(8) Student Loan

fr. 8/8/18

Docket 1

**Tentative Ruling:**

A status conference was held on August 8, 2018, at which the self-represented Debtor/Plaintiff did not appear. The status conference was continued, with the warning that if Plaintiff failed to appear, the Court may issue an OSC re: dismissal for lack of prosecution.

Discharge was entered in the bankruptcy on August 13, 2018. What is the status of this adversary proceeding?  
**APPEARANCE REQUIRED**

**8/8/18 tentative**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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Wednesday, September 26, 2018

Hearing Room 302

11:00 AM

CONT... Jerald Angelo Gregorio

Chapter 7

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Jerald Angelo Gregorio	Pro Se
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**Defendant(s):**

PHEAA-Pennsylvania Higher	Pro Se
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Windham Professionals	Pro Se
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ECMC Educational Credit	Pro Se
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**Plaintiff(s):**

Jerald Angelo Gregorio	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12250 Church of Merch, LLC**

**Chapter 7**

**#30.00** Trustee's Motion for Order Approving Sale  
of Personal Property

Docket 16

**Tentative Ruling:**

Having reviewed the Motion and the proposed bidding procedures, and no opposition having been filed, the Motion is GRANTED on the terms set forth in the Motion.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 9/26/18.

**Party Information**

**Debtor(s):**

Church of Merch, LLC

Represented By  
Stuart R Simone

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#31.00** Motion to Disallow Claims Objection to Payment of Claim #1 filed by SP22, Inc., Scott Parrish and Saeideh Parrish.

Docket 136

**\*\*\* VACATED \*\*\* REASON: Stip to continue to 10/24/18 at 11:00 a.m.  
[J.J]**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Howard Camhi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10097 Studio Facilities Management**

**Chapter 7**

**#32.00** Trustee's Motion for Order Approving Sale of Personal  
Property Free and Clear of Liens, Subject to Overbid

Docket 16

**Tentative Ruling:**

Having reviewed the Motion and the proposed bidding procedures, and no opposition having been filed, the Motion is GRANTED, on the terms set forth in the Motion.

TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 9/26/18.

**Party Information**

**Debtor(s):**

Studio Facilities Management

Represented By  
Mark E Brenner

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

1:00 PM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

**#33.00** Motion For Summary Judgment (Carol D'Arco)

fr. 6/20/18

Docket 32

**\*\*\* VACATED \*\*\* REASON: Judgment entered 9/19/18 (doc. 38) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Represented By  
Chris Gautschi

Does 1-100

Pro Se

**Movant(s):**

Carol V D'Arco

Represented By  
Chris Gautschi

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar  
Michael T Delaney  
Ashley M McDow

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

1:00 PM

**CONT...**

**Thomas R D'Arco**

Fahim Farivar

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

1:00 PM

**1:15-10446 Thomas R D'Arco**

**Chapter 7**

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

**#34.00** Pre-Trial Conference re: Complaint

fr. 4/26/17, 5/24/17, 7/26/17; 1/31/18,  
4/25/18, 6/20/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Judgment entered 9/19/18 (doc. 38) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Pro Se

Does 1-100

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

1:00 PM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady et al

**#35.00**      Motion to Dismiss the Counterclaim/  
Cross-Complaint of Yehuda Elady

Docket      20

**Tentative Ruling:**

No opposition was filed to the Motion to Dismiss the Cross-Complaint. While the claims asserted by Yehuda Elady ("Debtor") are purportedly asserted as cross-claims, they are in fact counter-claims as they are asserted against the plaintiffs, not another defendant. The Court will refer to Debtor's claims as counterclaims. The counter-claims at issue relate to legal representation of Debtor by The Gersh Law Firm, Inc. ("Gersh Firm") and Gersh Derby, LLP ("Gersh Derby Firm"). The "Cross-Complaint" (hereafter referred to as the "Counter-complaint," Doc. No. 5) alleges that counter-defendants (hereafter referred to as the "Attorneys") represented Debtor in legal matters between February 2012 and June 2016.

The Attorneys argue that each cause of action is time barred by the relevant statute of limitations. The Attorneys argue that Cal. Civ. Proc. Code § 340.6 governs the limitation of the Debtor's claims:

(a) An action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services shall be commenced within one year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the facts constituting the wrongful act or omission, or four years from the date of the wrongful act or omission, whichever occurs first.

Cal. Civ. Proc. Code § 340.6 (exceptions not listed). Courts have explained further:

[S]ection 340.6(a)'s time bar applies to claims whose merits necessarily depend on proof that an attorney violated a professional obligation in the course of providing professional services. . . . [A] professional obligation is an obligation that an attorney has by virtue of being an attorney such as fiduciary obligations, the obligation to perform competently, the obligation to

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, September 26, 2018

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1:00 PM

CONT...

Yehuda Elady

Chapter 7

perform services contemplated in a legal service contract into which an attorney has entered, and the obligations embodied in the. . . Rules of Professional Conduct. By contrast, as the Court of Appeal observed, [section 340.6\(a\)](#) does not bar a claim for wrongdoing—for example, garden-variety theft—that does not require proof that the attorney has violated a professional obligation, even if the theft occurs while the attorney and the victim are discussing the victim's legal affairs.

See Lee v. Hanley, 61 Cal. 4th 1225, 1236–37 (2015).

Debtor's counter-complaint alleges that he discovered the wrongful nature of the Attorneys' conduct in June 2016, though it is clear from the Counter-Complaint that Debtor had relevant knowledge well before that time. This action was filed on March 19, 2018 and the counter-complaint was filed on April 18, 2018.

1. Breach of contract.

The first cause of action concerns alleged wrongful actions with respect to a "refundable \$30,000 costs account deposit" which was to be deposited in the client trust account in early 2012 before the Attorneys' work began on the First Legal Matter. The First Legal Matter was resolved in December 2012. While the counter-complaint does not clearly state when Debtor learned of the facts surrounding the \$30,000 deposit, it appears that Debtor became aware in or before June 2016. In fact, it appears that Debtor had knowledge of all of the operative facts in December 2012. The Attorneys have produced un rebutted authority that this breach of contract action is subject to the one-year statute of limitations of C.C.P. § 340.6. By the allegations of the counter-complaint, Debtor discovered "the facts constituting the wrongful act or omission" more than one year before this action was filed. The Motion is therefore GRANTED as to this cause of action.

2. Breach of implied covenant of good faith and fair dealing

As described above, this claim is barred by C.C.P. § 340.6. Further, as argued by the Attorneys' Motion, this action appears to be duplicative of the breach of contract action. The Motion is GRANTED as to this cause of action.

3. Fraud

Movant argues that the causes of action for fraud and conversion are time-barred under C.C.P. § 340.6. While claims for "actual fraud" are explicitly excluded from § 340.6, the attorneys argue that the gravamen of the claim is in fact a fee dispute, which is subject to § 340.6. The claims alleged center around the disposition of \$30,000 allegedly given to the Attorneys to be held in their trust account. It appears that the operative facts are essentially indistinguishable from the other causes of action. This action is similarly barred by the statute of limitations under § 340.6. The Court also agrees with the Attorneys that, even if the § 340.6 statute of



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, September 26, 2018

Hearing Room 302

1:00 PM

CONT...

**Yehuda Elady**

**Chapter 7**

limitations did not apply, the action is barred by the three-year statute of limitations of C.C.P. § 338. While § 338(d) states that the cause of action "is not deemed to have accrued until the discovery, by the aggrieved party, of the facts constituting the fraud or mistake," Debtor has not articulated the relevance of the June 2016 discovery that Startz was a former client of the Attorneys and that they allegedly forgave debt in exchange for referring Debtor to them. It appears that Debtor had all the knowledge relevant to the \$30,000 "deposit" back in 2012. The motion is GRANTED.

4. Conversion

For the same reasons stated above as to the fraud cause of action, with the exception that the relevant subsection of § 338 is (c)(1), the motion is GRANTED.

5. Breach of fiduciary duty

The breaches of fiduciary duty alleged are generally the duties imposed on an attorney by the Rules of Professional Conduct. The one-year of C.C.P. § 340.6 therefore applies. By the terms of the counter-complaint, Debtor discovered "the facts constituting the wrongful act or omission" more than one year before this action was filed. The Motion is therefore GRANTED as to this cause of action.

**Party Information**

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, September 26, 2018

Hearing Room 302

1:00 PM

1:17-13339 Yehuda Elady

Chapter 7

Adv#: 1:18-01032 The GERSH LAW FIRM INC a CA corporation et al v. Elady

#36.00 Status Conference re: Complaint

fr. 5/2/18, 7/18/18, 9/12/18

Docket 1

**Tentative Ruling:**

Having reviewed the docket for this adversary proceeding and finding that a Motion to Dismiss the Crossclaim is set for hearing on Sept. 26, 2018, the Court finds cause to continue this status conference to September 26, 2018, at 1:00 p.m., to be heard at the same time as the Motion to Dismiss.

Plaintiff to give notice of continuance.  
APPEARANCES WAIVED ON 9/12/18

**Party Information**

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

1:00 PM

**1:17-13339 Yehuda Elady**

**Chapter 7**

Adv#: 1:18-01032      The GERSH LAW FIRM INC a CA corporation et al v. Elady et al

**#37.00**      Status Conference re: Crossclaim by Yehuda Elady  
against Paul Brentwood Derby; Jeffrey F Gersh;  
Gersh Derby LLP a California corporation; Gersh Derby, LLP;  
Paul B Derby A Professional Corporation a California  
corporation and dba Gersh Derby LLP; The GERSH  
LAW FIRM INC a CA corporation

fr. 7/18/18, 9/12/18

Docket      5

**Tentative Ruling:**

Having reviewed the docket for this adversary proceeding and finding that a Motion to Dismiss the Crossclaim is set for hearing on Sept. 26, 2018, the Court finds cause to continue this status conference to September 26, 2018, at 1:00 p.m., to be heard at the same time as the Motion to Dismiss.

Plaintiff to give notice of continuance.  
APPEARANCES WAIVED ON 9/12/18

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

**Debtor(s):**

Yehuda Elady

Represented By  
Richard Grossman

**Defendant(s):**

Yehuda Elady

Pro Se

**Plaintiff(s):**

The GERSH LAW FIRM INC a CA

Represented By  
Jeffrey F Gersh

Gersh Derby, LLP

Represented By  
Jeffrey F Gersh

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, September 26, 2018**

**Hearing Room 302**

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1:00 PM

**CONT... Yehuda Elady**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12326 David Luis Gonzalez**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**\*\*\* VACATED \*\*\* REASON: Con't to 10/10/18 @ 9:00 a.m.**

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

**Debtor(s):**

David Luis Gonzalez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#1.00** Final Application Of Law Offices Of Raymond H. Aver, A Professional Corporation, General Insolvency Counsel For Osher And Osher, Inc.

Period: 1/11/2016 to 9/12/2018

Fee: \$285,244.50

Expenses: \$5,997.76

Docket 374

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 9:30 a.m.**

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

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

9:30 AM

1:16-11985 Samuel James Esworthy

Chapter 11

#2.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 259

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 9:30 a.m.

Party Information

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

9:30 AM

1:17-10881 Emeterio Rodriguez and Leticia Rodriguez

Chapter 11

#3.00 U.S. Trustee Motion to dismiss or convert case

Docket 142

\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal filed 9/14/18. [J.J]

**Party Information**

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle Jane Lindsey

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters  
Clarissa D Cu  
Crystle Jane Lindsey



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#4.00 U.S. Trustee Motion to dismiss or convert 11 U.S.C. § 1112(b)**

Docket 145

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 9:30 a.m.**

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

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11003 Fatemah Dowlatinow**

**Chapter 11**

**#5.00 U.S. Trustee Motion to dismiss or convert Case**

Docket 37

**\*\*\* VACATED \*\*\* REASON: Voluntary Dismissal filed 9/25/18 [J.J.]**

**Party Information**

**Debtor(s):**

Fatemah Dowlatinow

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12070 Bagrat Ogannes**

**Chapter 11**

**#6.00 U.S. Trustee Motion to dismiss or convert 11 U.S.C. § 1112(b)**

Docket 12

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 9:30 a.m.**

**Party Information**

**Debtor(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12188 Ofelia Margarita Macias**

**Chapter 11**

**#7.00 Motion for relief from stay**

**ALLY FINANCIAL INC.**

Docket 12

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 9:30 a.m.**

**Party Information**

**Debtor(s):**

Ofelia Margarita Macias

Represented By  
Lionel E Giron

**Movant(s):**

Ally Financial Inc.

Represented By  
Adam N Barasch

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:16-10898 Jacqueline Desiree Landaeta Alvarez

Chapter 13

#8.00 Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 9/23/18

Docket 73

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By  
Matthew D Resnik

**Movant(s):**

Bayview Loan Servicing, LLC as

Represented By  
Christina J O

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:18-10389 Elnor Andal and Eulinda Andal

Chapter 13

#9.00 Motion for relief from stay

CAB WEST, LLC

Docket 44

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Elnor Andal

Represented By  
Vahe Khojayan

**Joint Debtor(s):**

Eulinda Andal

Represented By  
Vahe Khojayan

**Movant(s):**

Cab West, LLC

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:18-11575 Roderick Bill Norseweather

Chapter 13

#10.00 Motion for relief from stay

BROKER SOLUTIONS INC DBA NEW AMERICAN FUNDING

fr. 8/29/18, 9/12/18

Docket 15

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Roderick Bill Norseweather

Represented By  
James Geoffrey Beirne

**Movant(s):**

Broker Solutions, Inc. dba New

Represented By  
Mark S Krause

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11951 Justin Carney-Norwood**

**Chapter 7**

**#11.00** Motion for relief from stay

Yamaha Motor Finance Corp

Docket 10

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.**

**Party Information**

**Debtor(s):**

Justin Carney-Norwood

Represented By  
Sevan Gorginian

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12018 Alberto Fabian**

**Chapter 7**

**#12.00** Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION

Docket 8

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @11:00 a.m.**

**Party Information**

**Debtor(s):**

Alberto Fabian

Represented By  
Gregory M Shanfeld

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By  
Vincent V Frounjian

**Trustee(s):**

David Seror (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:18-12107 Joyce Ann Williams

Chapter 13

#13.00 Motion for relief from stay

AVALON CARSON LLC.

Docket 10

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Joyce Ann Williams

Pro Se

**Movant(s):**

Avalon Carson LLC

Represented By  
Agop G Arakelian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:18-12122 Jay Scott Cohen

Chapter 13

#14.00 Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 13

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Jay Scott Cohen

Pro Se

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Angie M Marth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:12-19998 Process America, Inc.

Chapter 11

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

#15.00 Status Conference re: First Amended Counter-Claim

Docket 157

\*\*\* VACATED \*\*\* REASON: Order continued to 10/31/18 @10am, (eg)

Party Information

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11888 ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Adv#: 1:18-01076 Seror v. Aslanjan et al

**#16.00** Status Conference re: First Amended Complaint

fr. 8/29/18

Docket 16

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.**

**Party Information**

**Debtor(s):**

ALLIANCE FUNDING GROUP

Represented By  
Stephen F Biegenzahn

**Defendant(s):**

Does 1-10, Inclusive

Pro Se

AMERICAN FUNDERS CORP.

Pro Se

Eva Askar

Pro Se

Robert Askar

Pro Se

Arthur Nagapetyan

Pro Se

Anjana S. Sura

Pro Se

Puja J. Savla

Pro Se

Neelam J. Savla

Pro Se

Greg Mkrchyan

Pro Se

Mkrtchyan Investments, LP

Pro Se

Natalia Usmanova

Represented By  
Eamon Jafari

Alexander Usmanov

Represented By  
Eamon Jafari

Sonia Kellzi

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**CONT... ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Zaven Kellzi	Pro Se
Kellzi Family Trust	Pro Se
Allen Melikian	Pro Se
Helen Minassian	Pro Se
Hamlet Betsarghez	Pro Se
Razmik Aslanjan	Represented By Raffy M Boulgourjian

**Plaintiff(s):**

David Seror	Represented By Reagan E Boyce Richard Burstein
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**Trustee(s):**

David Seror (TR)	Represented By Reagan E Boyce Richard Burstein
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#17.00** Status Conference re: First Amended Complaint.

fr. 3/21/18; 4/4/18

Docket 9

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.**

**Party Information**

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Yakov Aleksandrovich**

**Chapter 7**

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**1:10-15822 David B. Rosen**

**Chapter 11**

Adv#: 1:18-01023      Rosen v. Wilmington Savings Fund Society, FSB, dba Christia

**#18.00**      Motion for a Preliminary Injunction and Order  
                 Staying Foreclosure Sale Pending Adjudication of Issues  
                 under Complaint

fr. 5/23/18, 8/29/18

Docket      6

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @11:00 a.m.**

<b>Party Information</b>
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**Debtor(s):**

David B. Rosen

Represented By  
Louis J Esbin

**Defendant(s):**

Wilmington Savings Fund Society,

Represented By  
Sonia Plesset Edwards

Selene Finance LP

Represented By  
Sonia Plesset Edwards

**Plaintiff(s):**

David B. Rosen

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#19.00** Motion of Creditor Joyce Kim to Compel  
Trustee to Abandon 1065 Park Circle to  
Joyce I. Kim.

Docket 2143

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.**

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

Richard Burstein

Michael W Davis

David Seror

David Seror (TR)

Steven T Gubner

Reagan E Boyce

Jessica L Bagdanov

Reed Bernet

Talin Keshishian

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 3, 2018

Hearing Room 302

11:00 AM

1:18-11030 Jose Perez Chavarin

Chapter 7

#20.00 Motion to vacate dismissal

Docket 21

\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 11:00 a.m.

**Party Information**

**Debtor(s):**

Jose Perez Chavarin

Represented By  
Bahram Madaen

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 3, 2018**

**Hearing Room 302**

1:00 PM

**1:18-11853 Daniel Mark Stipkovich**

**Chapter 13**

Adv#: 1:18-01099 Stipkovich v. Trinity Financial Services, LLC et al

**#21.00** Motion to Dismiss Adversary Proceeding Complaint  
For Failure To State A Claim Upon Which Relief Can  
Be Granted Pursuant To FRCP 12(b)(6)

Docket 4

**\*\*\* VACATED \*\*\* REASON: Cont'd to 10/10/18 @ 1:00 p.m.**

**Party Information**

**Debtor(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Defendant(s):**

Trinity Financial Services, LLC

Represented By  
Carol G Unruh

Patrick Joseph Soria

Pro Se

West H&A, LLC

Pro Se

**Movant(s):**

Trinity Financial Services, LLC

Represented By  
Carol G Unruh

**Plaintiff(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12326 David Luis Gonzalez**

**Chapter 13**

**#1.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

fr. 10/3/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

David Luis Gonzalez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12368 Aarica Gardner**

**Chapter 13**

**#2.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Aarica Gardner

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12380 Pan Lea Kim**

**Chapter 13**

**#3.00** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Pan Lea Kim

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#4.00** Final Application Of Law Offices Of Raymond H. Aver, A Professional Corporation, General Insolvency Counsel For Osher And Osher, Inc.

Period: 1/11/2016 to 9/12/2018

Fee: \$285,244.50

Expenses: \$5,997.76

fr. 10/3/18

Docket 374

**Tentative Ruling:**

The Law offices of Raymond H. Aver ("Aver") submit this final fee application requesting \$285,244.50 in legal fees and \$5,997.76 in expenses. The United States Trustee ("Trustee") filed an objection to certain fees and expenses. On September 26, Aver and the Trustee entered into a stipulation whereby Aver will be allowed \$284,071.06 in fees and \$5,979.56 in expenses. This stipulation also required that by October 1 Aver submit a declaration signed by Debtor's authorized corporate representative indicating that they approved of the fee application. On October 1, Aver filed a declaration indicating that Debtor's principal, Shalem Shem-Tov, was not available due to the holidays. Aver attached an email chain indicating that Mr. Shem-Tov would be available on Wednesday, October 3.

As of October 4, this declaration has not yet been filed. If Debtor's principal agrees to fees before the hearing, this can be approved without appearance. If not, appearance is required.

**Party Information**

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 10, 2018

Hearing Room 302

9:30 AM

1:16-11598 Farideh Warda

Chapter 11

#5.00 Debtor's Second Amended Disclosure Statement in Support  
of Debtor's Chapter 11 Plan of Reorganization

fr. 7/18/18, 9/12/18

Docket 197

**Tentative Ruling:**

A second amended disclosure statement was filed within the deadlines set by the Court at the 9/12 hearing. No opposition has been filed to the Second Amended Disclosure Statement and Plan.

U.S. Bank (as serviced by Mr. Cooper) has made an election under § 1111(b)(2) to have their claim treated as entirely secured over the course of the plan. The Second Amended Plan proposes to address U.S. Bank's remaining \$867,351.29 claim against property with a present value of "\$555,000" with monthly payments of \$2,700 over thirty years, for a total of \$972,000. While Debtor purportedly uses \$555,000 as the present value, the proposed payments and total payoff amount seem to be based upon the full value of \$625,000. See Cal. V. Weinstein (In re Weinstein), 227 B.R. 284, 294 (B.A.P. 9th Cir. 1998). This changes the interest rate from 3.191% (using \$625,000 present value) to 4.157% (using \$555,000 value). By comparison, the terms of the first amended disclosure statement proposed a thirty-year term at a 5.50% interest rate and payments of \$3,548.68 per month.

U.S. Bank is entitled to "a stream of payments equal to the present value of the collateral . . . but the sum of the payments must be in an amount equal [to] at least the creditor's total claim." In re Weinstein, 227 B.R. at 294. The total dollar amount paid (\$972,000) exceeds the \$937,351.29 claim, which satisfies one requirement of §1111(b). Whether the stream of payments provided (\$555,000 at a 4.157% interest rate over 30 years at \$2,700 per month) satisfies the present value requirement of § 1111(b) is a question for confirmation. Disclosure can be approved and the exact amounts due to U.S. Bank will be determined at the confirmation hearing if a stipulation cannot be reached.

The discharge language has been modified somewhat to address Trustee's objection to the previous disclosure statement. The discharge language now only discusses the requirements for an early discharge. Does the Trustee still have an

**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

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9:30 AM

**CONT... Farideh Warda**

**Chapter 11**

objection to this language?

Lastly, the Second Amended Disclosure Statement, the attached Declaration of Farideh Warda, and the Second Amended Plan are not signed by the Debtor.

APPEARANCE REQUIRED

**9/12/18 tentative**

Since the previous hearing, Debtor has filed an amended disclosure statement offering \$15,000 as new value. The amended plan also changes treatment of secured creditors, including objecting creditor US Bank. This disclosure hearing is being heard on 21 days' notice with the Court's permission, and no new objections have been filed. Does the new plan satisfy the previous objections of US Bank and the Trustee?

APPEARANCE REQUIRED

**7/18/18 Tentative**

Two objections have been filed to the adequacy of this disclosure statement. The United States Trustee objects on the grounds that the discharge standard in the disclosure statement is incorrect. The discharge provision provides:

Upon completion of all payments to Class 4, Debtor may, after notice and a hearing, request the Court grant a discharge of all pre-confirmation debts, whether or not a creditor filed a proof of claim or accepted the Plan. Such discharge will not discharge Debtor from any debts that are non-dischargeable under section 523 or the obligations created by this Plan.

Disclosure Statement 21:16-20. As Trustee point out, in an individual chapter 11 case, the debtor does not receive a discharge until the debtor completes all payments under the plan, not only the members of a particular class. 11 U.S.C. § 1141(d)(5). Debtor should amend the disclosure statement to make the discharge provision mirror the requirements of § 1141.

Another objection was filed by creditor U.S. Bank, N.A. U.S. Bank first objects on the grounds that the disclosure statement only provides for a secured claim in its favor in the amount of \$625,000, which the Court has determined is the value of the property

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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9:30 AM

**CONT...**

**Farideh Warda**

**Chapter 11**

located at 3037 W. 12<sup>th</sup> St., Los Angeles, CA 90006 (the "Property"). U.S. Bank argues that Debtor has failed to account for its security interest in the post-petition, pre-confirmation rents generated by the Property. Those rents constitute cash collateral due to an assignment of rents provision in the deed of trust against the Property. Debtor's disclosure statement fails to add any and all net cash collateral that has accrued in Debtor's DIP account for purposes of determining U.S. Bank's secured claim.

Furthermore, U.S. Bank argues that by providing for only 4% of its total \$312,351.29 unsecured claim, Debtor's Chapter 11 plan is not fair and equitable because it violates the absolute priority rule of § 1129(b)(2)(B)(ii) and is therefore patently unconfirmable. U.S. Bank relies on Zachary v. California Bank & Trust, 811 F.3d 1191, 1194 (9th Cir. 2016). This Court agrees that, absent any new value contribution, the absolute priority rule as set forth in § 1129(b)(2)(B)(ii), applicable in individual chapter 11 cases per Zachary, precludes confirmation of this plan.

All objections to the disclosure statement are SUSTAINED and approval of the disclosure statement is DENIED.

APPEARANCE REQUIRED

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

**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11598 Farideh Warda**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 4/4/18, 7/18/18, 9/12/18

Docket 0

**Tentative Ruling:**

Debtor filed a statement regarding the status of the case, comprised mostly of a recounting of the history of this property and other issues that do not affect disclosure.

The Disclosure Statement, Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than:

**10/19/18**

Ballots to be returned and objections to confirmation to be filed no later than:

**11/16/18**

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than: **11/30/18**

Confirmation hearing still to be held on: **12/12/18**

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

**Party Information**

**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#7.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 10/3/18

Docket 259

**Tentative Ruling:**

Petition Date: 7/7/16  
Chapter: 11  
Service: Improper. Opposition filed.  
Property: 1620 Maclaren St., La Puente, CA 91744  
Property Value: \$ 225,000 (per schedules)  
Amount Owed: \$ 343,565.30 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: Unknown

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief is requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is borrower for purposes of C.C.C. § 2920.5(c)(2) (C)).

The accounting attached to the Motion as Exhibit 5 indicates that no payments have been made on this mortgage since July 24, 2017. The accounting also indicates that the amount in the suspense account has dropped to only \$469.61.

In his opposition to the Motion, Debtor indicates that the parties were previously working on the terms of a plan treatment stipulation and, apparently, adequate protection payments. Debtor had previously been making adequate protection payments of \$937 each month, but Movant was not cashing the checks. Debtor argues that Movant has not shown that it is not adequately protection such that cause for relief exists under § 362(d)(1) because Debtor is willing to pay adequate protection payments of "\$1,349.99 as agreed upon, at least orally, between Debtor and Movant." Opposition, 3:23-24. Furthermore, Debtor argues that Movant provides no grounds for cause under (d)(1) other than lack of adequate protection and does

**United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Samuel James Esworthy**

**Chapter 11**

not explain how it is not adequately protected.

Debtor does not dispute that the property lacks equity for purposes of relief from stay under § 362(d)(2); however, Debtor argues that the property is necessary for an effective reorganization. Debtor has the burden of proof on the issue of whether the property is necessary for an effective reorganization. § 362(g)(2). In order to establish whether the property is necessary to an effective reorganization, the Debtor must show that there is "a reasonable possibility of a successful reorganization within a reasonable time." United Sav. Ass'n of Texas v. Timbers of Inwood Forest Assocs., Ltd., 484 U.S. 365, 376 (1988).

Debtor correctly argues that Movant did not serve the Motion on the 20 largest unsecured creditors as required by the Local Rules. Debtor does not cite which Local Bankruptcy Rule requires service of a relief from stay motion upon the 20 largest unsecured creditors. LBR 4001-1(c)(1)(C) states that relief from stay motions that are not for unlawful detainer or for (d)(4) must be served upon: i) Debtor and Debtor's attorney; ii) the trustee, iii) any codebtor, iv) the holder of any lien or encumbrance against the property, and v) any other party entitled to notice under FRBP 4001. FRBP 4001(a)(1) requires that a relief from stay motion in a chapter 11 case where no creditors committee has been appointed must be served upon the list of 20 largest unsecured creditors described in FRBP 1007(d).

Because the motion has been improperly served, the Court will not grant the Motion until all required parties have properly received notice under the rules. Debtor's Second Amended Disclosure Statement was conditionally approved by the Court at the hearing on September 12, though the Court notes that no order was lodged in connection with that disclosure statement. Debtor also states that a hearing on confirmation of the Plan is scheduled for December 12, but because the disclosure statement order was never lodged and never entered, the Plan Confirmation hearing date was never set. Debtor should remedy these issues immediately.

The Court is inclined to continue this hearing to December 12, 2018 at 9:30 a.m. That will allow time for Movant to re-notice the Motion in accordance with the rules. More importantly, whether Debtor can confirm a plan on December 12 will indicate whether there is a "reasonable possibility of a successful reorganization within a reasonable time." This case has been pending for more than two years, and relief from stay will likely be granted under § 362(d)(2) if Debtor is unable to confirm the second amended plan.

**APPEARANCE REQUIRED**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Samuel James Esworthy**

**Chapter 11**

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12260 Senior Community Housing Long Beach, LLC**

**Chapter 11**

**#8.00** U.S. Trustee Motion to dismiss or convert 11 U.S.C. § 1112(b)  
fr. 10/3/18

Docket 145

**Tentative Ruling:**

The United States Trustee ("Trustee") filed this Motion to Dismiss or Convert Debtor's case on the grounds that Debtor has failed to file a monthly operating report for July and August 2018 and has failed to pay quarterly fees for the second quarter of 2018. Most importantly, Debtor's sole asset, the real property located at 3655 Elm Ave., Long Beach, CA 90807 was foreclosed on August 23, 2018.

Debtor filed a non-opposition to the Motion. The Motion is GRANTED, and due to the lack of distributable assets, the case will be dismissed.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Senior Community Housing Long

Represented By  
Michael R Totaro  
Brian T Harvey



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#9.00** Application for Compensation for Mark E  
Goodfriend, Debtor's Attorney

Period: 9/10/2017 to 9/18/2018,  
Fee: \$26,510,  
Expenses: \$201.40.

Docket 151

**Tentative Ruling:**

The Law Offices of Mark Goodfriend ("Goodfriend") entered into a stipulation with the U.S. Trustee to reduce the requested fees to \$25,010 and allow expenses of \$204.10. No objections were filed. The Motion is GRANTED.

NO APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#10.00** Application for Compensation Northstar Appraisal Services  
John Grichine.

Docket 156

**Tentative Ruling:**

Fee application for Northstar Appraisal Services and John Grichine in the amount of \$495 is approved.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12070 Bagrat Ogannes**

**Chapter 11**

**#11.00** U.S. Trustee Motion to dismiss or convert 11  
U.S.C. § 1112(b)

fr. 10/3/18

Docket 12

**Tentative Ruling:**

The United States Trustee ("Trustee") filed this motion to dismiss or convert case for failure to comply with Trustee's requirements, including providing information relating to pre-petition bank accounts, a debtor-in-possession account, monthly operating reports for August, among other things.

Debtor has not filed any opposition to this motion. What is the status of Debtor's compliance efforts?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12188 Ofelia Margarita Macias**

**Chapter 11**

**#12.00** Motion for relief from stay

ALLY FINANCIAL INC.

fr. 10/3/18

Docket 12

**\*\*\* VACATED \*\*\* REASON: Settled per APO Doc. No. 21 -CT**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ofelia Margarita Macias

Represented By  
Lionel E Giron

**Movant(s):**

Ally Financial Inc.

Represented By  
Adam N Barasch

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

**1:16-10898 Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**#13.00** Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 9/23/18, 10/3/18

Docket 73

**Tentative Ruling:**

Petition Date: 3/28/16

Chapter 13 plan confirmed: 3/9/17

Service: Proper; co-debtor served. No opposition filed.

Property: 10580 Horse Creek Ave., Shadow Hills, CA 91040

Property Value: \$975,000 (per Order Granting Motion to Avoid Lien, doc. 41)

Amount Owed: \$1,185,447 (1st DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$64,849.66 (approx. 6 payments of \$4,034;  
10 payments of \$4,064)

Movant alleges that the last payment received was on or about May 2017.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

Matthew D Resnik

**Movant(s):**

Bayview Loan Servicing, LLC as

Represented By  
Christina J O

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke

Chapter 13

#14.00 Motion for relief from stay

THE BANK OF NEW YORK MELON  
AS TRUSTEE FOR CWABS INC

fr. 9/26/18

Docket 76

\*\*\* VACATED \*\*\* REASON: Resolved per APO Doc. #80 --CT

**Tentative Ruling:**

This hearing was continued so that Debtor's had an opportunity to explore a loan modification. Nothing further filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

**9/26/18 Tentative Ruling**

Petition Date: 6/20/16

Chapter 13 plan confirmed: 10/7/16

Service: Proper. Opposition filed.

Property: 6402 Bertrand Ave., Reseda, CA 91335

Property Value: \$527,068 (per debtor's schedules)

Amount Owed: \$509,074

Equity Cushion: 3.4%

Equity: \$17,994.

Pre-confirmation Delinquency: \$7,148.88 (four payments of \$1,787.22)

Post-confirmation Delinquency: \$39,523.70 (fifteen payments \$1,787.22; 5 payments of \$2,543.08)

TOTAL Delinquency: \$46,672.58

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay).

Debtors oppose the Motion, arguing that the property is necessary for a

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**Wednesday, October 10, 2018**

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11:00 AM

**CONT...**      **William Michael Desmuke, Sr and Priscilla Ann Desmuke**      **Chapter 13**  
reorganization, and offer to enter in to an adequate protection order. Is  
Movant amenable to discussing an adequate protection order?

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

William Michael Desmuke Sr	Pro Se
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**Joint Debtor(s):**

Priscilla Ann Desmuke	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10739 Jacobo Lopes Tunchez**

**Chapter 13**

**#15.00** Motion for relief from stay

GATEWAY ONE LENDING & FINANCE

fr. 8/15/18, 9/12/18

Docket 27

**Tentative Ruling:**

This hearing was continued from 9/12/18 so that the parties could discuss resolving this matter with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

9-12-18 TENTATIVE BELOW

This hearing was continued from 8/15/18 so that the parties could discuss resolving this matter with an APO. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

8-15-18 TENTATIVE BELOW

Petition Date: 3/22/17

Chapter 13 plan confirmed: 8/3/17

Service: Proper. Opposition filed.

Property: 2003 Hummer H2

Property Value: \$11,815 (per debtor's schedules)

Amount Owed: \$7,707.09

Equity Cushion: 35.1%

Equity: \$4,107.91

Post-Petition Delinquency: \$3,393.16 (6 payments of \$460.36, and attorney's fees of \$631)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief

**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

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11:00 AM

**CONT... Jacobo Lopes Tunchez Chapter 13**

requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Debtor requests to cure the delinquent payments in an APO. Is Movant amenable to this request?

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Jacobo Lopes Tunchez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
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San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:18-10389 Elnor Andal and Eulinda Andal

Chapter 13

#16.00 Motion for relief from stay

CAB WEST, LLC

fr. 10/3/18

Docket 44

**Tentative Ruling:**

Petition Date: 09/06/18  
Chapter: 13  
Service: Proper. No opposition filed.  
Property: Vehicle (2015 Ford Edge)  
Property Value: N/A (Leased)  
Post-Petition Delinquency: Unknown

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph 4 (lease has been matured) and 6 (movant regained possession of property post-petition).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Elnor Andal

Represented By  
Vahe Khojayan

**Joint Debtor(s):**

Eulinda Andal

Represented By  
Vahe Khojayan

**Movant(s):**

Cab West, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Elnor Andal and Eulinda Andal**

**Chapter 13**

Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:18-10475 Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz

Chapter 13

#17.00 Motion for relief from stay

WELLS FARGO BANK NA

fr. 9/26/18

Docket 44

\*\*\* VACATED \*\*\* REASON: Cont'd to 11/7/18 @ 11:00 a.m. per order #48. If

**Tentative Ruling:**

This hearing was continued from 9/26/18 so that the parties could discuss resolving this matter with an APO. On the record, Movant withdrew its request for relief under 362(d)(4). Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

9-26-18 TENTATIVE BELOW

Petition Date: 2/22/18

Chapter 13 plan confirmed: 8/16/18

Service: Proper. No opposition filed.

Property: 7750 Ben Ave., North Hollywood, CA 91605

Property Value: \$540,820 (per debtor's schedules)

Amount Owed: \$397,411

Equity Cushion: 26.5%

Equity: \$143,409

Post-Petition Delinquency: \$10,901.70 (6 payments of \$1,816.95)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4)). Movant alleges that post-petition mortgage payments are delinquent, with the last payment having been received on 1/18/18.

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11:00 AM

**CONT... Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz Chapter 13**

Movant has not alleged facts to support an allegation of a scheme to delay, hinder or defraud creditors, and thus any request for relief under 362(d)(4) will be denied.

Given that there is sufficient equity to protect Movant's claim and that a chapter 13 plan was just confirmed, have the parties discussed an APO?

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Lavinia Lilian Ortiz

Represented By  
Grace White

**Joint Debtor(s):**

Jorge Osvaldo Ortiz

Represented By  
Grace White

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:18-11346 Roberto Carlos Lopez and Diane Lopez

Chapter 13

#18.00 Motion for relief from stay

AMERICREDIT FINANCIAL SERVICES INC

Docket 22

**Tentative Ruling:**

Petition Date: 09/13/18

Chapter:13

Service: Proper. No opposition filed.

Property: Vehicle (2016 Chevrolet Cruze)

Property Value: \$ 10,892 (per debtor's schedules)

Amount Owed: \$17,665.53

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$932.37 (3 payment of \$310.79)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Roberto Carlos Lopez

Represented By  
David H Chung

**Joint Debtor(s):**

Diane Lopez

Represented By  
David H Chung

**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Roberto Carlos Lopez and Diane Lopez**

**Chapter 13**

**Movant(s):**

AmeriCredit Financial Services, Inc.

Represented By  
Jennifer H Wang

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11451 Loi Tan Nguyen**

**Chapter 13**

**#19.00** Motion for relief from the automatic stay.

GLEN BLUNDEN AND PAMELA BLUNDEN

Docket 26

**Tentative Ruling:**

Petition Date: 09/17/18

Chapter:13

Service: Proper. No opposition filed.

Property: 7647 Quimby Avenue, West Hills, CA 91304

Property Value: \$ 754,745 (per debtor's schedules)

Amount Owed: \$ 108,816.86 (per RFS motion)

Equity Cushion: 78%

Equity: \$ 645,928.14.

Post-Petition Delinquency: 4,257.99 (4 payments of \$762.09; 3 payments of \$76.21; and attorney fee of \$981)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Deny **5** (co-debtor stay is waived) because the co-debtor, the other joint tenant was not served.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Loi Tan Nguyen

Represented By  
Khachik Akhkashian

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, October 10, 2018**

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11:00 AM

**CONT... Loi Tan Nguyen**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:18-11575 Roderick Bill Norseweather

Chapter 13

#20.00 Motion for relief from stay

BROKER SOLUTIONS INC DBA NEW AMERICAN FUNDING

fr. 8/29/18, 9/12/18, 10/3/18

Docket 15

**Tentative Ruling:**

This hearing was continued so that the parties' counsel had an opportunity to discuss a consensual resolution. Nothing has been filed since the last hearing. What is the status of this motion?  
APPEARANCE REQUIRED

9-12-18 TENTATIVE BELOW

This hearing was continued so that the parties' counsel had an opportunity to discuss a consensual resolution. Nothing has been filed since the last hearing. What is the status of this motion?  
APPEARANCE REQUIRED

8-29-18 TENTATIVE BELOW

Petition Date: 6/21/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 1412 W. 89th St., Los Angeles, CA 90047

Property Value: \$585,000 (per debtor's schedules)

Amount Owed: \$352,282

Equity Cushion: 39.8%

Equity: \$232,718

Post-Petition Delinquency: unk.

Movant requests relief under 11 U.S.C. 362(d)(1) , with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); **7** (waiver of the 4001(a)(3) stay); and **9** (*in rem* relief under 362(d)(4)).

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Central District of California  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Roderick Bill Norseweather**

**Chapter 13**

Movant alleges cause for *in rem* relief because of an unauthorized transfer and multiple bankruptcies affecting the subject property.

On October 10, 2017, Debtor's sister, Desiree Edwards, filed a chapter 13 petition, 2:17-bk-22427-SK (the "LA Case"). On February 21, 2018, Movant filed a motion for relief from the automatic stay, relating to this property. On March 20, 2018, an Order for Adequate Protection was entered. Ms. Edward's plan was confirmed on June 14, 2018, which provided for payment of arrears on Movant's claim.

On June 19, 2018, Movant filed a Declaration of Default Under Adequate Protection Order, alleging that Debtor had failed to make the APO payments due on May 1 and June 1, respectively. The Order Granting RFS was entered in the LA Case on June 20, 2018. Movant alleges that, on June 21, 2018, Ms. Edwards executed an unauthorized transfer of the subject property to her brother, Debtor. That same day, Debtor filed this chapter 13 case, with the same attorney as was employed by Ms. Edwards in the LA Case. Movant alleges that the unauthorized transfer and immediate bankruptcy filing by Debtor was done with the intent to delay, hinder, and defraud Movant.

Debtor opposes the Motion, arguing that the notice of default provisions of the LA case APO were not properly complied with and that the notices of default that were mailed to Ms. Edwards were sent to the wrong address. Debtor alleges that Movant's actions in the LA Case made it so that Ms. Edwards was unable to comply with the terms because Movant would not allow any extra time for payment. Debtor states that the Property is fully provided for in his proposed chapter 13 plan, and that all post-petition payments are current. Debtor provides evidentiary support for his position and appears to be able to cure all arrearages.

Given the large equity cushion protecting this claim, is Movant amenable to this property being reorganized in this bankruptcy?

**APPEARANCE REQUIRED**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**CONT... Roderick Bill Norseweather**

**Chapter 13**

**Debtor(s):**

Roderick Bill Norseweather

Represented By  
James Geoffrey Beirne

**Movant(s):**

Broker Solutions, Inc. dba New

Represented By  
Mark S Krause

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11951 Justin Carney-Norwood**

**Chapter 7**

**#21.00** Motion for relief from stay

YAMAHA MOTOR FINANCE CORP

fr. 10/3/18

Docket 10

**Tentative Ruling:**

Petition Date: 09/12/18

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle 2017 Yamaha YZFR3HB

Property Value: \$3,925 (per Motion)

Amount Owed: \$ 9,043.19

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: Unknown

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Justin Carney-Norwood

Represented By  
Sevan Gorginian

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

**1:18-11968 Zepuer Jeghelian**

**Chapter 7**

**#22.00** Motion for relief from stay

US BANK NA

Docket 13

**Tentative Ruling:**

Petition Date: 09/18/18

Chapter:7

Service: Proper. No opposition filed.

Property: 2038 Malcolm Avenue, Los Angeles, CA 90025

Property Value: \$ N/A (per debtor's schedules)

Amount Owed: \$ N/A (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: N/A

Movant argues that this case was filed in bad faith because multiple bankruptcies affecting, the subject property, done with the intent to delay, hinder, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(4). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law), **3** (Movant permitted to engage in loss mitigation activities), **7** (waiver of 4001(a)(3) stay), **8** (Designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law), **9** (relief under 362(d)(4)), **10** (relief binding and effective for 180 days against any debtor), and **11** (The order is binding and effective in any future bankruptcy case).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
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**Hearing Room 302**

11:00 AM

**CONT... Zepuer Jeghelian**

**Chapter 7**

**Debtor(s):**

Zepuer Jeghelian Pro Se

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12018 Alberto Fabian**

**Chapter 7**

**#23.00** Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION

fr. 10/3/18

Docket 8

**Tentative Ruling:**

Petition Date: 09/11/18

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle 2016 HONDA HR-V

Property Value: \$ 17,000 (per debtor's schedule)

Amount Owed: \$ 18,568.08

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: Unknown

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alberto Fabian

Represented By

Gregory M Shanfeld

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By

Vincent V Frounjian

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Alberto Fabian**

**Chapter 7**

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

**1:18-12036 Rene Pastor Alvarez**

**Chapter 7**

**#24.00** Motion for relief from stay

TRINITY FINANCIAL SERVICES LLC

Docket 13

**Tentative Ruling:**

Petition Date: 09/07/18

Chapter:7

Service: Proper. No opposition filed.

Property: 10864 Sharp Avenue, Mission Hills, CA 91345

Property Value: \$ 701,129 (per debtor's schedules)

**No portion owned by debtor** per debtor's schedules

Amount Owed: \$ 209,185.06 (per RFS motion)

Equity Cushion: Unknown

Equity: \$0.00.

Post-Petition Delinquency: Unknown

Movant argues that this case was filed in bad faith because movant is the one of few creditors listed in the Debtor's case commencement document and multiple bankruptcies affecting, the subject property, done with the intent to delay, hinder, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2) and (d)(4). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law), **7** (waiver of 4001(a)(3) stay), and **9** (relief under 362(d)(4)).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Rene Pastor Alvarez

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Rene Pastor Alvarez**

**Chapter 7**

**Movant(s):**

Trinity Financial Services, LLC

Represented By  
Rafael R Garcia-Salgado  
Richard J Reynolds

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12048 Alpha-Omega Enterprises, Inc.**

**Chapter 7**

**#25.00** Motion for relief from stay

S.B. KRASNOFF, Inc., a CALIFORNIA CORP.

fr. 9/26/18

Docket 11

**\*\*\* VACATED \*\*\* REASON: Resolved per stip. Doc. No. 18 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alpha-Omega Enterprises, Inc.

Represented By  
Henrik Mosesi

**Movant(s):**

S.b. krasnoff Inc., a California

Represented By  
Richard P Petersen

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 10, 2018

Hearing Room 302

11:00 AM

1:18-12081 Martin Leon Serrato

Chapter 7

#26.00 Motion for relief from stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 9

**Tentative Ruling:**

Petition Date: 09/10/18  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: Vehicle 2016 TOYOTA COROLLA  
Property Value: \$ 21,323.30 (per debtor's motion)  
Amount Owed: \$ 21,323.30  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: Unknown

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph 2 (proceed under applicable non-bankruptcy law) and 6 (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Martin Leon Serrato

Represented By  
Juan Castillo-Onofre

**Movant(s):**

Toyota Motor Credit Corporation,

Represented By  
Austin P Nagel

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Martin Leon Serrato**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12107 Joyce Ann Williams**

**Chapter 13**

**#27.00** Motion for relief from stay

AVALON CARSON LLC.

fr. 10/3/18

Docket 10

**Tentative Ruling:**

Petition Date: 09/06/18

Chapter: 13

Service: Proper. No opposition filed.

Movant: Avalon Carson LLC.

Property Address: 21800 S. Avalon Boulevard #204, Carson, CA 90745

Type of Property: Residential

Occupancy: Tenant

UD case filed: 7/24/18

UD Judgment: N/A

Debtor was dismissed with a bar on 9/13/18.

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2)). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay); **7** (designated law enforcement officer may evict any occupant without further notice); **8** (order binding in any other case within two years);

DENY relief as to **9** (relief under 362(d)(4)), as Movant is not a secured creditor.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**



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11:00 AM

**CONT... Joyce Ann Williams**

**Chapter 13**

**Debtor(s):**

Joyce Ann Williams

Pro Se

**Movant(s):**

Avalon Carson LLC

Represented By  
Agop G Arakelian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12122 Jay Scott Cohen**

**Chapter 13**

**#28.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 10/3/18

Docket 13

**Tentative Ruling:**

Petition Date: 08/29/18

Chapter: 13

Service: Proper. Opposition filed.

Property: 13065 Dickens Street, Studio City, CA 91604

50% interest

Property Value: \$ 1,400,000 (per debtor's schedules)

Amount Owed: \$ 1,484,121.61 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$714, 893.95 (contractual delinquency)

Movant requested relief under 11 U.S.C. 362(d)(1), (d)(2) and (d)(4), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is waived); **7** (waiver of the 4001(a)(3) stay); **9** (relief under 362(d)(4), order binding in any other case for 2 years, and transfer of property without movant's consent and multiple bankruptcies affecting the property); and **10** (order binding and effective for 180 days against any debtor). Movant alleges that this case was filed in bad faith due to multiple bankruptcy filings and unauthorized transfers of the Property shortly before foreclosure. Movant further alleges that the mortgage is 130 months in arrears. Movant's request for the relief in paragraph **11** (order binding and effective in any future bankruptcy cases) is DENIED as such relief requires the filing of an adversary proceeding under FRBP 7001.

Debtor opposes the Motion, arguing that the motion did not served to an affected secured creditor; no documents are appended to the declaration to

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**CONT... Jay Scott Cohen Chapter 13**

obtain RFS; movant is adequately protected by the plan that debtor offered; there is a fundamental dispute against the real property; the real property is necessary for an effective reorganization.

APPEARANCE REQUIRED

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

**Debtor(s):**

Jay Scott Cohen

Pro Se

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Angie M Marth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11888 ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Adv#: 1:18-01076 Seror v. Aslanjan et al

**#29.00** Status Conference re: First Amended Complaint

fr. 8/29/18, 10/3/18

Docket 16

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

ALLIANCE FUNDING GROUP

Represented By  
Stephen F Biegenzahn

**Defendant(s):**

Does 1-10, Inclusive

Pro Se

AMERICAN FUNDERS CORP.

Pro Se

Eva Askar

Pro Se

Robert Askar

Pro Se

Arthur Nagapetyan

Pro Se

Anjana S. Sura

Pro Se

Puja J. Savla

Pro Se

Neelam J. Savla

Pro Se

Greg Mkrchyan

Pro Se

Mkrtchyan Investments, LP

Pro Se

Natalia Usmanova

Represented By  
Eamon Jafari

Alexander Usmanov

Represented By

**United States Bankruptcy Court  
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**CONT... ALLIANCE FUNDING GROUP INC.**

**Chapter 7**

Eamon Jafari

Sonia Kellzi Pro Se

Zaven Kellzi Pro Se

Kellzi Family Trust Pro Se

Allen Melikian Pro Se

Helen Minassian Pro Se

Hamlet Betsarghez Pro Se

Razmik Aslanjan Represented By  
Raffy M Boulgourjian

**Plaintiff(s):**

David Seror Represented By  
Reagan E Boyce  
Richard Burstein

**Trustee(s):**

David Seror (TR) Represented By  
Reagan E Boyce  
Richard Burstein

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**Wednesday, October 10, 2018**

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11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#30.00** Status Conference re: First Amended Complaint.

fr. 3/21/18; 4/4/18, 10/3/18

Docket 9

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

**United States Bankruptcy Court  
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San Fernando Valley  
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**CONT... Yakov Aleksandrovich**

**Chapter 7**

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**Wednesday, October 10, 2018**

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11:00 AM

**1:17-13125 Yanna Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

**#31.00** Pre-Trial Conference re: Complaint

fr. 5/2/18

Docket 1

**Tentative Ruling:**

Discovery cut off (to be completed) - September 12  
Pretrial conference on October 10 at 11 am

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

**Debtor(s):**

Yanna Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yanna Aleksandrovich

Represented By  
Stella A Havkin

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Diane C Weil (TR)

Pro Se



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**Wednesday, October 10, 2018**

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11:00 AM

**1:18-11732 Susan Fines Caldera**

**Chapter 7**

Adv#: 1:18-01090 American Contractors Indemnity Company v. Caldera

**#32.00** Status Conference re: Complaint to determine  
dischargeability of debt [11 u.s.c. section 523(a)(4)]

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Susan Fines Caldera

Represented By  
Scott Kosner

**Defendant(s):**

Susan Fines Caldera

Pro Se

**Plaintiff(s):**

American Contractors Indemnity

Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:10-15822 David B. Rosen**

**Chapter 11**

Adv#: 1:18-01023      Rosen v. Wilmington Savings Fund Society, FSB, dba Christia

**#33.00**      Motion for a Preliminary Injunction and Order  
                 Staying Foreclosure Sale Pending Adjudication of Issues  
                 under Complaint

fr. 5/23/18, 8/29/18, 10/3/18

Docket      6

**Tentative Ruling:**

Having considered that the Mediation is continued to November 27, 2018, see "Mediator's Certificate Regarding Completion of Mediation Conference" (ECF doc. 13), the Court finds cause to continue this matter to March 6, 2019 at 11:00 a.m., to be heard in conjunction with the continued status conference.

APPEARANCES WAIVED ON 10/10/18

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

**Debtor(s):**

David B. Rosen

Represented By  
Louis J Esbin

**Defendant(s):**

Wilmington Savings Fund Society,

Represented By  
Sonia Plesset Edwards

Selene Finance LP

Represented By  
Sonia Plesset Edwards

**Plaintiff(s):**

David B. Rosen

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#34.00** Motion of Creditor Joyce Kim to Compel Trustee to Abandon 1065 Park Circle to Joyce I. Kim.

fr. 10/3/18

Docket 2143

**Tentative Ruling:**

On Aug. 28, 2018, Trustee David Seror filed a "Notice of Proposed Abandonment" of real property at 1065 Park Circle Dr. #114, Torrance, CA 90502 (the "Property"). Opposition was filed by Joyce Kim ("Kim"), who did not disagree with Trustee's contention that the Property is burdensome and of inconsequential value but opposed the terms on which Trustee proposes to abandon the Property. Kim argues that the criminal circumstances surrounding the original property transfer support her request for an order compelling Trustee abandon the Property to her and to compel Trustee to execute a grant deed transferring title of the Property to Kim.

Trustee responds that Kim is asking for relief that is outside of the scope of his authority when deciding whether abandonment of the property. Trustee's decision to abandon the Property was made, upon other things, on the grounds that the Property is the subject of a pending foreclosing proceeding – the related Notice of Default and Election to Sell Under Deed of Trust dated August 1, 2018 ("NOD") was recorded on or about August 6, 2018. The party who issued the NOD, Bayview Loan Servicing LLC ("Bayview") sought and obtained relief from the automatic stay to proceed under applicable nonbankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property. Relief was granted on January 2, 2018. ECF doc. 2049.

On March 3, 2017 (post-petition and post- substantive consolidation), Ms. Kim initiated a Los Angeles Superior Court ("LASC") lawsuit against certain of the Consolidated Debtors, among others, for quiet title, fraud, constructive trust, and injunctive relief claims regarding alleged wrongdoing by the Consolidated

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CONT... **Owner Management Service, LLC and Trustee Corps** **Chapter 7**

Debtors (among others) with respect to the Property (the "Kim LASC Action," Case No. BC 652659).

The parties then filed a Stipulation Between Chapter 7 Trustee and Joyce I. Kim Denying Motion For Relief From Stay and Related Relief; For an Order Allowing The Filing Of a Late Filed Claim, Without Prejudice To Asserting Other Objections Thereto (the "Kim Stipulation") ECF doc. 1921, which was approved by Court Order entered on June 21, 2017. The Kim Stipulation effected a resolution of both the motions filed by Kim (for relief from stay as to the Kim LASC Action, and for authority to file a late claim, together the "Kim Motions"). Among other things, the Kim Stipulation provided that (1) Kim would file a claim as a late-filed claim, without prejudice to any objections the Trustee may have thereto other than as to lateness; (2) The Kim Motions may be removed from calendar; and, (3) that Kim would dismiss the Kim LASC Action in its entirety and with prejudice. Kim subsequently filed Proof of Claim No. 44 on June 21, 2017 asserting an unsecured claim against the Consolidated Debtor's Estate in the amount of \$550,000.00.

If property of the estate is abandoned, the result is not a transfer of title to any person and/or entity. Rather, abandonment results in title to the Property reverting to back to the bankrupt (here, the Consolidated Debtors vis-à-vis the Park Circle Trust). See, e.g., In re Folks, 211 B.R. 378, 388 (9th Cir. BAP 1997). Kim has no offered no authority to support her proposition that a trustee through abandonment may effect a transfer of title of real property to a third-party such as Kim.

Kim's request that she be quitclaimed title to the Property is relief not appropriately sought in connection with abandonment. See FRBP 7001. Trustee notes that this affirmative relief is what Kim sought through the Kim LASC Action, which action she agreed to dismiss with prejudice in connection with the Kim Stipulation. It is Trustee's position that Kim has by agreement limited herself to a \$550,000 unsecured claim in this case, not a claim *in rem* against the Property.

Kim is simply not entitled to the relief she seeks through her Objection, nor could the Trustee's Notice of Abandonment ever be an appropriate mechanism through which the relief requested could ever be granted.

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**CONT... Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

Kim's Objection to the Proposed Abandonment is OVERRULED. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

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**Wednesday, October 10, 2018**

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11:00 AM

**1:18-11030 Jose Perez Chavarin**

**Chapter 7**

**#35.00** Motion to vacate dismissal

fr. 10/3/18

Docket 21

**Tentative Ruling:**

Debtor's case has been dismissed twice: once, on 4/30/18, for failure to file initial petition documents within 72 hours, which was later vacated on Debtor's motion. This dismissal was because Debtor hadn't filed his Statement of Social Security Form 121. Debtor's counsel's declaration accompanying the Motion. Statement was filed on the same date as this motion.

Motion GRANTED.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS

**Party Information**

**Debtor(s):**

Jose Perez Chavarin

Represented By  
Bahram Madaen

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**Wednesday, October 10, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11458 Russ Gene Robinson**

**Chapter 7**

**#36.00** Motion to Dismiss Case Pursuant to 11 U.S.C. Section 707(b)(3)(A) with an One-Year Bar to Refiling Pursuant to 11 U.S.C. Sections 105(a) and 349(a)

Docket 14

**Tentative Ruling:**

UST moves to dismiss with a one-year bar to refiling. UST argues that grounds exist for a bar because of Debtor's pattern of filing and dismissal, misrepresentations and omissions in the schedules he did file, and the timing of his filings that seem to indicate Debtor's sole objective was to defeat his secured creditor's efforts to foreclose on its collateral, real property at 16200 Community Ct., North Hills, CA 91343 (the "Property").

In Debtor's six prior filings, undisclosed on his Statement of Related Cases, he received a chapter 7 discharge in 1999. All other cases were dismissed for failure to file case commencement documents or failure to appear at the § 341(a) meeting. Debtor also failed to properly disclose his expenses and unsecured debts. UST contends that the evidence presented in support of its motion shows that Debtor has no intention of accessing bankruptcy protection for any legitimate purposes and that, absent a bar, Debtor will refile as soon as this case is dismissed.

Debtor opposed the Motion, arguing that he has had health ailments these past couple of months that have prevented him from "keeping his appointments." Debtor states that his schedules are incomplete because "there is a lot of information and some items got overlooked by accident." Debtor does not address his filing history.

UST argues in reply that Debtor presents no evidence to support his claim that his health conditions prevented him from attending § 341(a) meetings on 7/13/18; 8/17/18 and 9/21/18. Furthermore, although UST's Motion (filed September 11, 2018) is specific in calling out where Debtor's schedules are incomplete and require amendments, Debtor has yet to amend his schedules. In its motion for relief from the automatic stay, secured creditor US Bank

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**CONT... Russ Gene Robinson**

**Chapter 7**

stated that a prepetition notice of default had been served and a notice of sale had been recorded, and that a foreclosure sale had been noticed as to the Property. The relief from stay motion is set for hearing on Oct. 24, 2018. UST argues that because the schedules list no other secured, priority, or general unsecured debt, it appears that Debtor filed this case to stop U.S. Bank from foreclosing on the Property.

**APPEARANCE REQUIRED**

<b>Party Information</b>
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**Debtor(s):**

Russ Gene Robinson	Pro Se
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**Movant(s):**

United States Trustee (SV)	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**Wednesday, October 10, 2018**

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11:00 AM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#36.01** Motion to Withdraw as Attorney

Docket 19

**Tentative Ruling:**

Attorney Michael Raichelson moves to withdraw as attorney of record for defendants Bag Fund, LLC (principal Ron Hacker) and Leo Fasen (the "Remaining Defendants"). Defendants Vincent Quigg and Michael Waldren executed substitutions of attorney when requested. Raichelson states that communication with the Remaining Defendants has broken down, and that the last communications he had with Hacker were curt, insulting and non-responsive texts. Hacker has refused to take his calls. The Remaining Defendants' non-responsiveness and unproductive communicate have led to an irreparable breakdown in the attorney-client relationship and that both of the Remaining Defendants' positions could be undermined by this breakdown.

Service proper on shortened time. No response filed.

Motion GRANTED. APPEARANCE REQUIRED DUE TO SHORTNED TIME.

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

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Represented By  
Michael H Raichelson

Leo Fasen

Represented By  
Michael H Raichelson

Vincent J Quigg

Pro Se

Michael Waldren

Pro Se

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**CONT... Hermine Nazaryan**

**Chapter 7**

**Movant(s):**

Bag Fund, LLC

Represented By  
Michael H Raichelson

Leo Fasen

Represented By  
Michael H Raichelson

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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1:00 PM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#37.00** Status Conference re: Motion of David K. Gottlieb,  
Chapter 11 Trustee, for Summary Judgment on First  
Claim for Relief (Quiet Title) Against Defendants  
Elkwood Associates, LLC and Fieldbrook, Inc.

fr. 9/18/18

Docket 98

**Tentative Ruling:**

**Previous Tentative**

This adversary proceeding has been transferred to Judge Tighe. The hearing will be on October 10, 2018 at 1:00 p.m. in courtroom 302.

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

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1:00 PM

**CONT... Solyman Yashouafar**

**Chapter 11**

Israel Abselet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Movant(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

DAVID K GOTTLIEB

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

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Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

1:00 PM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#38.00** Status Conference re: Defendants' Cross-Motion for  
Summary Judgment on Plaintiffs First Claim for  
Relief (Quiet Title)

fr. 9/18/18

Docket 102

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

Israel Abselet

Represented By  
Henry S David

Citivest financial Services, Inc.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

1:00 PM

**CONT... Solyman Yashouafar**

**Chapter 11**

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, October 10, 2018**

**Hearing Room 302**

1:00 PM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#39.00** Motion to Extend Non-expert October 1, 2018  
Discovery Deadline

Docket 139

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

QUALITY LOAN SERVICE

Pro Se

State Street Bank and Trust Co.

Pro Se

Citivist financial Services, Inc.

Pro Se

Israel Absalet

Represented By  
Henry S David

Howard Absalet

Represented By  
Henry S David

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

Quality Loan Service

Pro Se

Soda Partners, LLC

Represented By  
Ronald N Richards

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 10, 2018**

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1:00 PM

**CONT... Solyman Yashouafar**

**Chapter 11**

Daniel J McCarthy

Chase Manhattan Mortgage Co.

Pro Se

**Movant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Reliable Properties

Represented By  
Daniel J McCarthy

Jack NOURAFSHAN

Represented By  
Daniel J McCarthy

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas



**United States Bankruptcy Court  
Central District of California  
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Courtroom 302 Calendar**

**Wednesday, October 10, 2018**

**Hearing Room 302**

1:00 PM

**1:18-11853 Daniel Mark Stipkovich**

**Chapter 13**

Adv#: 1:18-01099 Stipkovich v. Trinity Financial Services, LLC et al

**#40.00** Motion to Dismiss Adversary Proceeding Complaint  
For Failure To State A Claim Upon Which Relief Can  
Be Granted Pursuant To FRCP 12(b)(6)

fr/ 10/3/18

Docket 4

**Tentative Ruling:**

This action was brought by Daniel Stipkovich ("Debtor") in connection with alleged fraud and issues concerning the foreclosure of real property located at 17464 Raymer St., Northridge, CA 91325 (the "Property"). With respect to defendants West H&A LLC ("West"), Does 1-5, and Patrick Soria, Debtor alleges that they were hired to assist with mortgage modification. However, Debtor alleges that those defendants committed fraud by convincing him that West was in first position as a secured lender against the Property and could remove the junior lien of Trinity Financial Services, Inc. ("Trinity") by foreclosing on the property. West purportedly held the foreclosure sale, but Trinity alleges that the sale was improper and void. Subsequently, Trinity foreclosed on its junior lien against the Property. The claim against Trinity is for "declaratory relief" that the foreclosure sale performed by Trinity was invalid due to the previous foreclosure sale by West. The complaint therefore alleges seemingly conflicting facts: 1) Trinity's lien was wiped out by a valid foreclosure by West, and 2) West falsely represented that it held a valid foreclosure sale extinguishing Trinity's lien, then "duped" Debtor into paying West in order to transfer title back to Debtor. These facts are not alleged in the alternative, so it appears that Debtor is both alleging that Trinity's foreclosure was valid and that it was invalid.

Trinity filed this Motion to Dismiss Complaint for Failure to State a Claim (the "Motion"). In its Motion, Trinity lays sets forth a separate narrative, supported by various documents for which Trinity requests be judicially noticed under Fed. R. Evid. 201. Debtor responds that the documents attached to the Motion are inadmissible hearsay. Generally courts may not consider materials outside of the pleadings when

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CONT... Daniel Mark Stipkovich

Chapter 13

assessing the sufficiency of a complaint under Fed. R. Civ. P. 12(b)(6). Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir. 2001). The two exceptions to this general rule are the incorporation by reference doctrine and judicial notice under Fed. R. Evid. 201. Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 998 (9th Cir. 2018).

The documents attached to Trinity's motion are not hearsay as they fall within a hearsay exception under Fed. R. Evid. 803(14), but they still should not be considered for a motion to dismiss. Courts must be cautious about taking judicial notice of the truth of facts contained in documents subject to judicial notice at the motion to dismiss stage. Khoja v. Orexigen Therapeutics, Inc., 899 F.3d 988, 999 (9th Cir. 2018). Trinity's Motion to Dismiss is more properly decided based on the complaint itself and any documents attached to the complaint. The liberal pleading standard of Fed. R. Civ. P. 8 does not require a detailed rebuttal of the contents of each judicially noticeable document that might be relevant to the case—such a requirement would "undermin[e] the usual pleading burdens" which "is not the purpose of the judicial notice" doctrine. Id. Rule 8 is instead intended to ensure that the complaint is sufficiently clear to put defendant on notice of the alleged facts constituting a claim for relief.

This motion would be more proper as a motion for summary judgment as Trinity seeks a resolution on the merits supported by extensive factual claims. For instance, Trinity argues that the documents show, on their face, that West H&A "did not acquire a beneficial interest in the Senior Deed of Trust." Similarly, Trinity alleges that, while BAC recorded a notice of Trustee's sale, "[t]here is no evidence that the June 8 sale ever took place." Motion 4:20-21. Trinity acknowledges that certain recorded documents do not have the legal effect they claim to (for instance, the Trustee's deed upon sale from the West foreclosure), but Trinity itself relies heavily on recorded documents to tell an alternative narrative about the saga of this chain of title. As the Orexigen Court noted, "when parties pile volumes of exhibits to their motion to dismiss," the motions become "needlessly unwieldy." Simply reviewing these submissions "demands precious time." Id. at 1006. A motion to dismiss is not the proper procedure for an in-depth analysis which necessarily will require weighing factual allegations.

Although Trinity's motion should more properly be brought as a motion for summary judgment, even without considering the documents attached to its motion,

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**CONT... Daniel Mark Stipkovich**

**Chapter 13**

the motion raises significant issues with the complaint that cause it to be dismissed. First of all, it is not clear exactly what plaintiff's theory is about why the Trinity foreclosure is invalid. Was there already a valid foreclosure or not? The allegations are confusing and conclusory. Trinity points out the problems with the documents Plaintiff himself attaches to the complaint. The "Trustee's Deed Upon Sale" recorded by West fails to indicate the date of the alleged sale. There really is no clear indication that there was a prior sale – an element critical to plaintiff's theory that Trinity no longer had any security interest. There are also no allegations of how West obtained title and how title passed from BAC to West. Trinity is correct that only the true owner or beneficial holder of a deed of trust can bring to completion a nonjudicial foreclosure under California law. Barrionueva v. Chase, 885 F. Supp.2d 964, 972 (N.D.Cal. 2012).

Lastly, the trustee's deed of sale Debtor attaches as Exhibit 3 shows that the property was sold at foreclosure to Trinity. Trinity took title by this trustee's deed. If a trustee's deed recites that all statutory notice requirements and procedures required by law for the conduct of the foreclosure sale were satisfied, a rebuttable presumption arises that the sale has been conducted regularly and properly. Moeller v. Lien, 25 Cal. App. 4<sup>th</sup> 822, 831 (2d Dist.1994). Plaintiff has alleged no facts disputing this presumption. The complaint basically asks the court to rule on whether the foreclosure was valid, while attaching a Trustee's Deed Upon Sale with a rebuttable presumption of validity, and provides no detail as to why exactly the sale was not valid. In addition, an alternative theory is plead stating that the other defendants tricked plaintiff by holding a sham foreclosure in order to extort money from him,

Debtor will be given one opportunity to amend, although he should seriously consider the documents provided by Trinity before doing so. While it appears that no claim can be plead that would survive a motion for summary judgment, the court will not engage in a detailed factual analysis at this stage without a proper motion for summary judgment. It may also be that US Bank is a necessary party, so Debtor may be better off finishing the litigation in Superior Court if he wants to resolve the title issue.

Motion GRANTED with leave to amend.

**Party Information**

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1:00 PM

**CONT... Daniel Mark Stipkovich**

**Chapter 13**

**Debtor(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Defendant(s):**

Trinity Financial Services, LLC

Represented By  
Carol G Unruh

Patrick Joseph Soria

Pro Se

West H&A, LLC

Pro Se

**Movant(s):**

Trinity Financial Services, LLC

Represented By  
Carol G Unruh

**Plaintiff(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 16, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11343 Corynne Antonia Kendall**

**Chapter 7**

**#1.00 Reaffirmation Agreement Between Debtor and Capital  
One Auto Finance, a division of Capital One, N.A.**

fr. 9/18/18

Docket 17

**Tentative Ruling:**

This hearing was continued from 9/18/18 because Debtor was not current on the payments.  
What is the status of this reaffirmation agreement?

9-18-18 TENTATIVE BELOW

Petition date: 5/25/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting  
as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Chevrolet Equinox

Debtor's valuation of property (Sch. B): \$13,500

Amount to be reaffirmed: \$17,304.92

APR: 12.84% (fixed)

Contract terms: \$555.80 per month for 36 months

Monthly Income (Schedule I): \$4,095.24

Monthly expenses: (Schedule J): \$3,423.38

Disposable income: \$671.86

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption  
of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part  
D?

Debtor states that she is employed full-time. This payment is listed on Sch. J.

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**CONT... Corynne Antonia Kendall**

**Chapter 7**

Debtor has a right to rescind agreement anytime prior to discharge, or until October 6, 2018, whichever is later.

<b>Party Information</b>
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**Debtor(s):**

Corynne Antonia Kendall

Pro Se

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, October 16, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11767 Donald G. Clackler**

**Chapter 7**

**#2.00 Reaffirmation Agreement Between Debtor and  
Golden 1 Credit Union**

Docket 10

**Tentative Ruling:**

Petition date: 7/16/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2017 Hyundai Elantra

Debtor's valuation of property (Sch. B): NOT listed on Sch. B

Amount to be reaffirmed: \$21,027

APR: 3.49% (fixed)

Contract terms: \$356.63 per month for 65 months

Monthly Income (Schedule I): \$3,634.31

Monthly expenses: (Schedule J): \$3,972

Disposable income: <\$337.69>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor explains that he will reduce his expenses and, if necessary, his family will help. Debtor states that the payment for this vehicle is listed on Sch. J. A \$350 payment is listed on Sch. J, but Sch. B reflects that the vehicle is a 1998 Toyota RAV 4, so it is unclear if the payment listed on Sch. J is for this Hyundai payment or the payment is for a Toyota RAC 4.

Debtor has a right to rescind agreement anytime prior to discharge, or until November 10, 2018, whichever is later.

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**Tuesday, October 16, 2018**

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8:30 AM

**CONT... Donald G. Clackler**

**Chapter 7**

**Party Information**

**Debtor(s):**

Donald G. Clackler

Represented By  
Stephen S Smyth

**Trustee(s):**

David Seror (TR)

Pro Se



**United States Bankruptcy Court  
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**Tuesday, October 16, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11803 Juan Francisco Mejia Ortiz and Johanna A Ayala**

**Chapter 7**

**#3.00 Reaffirmation Agreement Between Debtor and American  
Honda Finance Corporation**

Docket 12

**Tentative Ruling:**

Petition date: 7/18/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Honda Civic

Debtor's valuation of property (Sch. B): \$14,422

Amount to be reaffirmed: \$16,790.19

APR: 4.95% (fixed)

Contract terms: \$464.17 per month for 39 months

Monthly Income (Schedule I): \$2,540.62

Monthly expenses: (Schedule J): \$3,052

Disposable income: <\$511.38>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor Juan states that he is requesting a raise, and is working overtime and Saturdays to earn enough to make the payment.

Debtor has a right to rescind agreement anytime prior to discharge, or until November 28, 2018, whichever is later.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, October 16, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Juan Francisco Mejia Ortiz and Johanna A Ayala**

**Chapter 7**

**Debtor(s):**

Juan Francisco Mejia Ortiz

Represented By  
Lauren M Foley

**Joint Debtor(s):**

Johanna A Ayala Hernandez

Represented By  
Lauren M Foley

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Tuesday, October 16, 2018**

**Hearing Room 302**

8:30 AM

**1:18-11803 Juan Francisco Mejia Ortiz and Johanna A Ayala**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between Debtor  
and Toyota Motor Credit Corporation**

Docket 14

**Tentative Ruling:**

Petition date: 7/18/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Toyota Tundra

Debtor's valuation of property (Sch. B): \$28,470

Amount to be reaffirmed: \$21,493.37

APR: 1.9% (fixed)

Contract terms: \$629.83 per month for 35 months

Monthly Income (Schedule I): \$2,540.62

Monthly expenses: (Schedule J): \$3,052

Disposable income: <\$511.38>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor Juan states that he is requesting a raise, and is working overtime and Saturdays to earn enough to make the payment.

Debtor has a right to rescind agreement anytime prior to discharge, or until November 29, 2018, whichever is later.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, October 16, 2018**

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8:30 AM

**CONT... Juan Francisco Mejia Ortiz and Johanna A Ayala**

**Chapter 7**

**Debtor(s):**

Juan Francisco Mejia Ortiz

Represented By  
Lauren M Foley

**Joint Debtor(s):**

Johanna A Ayala Hernandez

Represented By  
Lauren M Foley

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, October 17, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12480 Raul Jimenez**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Raul Jimenez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
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**Wednesday, October 17, 2018**

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9:30 AM

**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#1.00 U.S. Trustee's Motion Under 11 USC section 1112(b)  
To Dismiss Or Convert Case**

fr. 7/18/18, 8/29/18

Docket 208

**Tentative Ruling:**

**8/29/18 Tentative**

While debtor was in compliance at the last hearing, this matter was continued to August 29 to trail the disclosure statement hearing Trustee indicated that she would withdraw the Motion if the disclosure statement was approved.

**7/18/18 Tentative**

UST moves to dismiss, arguing that there is cause under 11 U.S.C. § 1112(b) to dismiss or convert this case. First, Debtor, an individual, has had almost four years to obtain approval of a disclosure statement and plan. Despite this significant amount of time, Debtor has been unable to obtain approval of a disclosure statement delaying creditors' rights to receive any payment on their claims. In addition, the Court has advised Debtor that he needs to wrap up the case and was to notice a hearing on his amended disclosure statement and plan for July 18, 2018, which would have required Debtor to file the amended disclosure statement and plan by June 6, 2018. Regardless of this warning and the July 18, 2018 deadline, Debtor has not filed or noticed an amended disclosure statement for a July 18, 2018 hearing. Lastly, UST contends that Debtor is delinquent in filing the May MOR and providing proof of current insurance for the Honda Accord.

On June 23, 2018, Debtor filed his opposition to the Motion, contending that he has filed proof of his current insurance and the May MOR. Debtor also represents that he has received the accounting from the lender Ditech Financial. In the Opposition, filed a mere 25 days on what is usually a 42-day notice period under LBR 3017-1(a), Debtor states that he will be filing his disclosure statement. An amended disclosure statement was filed on July 11, 2018 - one week before it was set to be heard.

The Court is inclined to grant this Motion.  
**APPEARANCE REQUIRED**

**United States Bankruptcy Court  
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**Wednesday, October 17, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Joseph Youseffia**

**Chapter 11**

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**United States Bankruptcy Court  
Central District of California  
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9:30 AM

1:14-14636 Joseph Youseffia

Chapter 11

#2.00 Chapter 11 Plan of Reorganization

Docket 216

**Tentative Ruling:**

**NOTE:** The date next to Debtor's signature on the plan, page 72 of Docket No. 233, appears to be clumsily edited from Debtor's signature page on a previous plan. The Court will not confirm this plan until Debtor files a declaration that he accepts the Plan.

**I. Service**

After a disclosure statement is approved, unless otherwise ordered, the plan proponent must serve the plan or court-approved summary of the plan, the court-approved disclosure statement, notice of the time within which acceptances and rejections of the plan may be filed, and any other information required by the court. Fed. R. Bankr. P. 3017(d)(1)-(4). At least 28 days' notice of the motion for confirmation of the plan must be provided. Fed. R. Bankr. P. 2002(b). Objections to the confirmation of the plan, if any, must be made in accordance with Fed. R. Bankr. P. 3020(b).

While Debtor did not file the plan separately, **Service of the Plan (the "plan") was proper. See Proof of Service of Plan Solicitation Package and Exhibit.**

**II. General**

To approve a reorganization plan, the Court must find that the proposed plan is "fair and equitable," meaning that the payment priorities of the Code are met. *United States of America v. Technical Knockout Graphics Inc., (In re Technical Knockout Graphics, Inc.)*, 833 F.2d 797, 803 (9th Cir. 1987).

**III. Ballot Analysis – 11 U.S.C. §1126**

Pursuant to 11 U.S.C. §§1126(c) & (d), at least two-thirds in dollar amount and more than one-half in number of those class members who voted (not total numbers in class) vote to accept the plan. *In re M. Long Arabian*, 103 B.R. 211, 215 (B.A.P. 9th Cir. 1989). Failure to vote does not constitute acceptance of the plan. A class must affirmatively vote to accept the plan. *In re Townco Realty Inc.*, 81 B.R. 707, 708 (Bankr. S.D. Fla. 1987). There is no such thing as acceptance by waiver or default.

Class 2(c) and class 6(b), the general unsecured creditors, are the only



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CONT...

**Joseph Youseffia**

**Chapter 11**

classes impaired under the plan. The only ballots received were from Ditech financial, who hold a claim secured by the property located at 18132 Sunburst St., Northridge, CA 91325. Ditech's claim is divided between class 2(a), the secured portion of its claim, and class 2(c), representing the arrears on the Sunburst property.

**Class 2(c) accepted the plan, but no ballots were received from creditors in Class 6(b). Debtor therefore must cram down Class 6(b).**

**IV. Plan Compliance – 11 U.S.C. §1129**

The court will only confirm a plan if it satisfies the requirements identified in § 1129(a)(1)-(16), unless §1129(b)(1) applies. 11 U.S.C. §1129(a); *Id.* at (b)(1). An important concern is the proper classification pursuant to 11 U.S.C. §1122. *In re Boston Post Road Limited Partnership*, 21 F.3d 477, 481 (2nd Cir. 1994). The plan proponent cannot classify similar claims in separate classes in order to gerrymander acceptance of the plan. *See, e.g., In re Johnston*, 140 B.R. 526, 529 (B.A.P. 9th Cir. 1992).

The plan proponent has the burden of proving compliance with all of the elements of 11 U.S.C. 1129(a). *In re Sullivan*, 26 B.R. 677 (Bankr. W.D. N.Y. 1982); *In re Prudential Energy Company*, 58 B.R. 857 (Bankr. S.D. N.Y. 1986).

**11 U.S.C. §1129(a)(1)**

The court will only confirm a plan if it "complies with the applicable provisions of this title." 11 U.S.C. §1129(a)(1). A plan complies with the applicable provisions of chapter 11 when it properly classifies the claims or interests and contains all mandatory provisions. *See* 11 U.S.C. §§1122, 1123; *See also, Acequia, Inc., v. Clinton, (In re Acequia, Inc.)*, 787 F.2d 1352 (9th Cir. 1986); *Technical Knockout*, 833 F.2d 797, 803 (9th Cir. 1987).

Accordingly, the first question is whether the plan properly classifies claims and interests as provided in §1122. The plan satisfies this requirement.

Assuming the plan properly classifies claims and interests, the second question is whether the plan contains all mandatory provisions of §1123. Section 1123 designates the required contents of the plan, as well as other provisions which are not required but may be included in the plan.

Section 1123(a)(1) requires the plan to classify claims other than administrative priority claims and priority tax claims. The plan satisfies this

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CONT... **Joseph Youseffia**  
requirement.

Chapter 11

Section 1123(a)(2) requires the plan to specify any class of claims or interests that is unimpaired under the plan. The plan satisfies this requirement.

Section 1123(a)(3) requires the plan to specify the treatment of any class of claims or interests that is impaired under the plan. **The plan provides that class 2(c) will receive monthly cure payments of \$2,321.16 over five years and that class 6(b) will receive 10% of their claims in equal monthly payments; however, the plan does not specify the number of years over which payments to class 6(b) general unsecured creditors will be made. Debtor should clarify this omission at the hearing.**

Section 1123(a)(4) requires that the plan provide the same treatment for each claim or interest in a particular class, except where a member of a particular class agrees to less favorable treatment. The plan satisfies this requirement.

Section 1123(a)(5) requires that the plan provide "adequate means for the plan's implementation . . ." 11 U.S.C. §1123(a)(5). **The plan provides that it will be funded with \$51,816.97 available on the effective date. The plan does not clearly indicate the amount in professional fees due upon confirmation, and whether this amount will be sufficient.**

Section 1123(a)(6) requires that where the debtor is a corporation, the plan provide that the charter contain a provision prohibiting the issuance of nonvoting equity securities and provide appropriate voting power among several classes of securities where applicable. This requirement is not applicable.

Section 1123(a)(7) requires that with respect to the selection of officers or directors, the plan contains only provisions consistent with the interests of creditors, equity security holders, and public policy. This requirement is not applicable.

Section 1123(a)(8) applies only where the debtor is an individual. In such cases, the plan must provide for the payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as necessary to perform under the plan. 11 U.S.C. §1123(a)(8). The plan satisfies this requirement.

11 U.S.C. §1129(a)(2)

The court will only confirm a plan if the "proponent of the plan complies with

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the applicable provisions of this title." 11 U.S.C. §1129(a)(2). This requirement is designed to ensure that the plan proponent has made the appropriate disclosures and complied with the solicitation requirements set forth in §1125. *Andrew v. Coppersmith (In re Downtown Inv. Club III)*, 89 B.R. 59, 65 (B.A.P. 9th Cir. 1988). As the Court entered an order on September 10, 2018 approving the disclosure statement, this requirement is satisfied.

11 U.S.C. §1129(a)(3)

The plan must be proposed in good faith and not by any means forbidden by law. 11 U.S.C. §1129(a)(3); see *In re Stolrow's Inc.*, 84 B.R. 167 (Bankr. 9th Cir. 1988). There is a presumption that a plan was filed in good faith if no objections are filed. Fed. R. Bankr. P. 3020(b). If the presumption in Rule 3020(b) arises, then the court need not receive evidence on the issue of good faith. *Id.* There have been no allegations of bad faith. The plan satisfies this requirement.

11 U.S.C. §1129(a)(4)

Any payment to be made by a plan proponent, debtor, or person issuing securities or acquiring property under the plan, for services or costs in connection with the case or in connection with the plan and incident to the case, must be approved by the court as reasonable. 11 U.S.C. §1129(a)(4). This requirement is not applicable.

11 U.S.C. §1129(a)(5)

The plan must disclose the identity and affiliations of any individual proposed to serve as a director, officer, or voting trustee of the debtor . . . ." 11 U.S.C. § 1129(a)(5)(A)(i). The appointment or continuation in occupation of such a person must be consistent with the interests of creditors and equity security holders and with public policy. *Id.* at §1129(a)(5)(A)(ii). If an insider will be employed by the reorganized debtor, the plan proponent must disclose that fact. *Id.* at §1129(a)(5)(B). This requirement is not applicable.

11 U.S.C. §1129(a)(6)

If any governmental regulatory commission has jurisdiction over the reorganized debtor, that regulatory body must approve any rate change provided for in the plan. 11 U.S.C. §1129(a)(6). This requirement is not applicable.

11 U.S.C. §1129(a)(7)

The plan proponent must demonstrate that either each member of impaired class has either accepted plan or will receive as much if debtor liquidated in a chapter 7. 11 U.S.C. §1129(a)(7). This is known as the "best interests" of the

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creditors test. The liquidation analysis noted on page five of the disclosure statement indicates that there would be \$0 available to general unsecured creditors in a hypothetical chapter 7. The plan proposes to pay 10% on such claims. Therefore, this requirement is satisfied.

11 U.S.C. §1129(a)(8)

The plan proponent must show that each class has either accepted the plan or is unimpaired. 11 U.S.C. 1129(a)(8). Otherwise, the plan proponent must "Cram Down" the rejecting class. 11 U.S.C. §1129(b); see *In re M. Long Arabians*, 103 B.R. 211, 215 (B.A.P. 9th Cir. 1989). Failure to vote does not constitute acceptance of the plan. A class must affirmatively vote to accept the plan. *In re Townco Realty Inc.*, 81 B.R. 707, 708 (Bankr. S.D.Fla. 1987). A class of claims has accepted a plan if it has been accepted by creditors that hold at least two-thirds in amount and more than one-half in number of the allowed claims of such class. 11 U.S.C. §1126(c).

**Class 6(b) is impaired and has not submitted any ballots; therefore it is presumed to have rejected the plan. However, Class 2(c) is impaired and has submitted a ballot accepting the plan.**

11 U.S.C. §1129(a)(9)

The plan can only be confirmed if administrative claimants are paid in full on the effective date unless otherwise agreed. 11 U.S.C. §1129(a)(9)(A). The plan may make deferred cash payments to accepting holders of non-priority tax claims, while rejecting holders of such claims must be paid the amount of their allowed claim on the effective date. *Id.* at §1129(a)(9)(B)(i)-(ii). However, the plan may make deferred cash payments to holders of allowed priority tax claims so long as the claimants will receive an amount equal to the allowed amount of the claim as of the effective date, over a period of not more than five years from the petition date. *Id.* at §1129(a)(9)(C). **As noted above, the amount of professional fees due on the effective date is unclear from the plan. Will the \$51,816.97 available on the effective date cover the administrative claims?**

11 U.S.C. §1129(a)(10)

At least one class of claims that is impaired under the plan must accept the plan, exclusive of any acceptance by a plan insider. 11 U.S.C. §1129(a)(10). **Class 6(b) is impaired and has not submitted any ballots; therefore it is presumed to have rejected the plan. However, Class 2(c) is impaired and has submitted a ballot accepting the plan.**

11 U.S.C. §1129(a)(11)

The court may only confirm a plan if it is feasible, meaning that confirmation

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is not likely to be followed by the liquidation, or need for further financial reorganization, of the debtor . . . ." 11 U.S.C. §1129(a)(11); *Pizza of Hawaii, Inc. v. Shakey's, Inc., (In re Pizza of Hawaii, Inc.)*, 761 F.2d 1374 (9th Cir. 1985). Feasibility is demonstrated where the plan has a "reasonable probability of success." *In re Acequia, Inc.*, 787 F.2d at 1364. **A review of the MORs for August and July indicate that Debtor has \$42,372 cash available plus \$10,777 in Debtor's cash collateral account. This plan appears to be feasible.**

11 U.S.C. §1129(a)(12)

Section 1129(a)(12) requires that all fees payable under 28 U.S.C. §1930 are paid or will be paid on effective date. It appears that this requirement has been or will be met by the effective date.

11 U.S.C. §1129(a)(13)

The plan must provide for "the continuation after its effective date of payment of all retiree benefits, as that term is defined in [11 U.S.C. §1114] at the level established pursuant to subsection (e)(1)(B) or (g) of [section 1114], at any time prior to confirmation of the plan, for the duration of the period the debtor has obligated itself to provide such benefits." 11 U.S.C. §1129(a)(13). This requirement is not applicable.

11 U.S.C. §1129(a)(14)

Section 1129(a)(14) requires the debtor to be current on any domestic support obligation as required by judicial or administrative order. This requirement is not applicable.

11 U.S.C. §1129(a)(15)

Where the debtor is an individual and a holder of an unsecured claim objects to confirmation, section 1129(a)(15) requires that "the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim," or "the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer." 11 U.S.C. § 1129(a)(15). This requirement is not applicable.

11 U.S.C. §1129(a)(16)

The final requirement of §1129(a) is that "[a]ll transfers of property of the plan

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shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust." 11 U.S.C. §1129(a)(16). This requirement is not applicable.

**V. Cram Down – 11 U.S.C. §1129(b)**

If all the other requirements for confirmation are met, except acceptances as provided in section 1129(a)(8), the court shall confirm the plan if the plan does not discriminate unfairly and is fair and equitable with respect to each class of claims and interests that is impaired under and has not accepted the plan. 11 U.S.C. § 1129(b).

With respect to a secured class, "fair and equitable means that the secured class retains lien and receives an amount in deferred cash payments totaling at least the allowed amount of such claim, of a value, of at least the value of such holder's interest in the estate's interest in the property. 11 U.S.C. §1129(b)(2)(A) Alternatively the plan may provide for the sale of the encumbered property, or the class may receive the "indubitable equivalent of its claim(s).

With respect to an unsecured class, "fair and equitable" means that each claimant receives or retains property of value equal to allowed claim, or the holder of a junior claim neither receives nor retains property on account of such claim. 11 U.S.C. §1129(b)(2)(B). The plan treats them fairly because they are receiving more than they would in a Chapter 7 and all creditors in the class are treated equally. Therefore, for the reasons set forth in *In re Friedman*, 2012 WL 911545 (B.A.P. 9th Cir. 2012), the absolute priority rule is inapplicable in individual Chapter 11 cases.

With respect to a class of interests, fair and equitable means that the claimant receives or retains property of value equal to the greater of allowed amount of fixed liquidation preference, any fixed redemption price, the value of such interest, or the holder of a junior interest neither receives nor retains any property on account of such junior interest. 11 U.S.C. §1129(b)(2)(C)

The terms "does not discriminate unfairly" and "fair and equitable" connote definite meanings within reorganization cases . . . . [t]his provision requires that a plan "allocate [...] value to the class in a manner consistent with the treatment afforded to other classes with similar legal claims against the debtor (citations omitted). *Acequia, supra*, 787 F.2d at 1364. The plan proponent must show that the plan does not "unfairly discriminate" and is "fair and equitable" by a clear and convincing burden of

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proof. *In re Stoffel*, 41 B.R. 390 (Bankr. D. Minn. 1984); *In re Sloan*, 57 B.R. 91 (Bankr. D. S.C. 1985); *In re Agawam Creative Marketing Associates Inc.*, 63 B.R. 612 (Bankr. D. Mass. 1986).

**The Debtor must cram down Class 6(b). The treatment in the plan for this class appears to be fair and equitable.**

**VI. Objections**

No objections to the plan have been filed. The U.S. Trustee has a pending Motion to Dismiss or Convert the case trailing plan confirmation, but the Trustee has not filed an objection.

**VII. Disposition**

Assuming implementation and feasibility are appropriately evidenced at the hearing, and Debtor files a declaration approving of the plan, the plan will be **CONFIRMED**.

<b>Party Information</b>
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**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

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**1:14-14636 Joseph Youseffia**

**Chapter 11**

**#3.00 Status and Case Management Conference**

fr. 1/8/15; 7/30/15, 10/15/15; 1/20/16; 3/31/16,  
6/2/16, 7/28/16, 11/3/16, 7/28/17; 10/18/17; 12/6/17,  
2/7/18; 3/7/18; 4/4/18, 5/23/18, 7/18/18, 8/29/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Joseph Youseffia

Represented By  
William H Brownstein

**Movant(s):**

Joseph Youseffia

Represented By  
William H Brownstein



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**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#4.00 Scheduling and Case Management Conference**

fr. 1/3/18, 8/1/18

Docket 0

**Tentative Ruling:**

At the previous hearing, the Court set a deadline of August 31 for Debtor to file a Disclosure Statement and Plan. No disclosure statement and plan were filed. On October 3, Debtor filed a Motion to Voluntarily Dismiss the case. That hearing is set for November 8, 2018. This appears to potentially be a surplus estate based upon the schedules. Therefore, the Court will need to determine at the November 8 hearing whether conversion or dismissal is more appropriate.

NO APPEARANCE REQUIRED ON OCTOBER 17

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

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9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#5.00 Motion to Confirm Chapter 11 Plan of Reorganization**

fr. 9/26/18

Docket 74

**Tentative Ruling:**

The United States Trustee ("Trustee") has filed an objection to confirmation of this Plan on the grounds that the plan is not feasible under § 1129(a)(11). As Debtor had an unsuccessful case dismissed shortly before this case was filed, feasibility has been the primary concern in this case. However, because any infeasibility of the plan will primarily harm the secured creditor U.S. Bank, and the Bank voted to accept the plan, the Court is willing to overlook the unsteady income demonstrated by the Monthly Operating Reports. The plan appears to otherwise be confirmable.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

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**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#6.00 Scheduling and Case Management Conference**

fr. 4/4/18, 7/18/18, 9/26/18

Docket 36

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

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Hearing Room 302

11:00 AM

1:17-12056 Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

#7.00 Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 6/13/18, 8/15/18

Docket 34

**Tentative Ruling:**

At the previous hearing, the parties indicated that there was no confirmation whether Debtor was able to obtain a loan modification. If the loan modification did not go through, the parties indicated that they would seek an adequate protection order. Nothing new has been filed on the docket. What is the status of either a loan modification or an adequate protection order?

**8/15/18 Tentative**

This hearing was continued from June 13, 2018, to allow the Debtor to apply for a loan modification. What is the status of this Motion?

APPEARANCE REQUIRED

**6/13/18 TENTATIVE BELOW**

Petition Date: 08/2/2017

Service: Proper. Opposition filed.

Property: 21051 Schoenborn St., Canoga Park, California 91304

Property Value: \$ 560,000.00 (per debtor's schedules)

Amount Owed: \$ 687,555.73

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$11,056.62 (4 payments of \$10,251.16; \$0.00 in post-petition advances; \$1,031 in attorneys' fees; less \$225.54 in suspense account or partial paid balance)

Debtor opposes the Motion, arguing that there is an application for a loan modification still under review, and requests a continuance of this hearing to allow for a determination of the loan modification application. See Opposition, Ex. A.

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**CONT... Samuel Araos Pasag and Nellie Garingan Pasag Chapter 13**

Movant requests relief under 11 U.S.C. 362(d)(1). Movant requests specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **5** (11 U.S.C. §1201 (a) or §1301(a) co-debtor stay terminated, modified, or annulled); and **6** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

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

**Debtor(s):**

Samuel Araos Pasag

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Nellie Garingan Pasag

Represented By  
Hasmik Jasmine Papian

**Movant(s):**

Deutsche Bank National Trust Co.,

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-12326 David Luis Gonzalez**

**Chapter 13**

**#8.00** Motion for relief from the automatic stay.

Capital Access Group Inc

Docket 10

**Tentative Ruling:**

Petition Date: September 18, 2018  
Chapter:13  
Service: Proper. Opposition filed.  
Property: 1177 Beecher St, San Leandro, CA 94577

Debtor filed an opposition to clarify that he has no interest in to connection to this property. It appears that the property was dumped into this case without the knowledge of the Debtor. The Motion is not dated, on the incorrect form, and the extent of the relief asked for is therefore unclear.

The declaration attached to the Motion states that the property has been improperly transferred twice by unrecorded quitclaim deeds and those transferees have both filed bankruptcy. However, the declaration is not signed or dated. A separate declaration regarding the transfers, along with an appraisal of the property, was filed as Doc. No. 11. It appears that this is a typical real property (d)(4) relief from stay motion, not a motion for relief from stay and from turnover by a prepetition receiver or other custodian under § 543, as the form would indicate. Given Debtor's statement in his non-opposition, and the separately filed declaration, the Court will grant relief from the stay under 362(d)(1), (d)(2), (d)(4), and will grant the requested waiver of the 4001(a)(3) stay.

NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

David Luis Gonzalez Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

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11:00 AM

**1:17-11951 Kenneth Paul Lui**

**Chapter 7**

Adv#: 1:17-01085 Lui v. NAVIENT SOLUTIONS,INC

**#9.00** Pre-Trial Conference Re: Amended Complaint for Determination that Student Loan Debt is Dischargeable Pursuant to 11 USC Sec. 523(a)(8)(B)

fr. 11/8/17, 6/13/18, 8/15/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case Dismissed per Doc. No. 42 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Defendant(s):**

NAVIENT SOLUTIONS,INC

Pro Se

**Plaintiff(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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1:18-11224 Virginia D. Navarro

Chapter 7

Adv#: 1:18-01097 First National Bank Of Omaha v. Navarro

#10.00 Status Conference Re: Complaint

Docket 1

\*\*\* VACATED \*\*\* REASON: Judgment entered per stipulation on 9/26/18  
-CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Virginia D. Navarro

Represented By  
Jennifer Ann Aragon

**Defendant(s):**

Virginia D. Navarro

Pro Se

**Plaintiff(s):**

First National Bank Of Omaha

Represented By  
Cory Rooney  
Cory J Rooney

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



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**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#53.00** Motion RE: Objection to Claim Number 15  
by Claimant Selene Finance, LP

fr. 7/25/17, 9/26/17, 11/28/17, 1/23/18; 3/27/18; 4/24/18,  
6/19/18; 7/31/18, 9/11/18

Docket 100

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

At the previous hearing, the parties indicated that they had reached a stipulation regarding this objection, but certain changes had to be made before the stipulation could be finalized. Nothing new has been filed in this case since June. When will this stipulation be filed?

Mr. Nehoray must appear personally at all future hearings on this case.

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Movant(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray  
Siamak E Nehoray  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**CONT... Victoria Ruiz**

**Chapter 13**

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11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#54.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18; 4/24/18, 6/19/18; 7/31/18, 9/11/18

Docket 89

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:13-14490 Charlene Decoff**

**Chapter 13**

**#55.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 5/22/18, 6/19/18; 7/31/18, 9/11/18

Docket 84

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No motion for hardship discharge has been filed, and it appears that the \$2,500 has not been paid to the Trustee.

APPEARANCE REQUIRED

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

**Debtor(s):**

Charlene Decoff

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:14-13760 VANESSA PAOLA OJINAGA**

**Chapter 13**

**#56.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 104

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/19/18 - jc**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

VANESSA PAOLA OJINAGA

Represented By  
Veralin N Nnaoji

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Represented By  
Veralin N Nnaoji

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**1:14-15062 Olga M Zavala-Edwards**

**Chapter 13**

**#57.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Olga M Zavala-Edwards

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:14-15090 Israel Deleon and Yvonne Deleon

Chapter 13

#58.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 56

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/24/18 - jc

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Israel Deleon

Represented By  
Elena Steers

**Joint Debtor(s):**

Yvonne Deleon

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#59.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18

Docket 66

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10240 Fernando Becerril**

**Chapter 13**

**#60.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Fernando Becerril

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12133 Erick Chicas**

**Chapter 13**

**#61.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 65

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Erick Chicas

Represented By  
Eric Bensamochan

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, October 23, 2018

Hearing Room 302

11:00 AM

1:15-12573 Emma L Gutierrez

Chapter 13

#62.00 Motion to Dismiss Case for Failure to Make Plan Payments

Docket 132

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Emma L Gutierrez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:15-13157 Elissa Ann Wilson**

**Chapter 13**

**#63.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Elissa Ann Wilson

Represented By  
Jeffrey J Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10125 Ben Diep**

**Chapter 13**

**#64.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 57

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/26/18 - jc**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ben Diep

Represented By  
Kevin T Simon

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11078 Art Summroell**

**Chapter 13**

**#65.00** Motion to Dismiss Case for Failure to Make Plan Payments

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Art Summroell

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#66.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17; 2/27/18; 3/27/18, 5/22/18; 7/31/18,  
9/11/18

Docket 48

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

According to the Trustee's website, Debtors are now \$16,415 behind on plan payments. Do Debtors have a realistic chance of modifying this plan?

APPEARANCE REQUIRED

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

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11872 Diona Renee Bell**

**Chapter 13**

**#67.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 58

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Diona Renee Bell

Represented By  
Gregory M Shanfeld

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12578 Waqas Memon**

**Chapter 13**

**#68.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

Docket 66

**\*\*\* VACATED \*\*\* REASON: Withdrawal of Trustee filed - Doc. #71. If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Waqas Memon

Represented By  
William R Ramsey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12579 Nafees Memon**

**Chapter 13**

**#69.00** Motion to Dismiss Case for Failure to  
Make Plan Payments

Docket 80

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nafees Memon

Represented By  
William R Ramsey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, October 23, 2018

Hearing Room 302

11:00 AM

1:16-12738 Arsen Melikyan

Chapter 13

#70.00 Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 67

\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/5/18 - jc

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Arsen Melikyan

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12834 Fakhruddin Noorbhai and Asma Fakhruddin Noorbhai**

**Chapter 13**

**#71.00 Motion to Dismiss Case for Failure to Make Plan Payments**

Docket 44

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fakhruddin Noorbhai

Represented By  
Jeffrey N Wishman

**Joint Debtor(s):**

Asma Fakhruddin Noorbhai

Represented By  
Jeffrey N Wishman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13460 Kathy Sophia Brening-Ray**

**Chapter 13**

**#72.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18

Docket 56

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Kathy Sophia Brening-Ray

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, October 23, 2018

Hearing Room 302

11:00 AM

**1:16-13598 Bruce Jeffrey Starin and Geraldine Papel Starin**

**Chapter 13**

**#73.00** Motion for Authority to Refinance Real Property  
(Ch 13) Commonly Known as 12001 Martha Street  
Valley Village California 91607

Docket 73

**\*\*\* VACATED \*\*\* REASON: Motion granted, see doc. 89 --CT**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Bruce Jeffrey Starin

Represented By  
John D Monte

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13648 Lisa Marie Payne**

**Chapter 13**

**#74.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 46

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lisa Marie Payne

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10010 Milton T Appel**

**Chapter 13**

**#75.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Milton T Appel

Represented By  
Stephen S Smyth  
William J Smyth

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10117 Gregory A Harris**

**Chapter 13**

**#76.00 Motion to Dismiss Case for  
Failure to Make Plan Payments**

Docket 85

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory A Harris

Represented By  
Brad Weil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10701 Leonor Cecilia Garcia**

**Chapter 13**

**#77.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 87

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

An order was entered granting the Motion to Modify on October 12. Does Trustee wish to pursue this Motion to Dismiss?

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

**Debtor(s):**

Leonor Cecilia Garcia

Represented By  
Andrew Moher

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11159 Levia Blane Arbuckle**

**Chapter 13**

**#78.00 Motion to Dismiss Case for Failure to Make  
Plan Payments**

Docket 76

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Levia Blane Arbuckle

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11267 Irma Villalpando**

**Chapter 13**

**#79.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18, 9/11/18

Docket 82

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#80.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18, 9/11/18

Docket 105

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#80.01** Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments Post Petition Income and Expense

Docket 111

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11564 Isidro Gonzalez Rodriguez**

**Chapter 13**

**#81.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 35

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Isidro Gonzalez Rodriguez

Represented By  
Kevin T Simon

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11732 Anthony Antonello and Tamara Marie Antonello**

**Chapter 13**

**#82.00 Motion to Dismiss Case for Failure to Make Plan Payments**

Docket 60

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Anthony Antonello

Represented By  
Kevin T Simon

**Joint Debtor(s):**

Tamara Marie Antonello

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo**

**Chapter 13**

**#83.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 40

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Eduardo N Trillo Jr.

Represented By  
Elena Steers

**Joint Debtor(s):**

Maritess Biglangawa Trillo

Represented By  
Elena Steers

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12270 Alejandra Castellanos**

**Chapter 13**

**#84.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 29

**\*\*\* VACATED \*\*\* REASON: Motion withdrawn 9/26/18 - jc**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Alejandra Castellanos

Represented By  
Julie J Villalobos

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#85.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 125

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12702 Jose R. Fernandez and Esther Fernandez**

**Chapter 13**

**#86.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18

Docket 47

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Jose R. Fernandez

Represented By  
Donald E Iwuchuku

**Joint Debtor(s):**

Esther Fernandez

Represented By  
Donald E Iwuchuku

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10828 Nazaret Kechejian**

**Chapter 13**

**#87.00** Motion RE: Objection to Claim Number 2 by  
Claimant LDI Ventures, LLC.

Docket 38

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

It makes no sense to deal with this claim before the adversary is resolved.  
The trustee will not pay on a claim that is objected to, so this can be  
continued to whenever the adversary status conference is so that they can be  
heard together.

**Party Information**

**Debtor(s):**

Nazaret Kechejian

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10828 Nazaret Kechejian**

**Chapter 13**

**#88.00** Chapter 13 Trustee's Objection to  
Debtor's Homestead Exemption

fr. 9/11/18

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Denied as moot, unless Trustee believes it is still an issue. NO Appearance  
required.

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

**Debtor(s):**

Nazaret Kechejian

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10891 Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

**#89.00 Motion to Dismiss Chapter 13 Bankruptcy  
Petition for Bad Faith**

Docket 49

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

An evidentiary hearing is required so that debtors can be cross examined about matters in the declarations. This cannot be ruled on based on bald assertions in the papers.

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

**Debtor(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Mary Dadyan

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10891 Hamid Farkhondeh and Mary Dadyan**

**Chapter 13**

**#90.00** Motion RE: Objection to Claim Number 7 by  
Claimant Noushin Laaly.

Docket 54

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

There is no need to rule on this claim until the state court litigation is completed. Thi can be continued a few months to see what the Superior Court rules

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

**Debtor(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Mary Dadyan

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Tuesday, October 23, 2018

Hearing Room 302

11:00 AM

1:18-11288 Neli Maria Negrea

Chapter 13

#91.00 Motion RE: Objection to Claim Number 8  
by Claimant Ellen Orsa

9/11/18

Docket 32

\*\*\* VACATED \*\*\* REASON: Case transferred to Judge Kaufman (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

There is an interesting issue of whether Mirzai applies or not to the *res judicata* analysis. Neither party discusses whether the rule in Bohbot,2014 Bankr. LEXIS 2680 might apply. In any case, this appears to be a complicated factual inquiry that may be better left to the judge who originally ruled on the issue.

The issue of the house and the boat can be discussed at the confirmation hearing in that this is a matter the Chapter 13 Trustee may want to evaluate before the next confirmation hearing.

**Party Information**

**Debtor(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Movant(s):**

Neli Maria Negrea

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11451 Loi Tan Nguyen**

**Chapter 13**

**#92.00** Objection to Homestead Exemption

Docket 21

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition filed. GRANTED. No appearance required

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

**Debtor(s):**

Loi Tan Nguyen

Represented By  
Khachik Akhkashian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11561 Mercedes R. Morales**

**Chapter 13**

**#93.00** Objection to Homestead Exemption

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

It appears schedules were amended to address trustee's objection and plan was confirmed. Should this be withdrawn?

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

**Debtor(s):**

Mercedes R. Morales

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11625 Blanca Araceli Michel**

**Chapter 13**

**#94.00** Motion to Avoid Lien JUNIOR LIEN with Trinity  
Financial Services, LLC

Docket 43

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition filed. Service proper. Motion GRANTED. No appearance required.

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

**Debtor(s):**

Blanca Araceli Michel

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Tuesday, October 23, 2018

Hearing Room 302

11:00 AM

1:18-11686 Jose DeJesus Hernandez

Chapter 13

#95.00 Objection to Homestead Exemption

Docket 17

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition filed. GRANTED. No appearance required

**Party Information**

**Debtor(s):**

Jose DeJesus Hernandez

Represented By  
Nicholas M Wajda

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11788 Maria Pilar Mashhoud**

**Chapter 13**

**#96.00** Objection to Homestead Exemption

Docket 14

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition filed. Motion GRANTED. No appearance required

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

**Debtor(s):**

Maria Pilar Mashhoud

Represented By  
Michael V Jehdian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11944 Sara Hinojosa and Jesus Hinojosa**

**Chapter 13**

**#97.00** Motion RE: Objection to Claim Number 3  
by Claimant LVNV FUNDING, LLC ITS  
SUCCESSORS AND ASSIGNS AS  
ASSIGNEE OF SOARING CAPITAL, LLC

Docket 22

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

No opposition filed. The statute of limitations has run, so the claim is disallowed. Objection GRANTED. No appearance required.

**Party Information**

**Debtor(s):**

Sara Hinojosa

Represented By  
R Grace Rodriguez

**Joint Debtor(s):**

Jesus Hinojosa

Represented By  
R Grace Rodriguez

**Movant(s):**

Sara Hinojosa

Represented By  
R Grace Rodriguez

Jesus Hinojosa

Represented By  
R Grace Rodriguez

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10559 Sam Shem Tov Dan**

**Chapter 13**

**#98.00** Objection to the Trustee's Notice of Intent to pay claims

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Counsel needs to move quickly to resolve any issues so that trustee can commence paying claims. What time frame is counsel promising?

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

**Debtor(s):**

Sam Shem Tov Dan

Represented By  
Shai S Oved

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

11:00 AM

**1:13-14890 Josephine E Williams**

**Chapter 13**

**#98.01** Order setting hearing on Objection to proposed order on Motion to avoid lien

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED.

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

**Debtor(s):**

Josephine E Williams

Represented By  
Carlo Reyes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, October 23, 2018**

**Hearing Room 302**

12:00 PM

**1:18-10524 Peter A. Holliday**

**Chapter 13**

**#99.00** Motion RE: Objection to Claim Number 6,7  
by Claimant Kristie Laurel Holliday

fr. 6/19/18, 9/11/18

Docket 30

**Courtroom Deputy:**

Yes, time (12:00 noon) is correct! jc

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Peter A. Holliday

Represented By  
Stephen Parry

**Movant(s):**

Peter A. Holliday

Represented By  
Stephen Parry  
Stephen Parry  
Stephen Parry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

9:30 AM

**1:15-11292 Mark Handel**

**Chapter 11**

**#1.00 Post Confirmation Status Conference**

fr. 6/18/15; 6/11/15; 9/10/15; 12/10/15; 3/3/16,  
5/5/16, 7/28/16, 9/15/16, 10/20/16; 3/30/17; 3/29/17  
7/12/17, 11/8/17, 12/13/17, 3/21/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11 am calendar (eg)**

**Tentative Ruling:**

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Mark Handel

Represented By  
David L. Neale  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12518 Ireland Needlecraft, Inc.**

**Chapter 11**

**#2.00** Motion For Final Decree  
and Order Closing Case

Docket 189

\*\*\* VACATED \*\*\* REASON: Matter moved to the 11:00 a.m. calendar -  
jc

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox

**Movant(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

9:30 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#3.00 Scheduling and Case Management Conference

fr. 3/28/18

Docket 0

\*\*\* VACATED \*\*\* REASON: Matter moved to 11 am calendar (eg)

**Tentative Ruling:**

Claims bar date has been set already at 3/8/18

Objections to claims deadline: July 13, 2018

Disclosure statement filing deadline: August 31, 2018

Proposed disclosure statement hearing: October 24, 2018, 9 :30 am

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

**Party Information**

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By  
Matthew D Resnik

**Joint Debtor(s):**

Keri Ingvarsson

Represented By  
Matthew D Resnik

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

9:30 AM

1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson

Chapter 11

#4.00 Disclosure Statement Describing Chapter 11 Plan of Reorganization.

Docket 74

\*\*\* VACATED \*\*\* REASON: Matter moved to 11 am calendar (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Joint Debtor(s):**

Keri Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#5.00** U.S. Trustee Motion to dismiss or convert under 11 U.S.C. § 1112(B)

Docket 56

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11 am calendar (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12262 Smart Solar Energy Sales, Inc**

**Chapter 11**

**#6.00 U.S. Trustee Motion to dismiss or convert Case**

Docket 19

**\*\*\* VACATED \*\*\* REASON: Matter moved to 11 am calendar (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Smart Solar Energy Sales, Inc

Represented By  
Stephen L Burton



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12496 Willian Gil**

**Chapter 13**

**#6.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refileing

Docket 7

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Willian Gil

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#7.00** Motion for relief from the automatic

PENNYMAC LOAN SERVICES

Docket 2149

**\*\*\* VACATED \*\*\* REASON: Stip. cont. to 12/19/18, @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

Richard Burstein

Michael W Davis

David Seror

David Seror (TR)

Steven T Gubner

Reagan E Boyce

Jessica L Bagdanov

Reed Bernet

Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli**

**Chapter 13**

**#8.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 7/18/18; 9/26/18

Docket 35

**Tentative Ruling:**

This hearing was continued twice per stipulation. What is the status of this Motion?

APPEARANCE REQUIRED

7-18-18 TENTATIVE BELOW

Petition Date: 3/27/15

Chapter 13 plan confirmed: 6/12/15

Service: Proper. Opposition filed.

Property: 23648 Del Cerro Circle, Canoga Park, CA 91304

Property Value: \$694,000 (per debtor's schedules)

Amount Owed: \$890,388.42

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$33,488.81 (6 payments of \$2,404.61; 10 payments of \$2,061.67; less suspense account balance of \$1,555.55)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that they've made more payments than have been accounted for in the Motion. Debtors state that in August 2017, they received a letter from Nationstar that informed them that their account was "paid ahead" and that the next payment would be due on January 1, 2018. See Ex. A. Nationstar, Debtors allege, communicated directly with them

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

CONT... **Romeo J Pettinelli and Gloria J Pettinelli** Chapter 13

(instead of their attorney) and assured them that their account was in good standing and that their funds were being held in a special account. Debtors claim that this Motion was the first time that they heard their account was delinquent.

Debtors' counsel stated in her declaration that after communicating with Movant about the Motion and requesting a full accounting, Movant sent to chapter 13 trustee a check for \$50,020.99, without documentation as to why the money was sent. Counsel contends that Nationstar misapplied Debtor's payments.

Has Movant provided to Debtors' counsel the accounting requested in June?

APPEARANCE REQUIRED

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

**Debtor(s):**

Romeo J Pettinelli

Represented By  
Eliza Ghanooni

**Joint Debtor(s):**

Gloria J Pettinelli

Represented By  
Eliza Ghanooni

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-10194 Heliodoro Navarro**

**Chapter 13**

**#9.00** Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 64

**Tentative Ruling:**

Petition Date: 01/21/2016

Chapter 13 plan confirmed: 10/7/16

Service: Proper. No opposition filed.

Property: 8242 Ventura Canyon Avenue, Panorama City, CA 91402-5425

Property Value: \$484,184.00 (per debtor's schedules)

Amount Owed: \$494,363.48 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$22,717.53 (6 payments of \$2,009.36; 6 payments of \$1,902.54; less suspense account or partial paid balance of \$753.87)

Movant alleges that the last payment tendered was on or about 2/12/18.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

**NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.**

**MOVANT TO LODGE ORDER WITHIN 7 DAYS.**

**Party Information**

**Debtor(s):**

Heliodoro Navarro

Represented By  
Daniel F Jimenez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Heliodoro Navarro**

**Chapter 13**

**Movant(s):**

The Bank of New York Mellon as

Represented By  
Daniel K Fujimoto  
Caren J Castle

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13598 Bruce Jeffrey Starin and Geraldine Papal Starin**

**Chapter 13**

**#10.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 9/26/18

Docket 68

**Tentative Ruling:**

This hearing was continued from 9-26-18 so that Debtors had an opportunity to have motions related to modifying their plan and refinancing real property resolved. The Court also continued the hearing so that Movant could properly serve other creditors with a secured interest in the subject property.

The Court has granted the Motion to Refinance Real Property (ECF doc. 89) and the Motion to Modify Plan (ECF doc. 87). On 9-26-18, Movant filed a Proof of Service of the Motion, showing proper service on Unifund CCR, LLC. Service on Los Angeles County Treasurer & Tax Collector was not proper, however, per the address listed for the creditor in Appendix D of the Court Manual and the address listed by the creditor on the Proof of Claim no. 6.

APPEARANCE REQUIRED.

9-26-18 TENTATIVE BELOW

Petition Date: 12/21/16

Chapter 13 plan confirmed: 5/9/17

Service: NOT proper - secured judgment lien creditors not served.

Opposition filed.

Property: 12001 Martha St., North Hollywood, CA 91607

Property Value: \$740,000 (per Appraisal ISO Debtor's Opposition)

Amount Owed: \$137,602

Equity Cushion: 81.4%

Equity: \$602,398

Post-confirmation Delinquency: \$8,172.90 (10 payments of \$817.29)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Bruce Jeffrey Starin and Geraldine Papel Starin**

**Chapter 13**

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received on this debt was on or about 11/6/17.

Debtors oppose the Motion, arguing that there is considerable equity in the property and that they have been conditionally approved for a reverse mortgage in the amount of \$280,015.80. Once approved by the Court, the reverse mortgage will enable them to pay off all of the encumbrances against the Property, including Movant's claim, with \$28,000 left over to pay off most of the unsecured creditors in class 5.

Given that Movant's claim is protected by sufficient equity, the Court finds grounds to continue this hearing to **October 24, 2018, at 11:00 a.m.**, to allow time for (1) Movant to serve other creditors with a secured interest in the Property; and (2) Debtors to have all of the Motions related to approving the refinance and the motion to modify plan resolved.

APPEARANCES WAIVED ON 9/26/18

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

**Debtor(s):**

Bruce Jeffrey Starin

Represented By  
John D Monte

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:17-10637 Liliya F Kargina

Chapter 13

#11.00 Motion for relief from stay

SETERUS, INC.

Docket 63

**Tentative Ruling:**

Petition Date: 03/13/2017

Chapter 13 plan confirmed: 8/31/17

Service: Proper. No opposition filed.

Property: 18319 Collins St, # 8, Tarzana, CA 91356

Property Value: \$398,000.00 (per debtor's schedules)

Amount Owed: \$208,364.16 (per RFS motion)

Equity Cushion: 40.0%.

Equity: \$189,635.84.

Post-confirmation Delinquency: \$4,564.45 (4 payments of \$1,258.74; less  
suspense account or partial paid balance of \$470.51)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor's plan has only recently been confirmed and there is a sizeable equity cushion to protect Movant's claim. Have the parties discussed whether an APO is a feasible solution?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Liliya F Kargina

Represented By  
Alla Tenina

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Liliya F Kargina**

**Chapter 13**

**Movant(s):**

SETERUS, INC., AS THE

Represented By  
James F Lewin  
Renee M Parker

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon

Chapter 13

#12.00 Motion for relief from stay

JPMORGAN CHASE BANK

fr. 9/26/18

Docket 109

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 122) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Movant(s):**

JPMORGAN CHASE BANK,

Represented By  
Christina J O  
Lee Gates

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#13.00** Motion for relief from the automatic stay

WILMINGTON SAVINGS FUND SOCIETY

Docket 41

**Tentative Ruling:**

Petition Date: 09/28/2017  
Chapter 13 plan confirmed: 4/13/18  
Service: Proper. Opposition filed.  
Property: 4991 Medina Drive, Woodland Hills, CA 91364  
Property Value: \$1,287,000.00 (per debtor's schedules)  
Amount Owed: \$ 1,187,285.35 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$99,714.65  
Post-confirmation Delinquency: \$7,486.86 (2 payments of \$3,743.43)

Movant alleges case for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay) and **14** (post-petition payment added to the outstanding balance of the subject as non-bankruptcy law). Movant alleges that the last payment tendered was on or about 8/27/18.

Debtors oppose the Motion, arguing that their chapter 13 plan has been confirmed and Debtors propose to enter into an APO with Movant. Debtors stated that they would mail a payment to bring Movant current through Oct. 2018. Lastly, Debtors request a payment history, as none was provided with the Motion.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Norman Everett Ross, Jr. and Edna Henderson Ross**  
Barry E Borowitz

**Chapter 13**

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:18-10083 Abdul K. Patel

Chapter 13

#14.00 Motion for relief from the automatic stay

TOYOTA MOTOR CREDIT CORPORATION

Docket 24

**Tentative Ruling:**

Petition Date: 01/10/2018

Chapter: 13

Service: Proper. Opposition filed.

Property: 2016 Toyota Prius

Property Value: \$16,373.00 (per debtor's schedules)

Amount Owed: \$23,894.90 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$1,408.86 (1 payment of \$434.90; 2 payments of \$486.98)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **5** (termination of co-debtor stay-as to debtor's step son) and **6** (waiver of 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Debtor's stepson, Shahbaz Jaweedan, drives the Vehicle and that he cured the entire delinquency. Debtor states that his stepson's payment brought the loan current on all post-petition payments one day prior to the Movant's filing of this motion.

If the delinquency has been cured, is Movant amenable to withdrawal of this Motion?

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Abdul K. Patel**

**Chapter 13**

**Debtor(s):**

Abdul K. Patel

Represented By

David Samuel Shevitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

**1:18-10382 John Edward Wilds and Lisa Irene Wilds**

**Chapter 13**

**#15.00** Motion for relief from the automatic stay

U.S. BANK NATIONAL ASSOCIATION

Docket 37

**Tentative Ruling:**

Petition Date: 02/12/2018

Chapter: 13

Service: Proper; co-debtor served. No opposition filed.

Property: 6767 Pheasant Lane, Oak Park, CA 91377

Property Value: \$ 632,040.00 (per debtor's schedules)

Amount Owed: \$512,777.53 (per RFS motion)

Equity Cushion: 11%

Equity: \$119,262.47.

Post-Petition Delinquency: \$6,470.94 (3 payments of \$3,210.30 and less  
suspense account or partial paid balance of \$3,159.96)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

There appears to be a sizeable equity cushion to protect Movant's claim.  
Have the parties discussed whether an APO is a feasible solution?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

John Edward Wilds

Represented By  
Randall V Sutter

**Joint Debtor(s):**

Lisa Irene Wilds

Represented By



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT...**

**John Edward Wilds and Lisa Irene Wilds**

**Chapter 13**

Randall V Sutter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

**1:18-10587 Marcela Navarrete Melendrez**

**Chapter 13**

**#16.00** Motion for relief from stay

BANK OF AMERICA, N.A.

Docket 42

**Tentative Ruling:**

Petition Date: 03/07/2018  
Chapter 13 plan confirmed: 8/14/18  
Service: Proper. No opposition filed.  
Property: 6449 Elmer Avenue, Los Angeles, CA 91606  
Property Value: \$567,576.00 (per debtor's schedules)  
Amount Owed: \$286,094.34 (per RFS motion)  
Equity Cushion: 42.0%  
Equity: \$281,481.66.  
Post-Petition Delinquency: \$7,254.96 (3 payments of \$2,198.16; cost added for administration of bankruptcy claim of \$665; less suspense account or partial paid balance of 4.52)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **6** (waiver of the 4001(a) (3) stay). Movant alleges that the last payment tendered was on or about 6/8/18.

Debtor's plan has only recently been confirmed and there is a sizeable equity cushion to protect Movant's claim. Have the parties discussed whether an APO is a feasible solution?

**APPEARANCE REQUIRED**

<b>Party Information</b>
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**Debtor(s):**

Marcela Navarrete Melendrez

Represented By  
Raymond Perez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Marcela Navarrete Melendrez**

**Chapter 13**

**Movant(s):**

Bank of America, N.A.

Represented By  
Asya Landa  
Diana Torres-Brito

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11423 Henry W Hardison, Jr**

**Chapter 13**

**#17.00** Motion for relief from the automatic stay

SECOND CHANCE HOME LOAN LLC

Docket 37

**Tentative Ruling:**

Petition Date: 06/04/2018

Chapter:13

Service: Proper. Opposition filed.

Property: 21649 Arapahoe Trail, Chatsworth, CA 91311

Property Value: \$580,000.00 (per debtor's schedules)

Amount Owed: \$197,888.56 (per RFS motion)

Equity Cushion: 14.0% (the first mortgage holder: SPS Select Portfolio

Servicing; amount of claim: \$255,985.00)

Equity: \$156,126.44

Post-Petition Delinquency: \$4,586.87 (3 payments of \$1,128.85; postpetition advances or other charges due but unpaid \$169.32; attorney's fees and costs of \$1,031)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **6** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the property is necessary for an effective reorganization because the loss of his home would result in significant cost to the estate in moving expenses leaving less money available to the creditors. Debtor argues that Movant is adequately protected by an equity cushion of 23.4%, that the property is fully provided for in the chapter 13 plan and all post-petition arrearages will be cured by the hearing date on the motion.

**APPEARANCE REQUIRED.**

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Henry W Hardison, Jr**

**Chapter 13**

**Debtor(s):**

Henry W Hardison Jr

Represented By  
James Geoffrey Beirne

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11458 Russ Gene Robinson**

**Chapter 7**

**#18.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

Docket 18

**Tentative Ruling:**

On October 12, 2018, Debtor's case was dismissed with a 180-day bar to refile. Because no request for *in rem* relief or annulment was made in the Motion, it is DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS. RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**Debtor(s):**

Russ Gene Robinson

Pro Se

**Movant(s):**

U.S. Bank National Association

Represented By  
Sean C Ferry

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:18-12036 Rene Pastor Alvarez

Chapter 7

#19.00 Motion for relief from stay

US BANK NA

Docket 16

**Tentative Ruling:**

Petition Date: 09/07/18

Chapter:7

Service: Proper. No opposition filed.

Property: 10864 Sharp Avenue, Mission Hills, CA 91345

Property Value: \$ 701,129 (per debtor's schedules)

**No portion owned by debtor** per debtor's schedules

Amount Owed: \$ 788,090.76 (per RFS motion)

Equity Cushion: Unknown

Equity: \$0.00.

Post-Petition Delinquency: Unknown

Movant argues that this case was filed in bad faith because movant is the one of few creditors listed in the Debtor's case commencement document and multiple bankruptcies affecting, the subject property, done with the intent to delay, hinder, or defraud creditors.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of 4001(a)(3) stay); **8** (Designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (Relief under 362(d)(4)); and **10** (relief binding and effective for 180 days against any debtor)

DENY relief under paragraph **11** (relief binding and effective in any future bankruptcy case), as such relief requires the filing of an adversary proceeding under FRBP 7001.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Rene Pastor Alvarez**

**Chapter 7**

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT  
HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

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

**Debtor(s):**

Rene Pastor Alvarez

Pro Se

**Movant(s):**

U.S. Bank NA, as successor trustee

Represented By  
Nancy L Lee

**Trustee(s):**

Diane C Weil (TR)

Pro Se



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Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12111 Andrea Yvonne Kelley**

**Chapter 7**

**#20.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 11

**Tentative Ruling:**

On October 5, 2018, Debtor's case was dismissed for failure to file required case commencement documents. Because no request for *in rem* relief or annulment was made in the Motion, it is DENIED as moot.

NO APPEARANCE REQUIRED. MOVANT TO LODGE ORDER WITHIN 7 DAYS. RULING MAY BE MODIFIED AT HEARING.

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

**Debtor(s):**

Andrea Yvonne Kelley

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11451 Loi Tan Nguyen**

**Chapter 13**

**#20.01** Motion for relief from the automatic stay.

GLEN BLUNDEN AND PAMELA BLUNDEN

fr. 10/10/2018

Docket 26

**Tentative Ruling:**

This hearing was continued at the last hearing at the request of the parties.  
What is the status of this Motion?  
APPEARANCE REQUIRED

10-10-18 TENTATIVE BELOW

Petition Date: 09/17/18

Chapter:13

Service: Proper. No opposition filed.

Property: 7647 Quimby Avenue, West Hills, CA 91304

Property Value: \$ 754,745 (per debtor's schedules)

Amount Owed: \$ 108,816.86 (per RFS motion)

Equity Cushion: 78%

Equity: \$ 645,928.14.

Post-Petition Delinquency: 4,257.99 (4 payments of \$762.09; 3 payments of \$76.21; and attorney fee of \$981)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

Deny **5** (co-debtor stay is waived) because the co-debtor, the other joint tenant was not served.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Loi Tan Nguyen**

**Chapter 13**

**Party Information**

**Debtor(s):**

Loi Tan Nguyen

Represented By

Khachik Akhkashian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01030      Gottlieb (TR) v. Gemilyan

**#21.00**      Pre-Trial Conference re: Complaint

fr. 5/2/18

Docket      1

**\*\*\* VACATED \*\*\* REASON: Judgment entered 9/10/18 (doc. 30) - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Karen Galust Gemilyan

Pro Se

**Plaintiff(s):**

David K. Gottlieb (TR)

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056      GOTTLIEB v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#22.00**      Status Conference Re: Complaint to  
Determine Validity of Lien; to Determine  
Extent and Validity of Lien; to Avoid  
Fraudulent Transfers; to Preserve Void  
or Avoided Transfers for the Estate

fr. 7/18/18

Docket      1

\*\*\* VACATED \*\*\*      **REASON: Stip. continued to 12/18/2019 @ 11:00 a.m.  
[JJ]**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Maro Burunsuzyan

Pro Se

Law Offices of Maro Burunsuzyan,

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11853 Daniel Mark Stipkovich**

**Chapter 13**

Adv#: 1:18-01099 Stipkovich v. Trinity Financial Services, LLC et al

**#23.00** Status Conference Re: Complaint for:  
1 - Declaratory Relief to Determine the Validity of Lien  
2 - Fraud

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Defendant(s):**

West H&A, LLC

Pro Se

Patrick Joseph Soria

Pro Se

Trinity Financial Services, LLC

Pro Se

**Plaintiff(s):**

Daniel Mark Stipkovich

Represented By  
Brandon J Anand

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#24.00** Motion to Withdraw as Attorney

Docket 35

**Tentative Ruling:**

No opposition. GRANTED. NO Appearance required.

<b>Party Information</b>
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**Debtor(s):**

Claudia Maria Ragsdale

Pro Se

**Defendant(s):**

Claudia Maria Ragsdale

Represented By  
William J Smyth

**Plaintiff(s):**

American Contractors Indemnity

Represented By  
R Gibson Pagter Jr.  
Misty A Perry Isaacson

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:15-11292 Mark Handel**

**Chapter 11**

**#25.00 Post Confirmation Status Conference**

fr. 6/18/15; 6/11/15; 9/10/15; 12/10/15; 3/3/16,  
5/5/16, 7/28/16, 9/15/16, 10/20/16; 3/30/17; 3/29/17  
7/12/17, 11/8/17, 12/13/17, 3/21/18

Docket 1

**Tentative Ruling:**

**APPEARANCE REQUIRED**

It appears payments are on track, and the court will await the motion to close the case when the debtor's payments have shown that the plan is substantially consummated. Hearing kept on in case any creditor appears.

**Party Information**

**Debtor(s):**

Mark Handel

Represented By  
David L. Neale  
John-Patrick M Fritz



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson**

**Chapter 11**

**#26.00 Disclosure Statement Describing Chapter 11  
Plan of Reorganization**

Docket 74

**Tentative Ruling:**

There appears to be adequate disclosure. Tax returns should be filed before any confirmation hearing. Debtors should examine MORs more closely to see if more can be paid through the plan. There are significant entertainment and eating out expenses that will need to be explained at confirmation.

Counsel should propose a solicitation/confirmation schedule in line with when tax returns are likely to be filed.

Potential confirmation hearing dates at **10 am** are January 9, 16 or 23 or February 6

<b>Party Information</b>
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**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**Joint Debtor(s):**

Keri Ingvarsson

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10309 Henrik Andreas Ingvarsson and Keri Ingvarsson**

**Chapter 11**

**#27.00 Scheduling and Case Management Conference**

fr. 3/28/18

Docket 0

**Tentative Ruling:**

The Disclosure Statement, Chapter 11 Plan of Reorganization (the "Plan"), and a ballot conforming to Official Form 14, shall be mailed, along with notice of all relevant dates, to creditors, equity security holders, the Office of the United States Trustee and other parties in interest, pursuant to Bankruptcy Rule 2002, no later than : \_\_\_\_\_

Ballots to be returned and objections to confirmation to be filed no later than: \_\_\_\_\_

Confirmation Brief stating why the Plan should be confirmed and admissible evidence supporting all applicable elements of 11 U.S.C. §1129, a ballot summary, and Debtor's response to any objections to be filed no later than: \_\_\_\_\_

Confirmation hearing to be held on: \_\_\_\_\_

DEBTOR TO LODGE CONFIRMATION SCHEDULING ORDER WITH THE DATES SET BY THE COURT WITHIN 7 DAYS.

FAILURE TO LODGE THE CONFIRMATION SCHEDULING ORDER MAY RESULT IN DISMISSAL OR CONVERSION.

**Party Information**

**Debtor(s):**

Henrik Andreas Ingvarsson

Represented By  
Matthew D Resnik

**Joint Debtor(s):**

Keri Ingvarsson

Represented By  
Matthew D Resnik

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Henrik Andreas Ingvarsson and Keri Ingvarsson**

**Chapter 11**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#28.00 Motion to Abandon REQUIRED FEE DEFERRED  
Motion of Chapter 7 Trustee for Order Deeming Estate's  
Interest in Real Property

Docket 2155

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Motion to Abandon *Nunc Pro Tunc* to Sept. 24, 2018, the Court finds that the subject property is burdensome and/or of inconsequential value and benefit to the Estate.  
Motion GRANTED.

APPEARANCES WAIVED ON 10/24/18.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#29.00** Motion to Disallow Claims Objection to Payment of Claim #1 filed by SP22, Inc., Scott Parrish and Saeideh Parrish.

fr. 9/26/2018

Docket 136

**\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 11/7/18 at 11 a.m. - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Howard Camhi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#30.00 Motion RE: Objection to Claim Number 10 by  
Claimant Rosemond Community Services District

fr. 7/31/18, 8/8/18

Docket 114

**Tentative Ruling:**

8-8-18 TENTATIVE RULING BELOW

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See *also* Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm ( In re Holm ), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see *also* Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

Based on what has been filed, Khatibi has rebutted the validity of the amount

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

CONT... **Richard Khatibi**

**Chapter 13**

on the amended proof of claim. A careful review of the documents and declarations submitted indicate that Khatibi does owe a certain amount to Rosamond, but the exact amount requires an evidentiary hearing to determine. Rosamond will commence the presentation of evidence and must show by a preponderance how much Khatibi owes. The debtor's arguments as to owing nothing are not persuasive. The following summary highlights the questions that need to be resolved at an evidentiary hearing.

**Nature of the Bonds**

It appears the nature of the bond tenders is an offset, but this must be explained as the two parties seem to be confusing both which Special Assessment District bonds are being paid or offset and whether the "tender" value is controlling or some other value.

**Chronology of Parcel 375-072-20 ("Subject Property")**

Reviewing the jumbled stack of documents the parties have submitted, the following chronology and questions emerge:

5/26/04: Khatibi buys \$150,000 of Rosamond Community Services District 91-3 8% bonds, due 9/2/08 from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 24.

5/26/04: Payoff Quote for 91-3 bond from NBS Government Finance Group (Rosamond) for \$178,776.66 for the Property. This document is almost illegible—in particular, the dates. It's unclear what this payoff quote represents, because Khatibi acknowledges the payoff quote of \$178,776.66 in the Notice of Intention, below, but then paid \$212,834 toward the "total" of \$630,228. DEC OF KOSLA, EXHIBIT 1, P. 29. This must be explained further.

5/28/04: Notice of intention from Khatibi to tender 91-3 bonds with face value of \$245,000, tender value of \$350,667.29. Large amount of that went to other parcels. \$212,834, per Khatibi's math, went toward the total \$630,228.11 owed on the Subject Property. Check for \$6,136 also paid for administrative fees. DEC OF KOSLA, EXHIBIT 1, P. 20

5/28/04: Receipt for \$245,000 "face value bonds" from Khatibi, and \$6,136 from Khatibi for "bond tender fee." No indication of whose receipts these are without authentication. DEC OF KOSLA, EXHIBIT 1, P. 25. Khatibi argues that the "redemption amount was actually approximately \$350,000." DEC OF KHATIBI IN

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11:00 AM

**CONT... Richard Khatibi**

**Chapter 13**

SUPPORT OF OBJECTION TO CLAIM, P. 6. What does that mean?

12/14/04: Notice of Intention from Khatibi, indicating he will tender 90-2 bonds for the Property with tender value \$91,640.21. He indicates his belief that the payoff quote for the 90-2 lien was \$95,979.55, leaving \$4,339.34 "to be paid in cash." There is also an indication that he was tendering 91-3 bonds toward the property with face value of \$10,000 and a [blank] tender value. DEC OF KOSLA, EXHIBIT 1-4, P. 88. This is totally confusing.

1/25/05: Receipts for \$20,000 90-2 bond received from Richard Khatibi. DEC OF KOSLA, EXHIBIT 1-5, P. 90.

2/7/05: "**Paid in full**" letter, stating "the above mentioned parcel is now paid in full." This letter also indicates that Khatibi tendered a \$25,000 bond, but there is no other record of that bond tender that I can find. OBJ. TO CLAIM EX. 6

**ILLEGIBLE RECORDS; UNCLEAR DATES BUT SEEMINGLY IN THIS PERIOD. P. 30-33**

7-13-05: Contract assigning Rosamond bonds, but no indication as to the parties to this contract. DEC OF KOSLA, EXHIBIT 1, P. 34.

9/6/05: Khatibi buys \$70,000 of Rosamond Community Services District 91-3 bonds from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 35.

1/19/06: Khatibi buys \$105,000 of Rosamond Community Services District 91-3 8% bonds, due 9/2/08 from David Wheeler. DEC OF KOSLA, EXHIBIT 1, P. 26-28.

1/23/06: Email, checks and other documents indicating that Derek Tabone and Patrick Mcwhorter sold 91-3 bonds to Khatibi. DEC OF KOSLA, EXHIBIT 1, P. 37-40.

3/28/08: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT A, P. 6.

6/20/12: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT B, P. 14.

4/23/13: Complaint in Judicial Foreclosure, Rosamond v. Khatibi. REQ. FOR JUDICIAL NOTICE EXHIBIT D, P. 38.



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CONT... Richard Khatibi

Chapter 13

10/29/13: Letter from Kwasigroch to Rosemond's foreclosure counsel re: accounting

2/24/14: Settlement agreement prepared by Ms. Fogelman (for Rosamond), indicating that Khatibi acknowledges delinquent assessments on the Property amounting to \$283,031.90, not including penalties, interest, and costs. Khatibi agrees to pay \$298402.93 through 60 monthly payments ending February 15, 2019. Khatibi's signature block is unsigned. DEC OF KOSLA, EXHIBIT 2, P. 92-98. Rosamond allegedly waives \$514,872 in interest and \$28,293.20 in penalties for this agreement, which would be a total of \$836,197.10 due absent this agreement. DEC OF KOSLA, P. 4. Unless Khatibi signed this document, it will not be admitted as it appears to be a settlement offer. All other items objected to appear to be admissible if properly authenticated.

1/6/17: Notice of intent to remove delinquent assessment installments from tax roll. REQ. FOR JUDICIAL NOTICE EXHIBIT C, P. 34.

2/1/18: Rosamond files proof of claim for \$1,455,491.60. Proof of Claim No. 10-1.

3/19/18: Rosamond attorney "discovered some of the 2004 bond tender documents that Mr. Kwasigroch had emailed in 2013 to Ms. Fogelman.

Issues:

What amount was due as of 5/28/04?

The payoff quote from 5/26/04 indicates that \$178,776.66 was due. However, there seems to be a distinction between the "NBS payoff quote" and the other amounts due. In Khatibi's May 28, 2004 Notice of Intention calculations, the NBS Payoff quote is added to the delinquency, penalties, and interest for a total of \$630,228.11. In his calculation, the NBS payoff quote looks like a debt collection fee or something similar.

The evidence from Rosamond regarding the amount owed on May 28, 2004, is unclear. Attached to the first proof of claim is an accounting from Rosamond without any of the credits applied for what Khatibi paid or the bonds he tendered. The amount provided is \$1,455,491.60. The principal amounts of these assessments seem to be assessed until Tax Year 2011-2012. How long did the yearly assessments on this 1991 bond last? These numbers seem to indicate 20 years, but that seems like a long time.

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CONT...

**Richard Khatibi**

**Chapter 13**

Attached to Rosamond's amended proof of claim is a similar accounting in support of the amended claim of \$749,752. This amended spreadsheet omits all deficiencies from 1996-2004, which were included on the previous accounting. Notably, what is missing from BOTH accountings is a history of the credits from payments made by Khatibi and the bonds he tendered. Rosamond seems to be starting with the assumption that Khatibi paid nothing, then amending their proof of claim as Khatibi provides proof that he made certain payments. This is backwards, as Rosamond has the burden of establishing its claim.

What were the yearly amounts due, the interest rates, and penalties?

Khatibi contests Rosamond's accounting, which states that the yearly principal due is around \$34,000-\$36,000—not including penalties and interest. Khatibi says that the yearly taxes for this property were under \$200. This argument is murky, and ignores other taxes being due on the property in addition to the assessments. There clearly seems to be a disagreement about the principal amount of the taxes that were due, even if Khatibi had paid them timely. I need to know this amount before I can begin to calculate the interest rate. What specifically were the allowed penalties?

What was the tender amount of the 5/28/04 bonds?

By Khatibi's math, the 5/28 bonds had a tender value of \$350,667.29. The receipt from Rosamond says that bonds with \$245,000 face value were received. How did Rosamond apply those funds, or what it believed was owed on 5/28/04? The only indication we have is the NBS payoff quote, which is potentially inadequate as discussed above.

No information about Bond Tenders between 5/28/04 and the 2/7/05 Paid in full Letter

The 2/7/05 paid in full letter indicates that Khatibi had tendered a \$25,000 bond. I don't see any other record of that bond (no receipt, for example), which makes me question whether there were any other bonds tendered in that period which are not accounted for. The record is further obscured by Khatibi's continued payments after the Paid in Full Letter.

Bring your calendars so a date for an evidentiary hearing can be set. The parties should identify what witnesses will be presented, file an exhibit list beforehand and be prepared to explain these issues and any others at the

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**CONT...**     **Richard Khatibi**  
evidentiary hearing.

**Chapter 13**

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

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Movant(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

**1:16-12518 Ireland Needlecraft, Inc.**

**Chapter 11**

**#30.01** Motion For Final Decree and  
Order Closing Case.

Docket 189

**Tentative Ruling:**

Service proper. No objections filed. Having reviewed the Motion for Final Decree & Order Closing Case, the Court finds that all requirements for entry of final decree have been met, and the case may be closed.

Motion GRANTED. MOVANT TO LODGE ORDER WITHIN 7 DAYS.  
APPEARANCES WAIVED ON 10/24/18.

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

**Debtor(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox

**Movant(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox  
Steven R Fox

**United States Bankruptcy Court  
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11:00 AM

**1:18-11411 Schaffel Development Company, Inc.**

**Chapter 11**

**#31.00** Application for Compensation First Interim for  
Law Offices of Arthur J. Lettenmaier  
Special Counsel, Period: 7/12/2018 to 9/28/2018,  
Fee: \$6237, Expenses: \$1045.

Docket 61

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First Interim Application, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 10/24/18.

**Party Information**

**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
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11:00 AM

**1:18-11411 Schaffel Development Company, Inc.**

**Chapter 11**

**#32.00** Application for Compensation Debtor's Attorney,  
Period: 6/1/2018 to 9/30/2018, Fee: \$33,610.50,  
Expenses: \$614.48.

Docket 62

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First Interim Application, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON 10/24/18.

**Party Information**

**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
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Wednesday, October 24, 2018

Hearing Room 302

11:00 AM

**1:18-11583 Kourosh Izadpanahi**

**Chapter 7**

#33.00 Motion to Avoid Lien with Bank of America NA

fr. 9/12/18

Docket 13

**Tentative Ruling:**

Service of this motion was improper under Fed. R. Bankr. P. 7004(h), as the service by Certified U.S. Mail on Bank of America was sent to the address for Capital One. Debtor also did not state the amount of the exemption he is claiming, making it impossible to calculate the amount of the lien that may be unsecured under section 522. There have been numerous continuances and attempts to do this properly, but it is still not proper. Debtor has the burden of proof and has not met it. Motion is DENIED.

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

**Debtor(s):**

Kourosh Izadpanahi

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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Hearing Room 302

11:00 AM

1:18-11583 Kourosh Izadpanahi

Chapter 7

#34.00 Motion to Avoid Lien with Capital One Bank USA NA

fr. 9/12/18

Docket 16

**Tentative Ruling:**

Service of this motion was improper under Fed. R. Bankr. P. 7004(h), as the service by Certified U.S. Mail on Capital One was sent to the address for Bank of America. Debtor also did not state the amount of the exemption he is claiming, making it impossible to calculate the amount of the lien that may be unsecured under section 522. There have been numerous continuances and attempts to do this properly, but it is still not proper. Debtor has the burden of proof and has not met it. Motion is DENIED.

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

**Debtor(s):**

Kourosh Izadpanahi

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



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**Wednesday, October 24, 2018**

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11:00 AM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#35.00** U.S. Trustee Motion to dismiss or convert under 11 U.S.C. § 1112(B)

Docket 56

**Tentative Ruling:**

The payment of prepetition wages and professional fees without court authority is quite disturbing. Debtor needs to clarify and file appropriate motions ASAP.

<b>Party Information</b>
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**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

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**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12262 Smart Solar Energy Sales, Inc**

**Chapter 11**

**#36.00 U.S. Trustee Motion to dismiss or convert Case**

Docket 19

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Smart Solar Energy Sales, Inc

Represented By  
Stephen L Burton

**United States Bankruptcy Court  
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**Wednesday, October 24, 2018**

**Hearing Room 302**

11:00 AM

**1:13-17664 Andrew Reder**

**Chapter 11**

**#36.01 Motion to Dismiss**

Docket 130

**Tentative Ruling:**

This motion does not make clear - has creditor filed a judgment lien on this property? Debtor should pay creditors out of proceeds, but the creditor also should have followed up any judgment with a lien, or he cannot stop the sale he complains of.

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Andrew Reder

Represented By  
Anthony Obehi Egbase  
A.O.E. Law & Associates

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11:00 AM

**1:13-17664 Andrew Reder**

**Chapter 11**

**#36.02** Order Setting Hearing on Motion to withdraw as counsel of Record for debtor and debtor in possession.

Docket 0

**Tentative Ruling:**

Motion to be GRANTED.  
APPEARANCE REQUIRED due to shortened time

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

**Debtor(s):**

Andrew Reder

Represented By  
Anthony Obehi Egbase  
A.O.E. Law & Associates

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**Wednesday, October 24, 2018**

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11:00 AM

**1:18-12047 Shelia Deloris Graham**

**Chapter 7**

**#36.03** Emergency Motion Re: Violation of the Automatic Stay.

Docket 21

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Shelia Deloris Graham

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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**Wednesday, October 24, 2018**

**Hearing Room 302**

1:00 PM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#37.00** Motion to Dismiss the Abselets Counterclaim

Docket 146

**\*\*\* VACATED \*\*\* REASON: Notice of withdrawl filed 10/22/18 (jj)**

**Tentative Ruling:**

To be withdrawn based on amended counterclaim being filed

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

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

State Street Bank and Trust Co.

Pro Se

Citivist financial Services, Inc.

Pro Se

Israel Abselet

Represented By  
Henry S David

Howard Abselet

Represented By  
Henry S David

QUALITY LOAN SERVICE

Pro Se

Quality Loan Service

Pro Se

Soda Partners, LLC

Represented By  
Ronald N Richards

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By

**United States Bankruptcy Court  
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**CONT... Solyman Yashouafar**

**Chapter 11**

Daniel J McCarthy

Chase Manhattan Mortgage Co.

Pro Se

**Movant(s):**

Jack NOURAFSHAN

Represented By  
Daniel J McCarthy

Reliable Properties

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

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1:00 PM

**CONT... Solyman Yashouafar**

**Chapter 11**

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas



**United States Bankruptcy Court  
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Wednesday, October 24, 2018

Hearing Room 302

1:00 PM

**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#38.00** Pre-Trial Status Conference Re Complaint to:  
Determine Dischargeability of debt

fr. 9/27/17, 12/13/17; 2/14/18, 8/15/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Order cont as a status conf. to 12/19/18 at  
1:00p.m. [j.j]

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Claudia Maria Ragsdale Pro Se

**Defendant(s):**

Claudia Maria Ragsdale Pro Se

**Plaintiff(s):**

American Contractors Indemnity Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se

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**Friday, October 26, 2018**

**Hearing Room 302**

10:00 AM

**1:13-13056 Patricia Maria Blume**

**Chapter 13**

**#1.00** EVID HRG --  
Re Motion RE: Objection to Claim Number 1 by Claimant  
Deutsche Bank Trust Company Americas As Trustee  
For Residential Accredit Loans Inc. Pass Through  
Certificates 2006-QO10

fr. 9/11/18

Docket 49

**Tentative Ruling:**

Patricia Blume ("Debtor") filed this objection to claim (the "Objection") of her mortgage lender Deutsche Bank Trust Company Americas ("Deutsche"), serviced by Nationstar Mortgage, LLC, which is now known as Mr. Cooper ("Nationstar"). Proof of claim 1-1 was filed by Nationstar in the amount of \$716,065.20 on August 23, 2013 (before the claims bar date). The claim was amended on July 11, 2018 to claim \$981,863. This mortgage has a somewhat complicated history, as described in the Objection. Debtor alleges that Nationstar is attempting to include a \$265,589.73 balloon payment amount in its accounting that was "written off" in a loan modification agreement before this case was filed. A loan modification agreement with the interlineations by Debtor and her husband striking out the portions referring to the \$265,798.73 non-interest-bearing balloon payment, and initials of a bank officer, is attached to the Objection as Exhibit 2; however, a separate copy of the loan modification agreement, without the relevant interlineations and with seemingly different signatures is attached to Nationstar's opposition.

In its opposition to the Objection, Nationstar states that it amended its claim because it inadvertently failed to include in its initial proof of claim the non-interest bearing deferred/balloon payment amount of \$265,798.73. Nationstar also invokes the anti-modification clause of § 1322(b)(2) to argue that Debtor may not modify its claim, or otherwise "should be apprised of its right to litigate this this issue in state court or through an adversary proceeding." The Court finds § 1322(b)(2) to be completely irrelevant to this inherently contractual issue. The Court declines Nationstar's invitation to leave this matter for a state court, as this is simply an issue of whether

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**CONT... Patricia Maria Blume Chapter 13**

the proof of claim was properly amended. This matter will require an evidentiary hearing.

As Debtor has rebutted the presumption of validity of the claim, and raised potential estoppel concerns, the burden of proof is on Nationstar to prove its amended claim.

APPEARANCE REQUIRED

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

**Debtor(s):**

Patricia Maria Blume

Represented By  
Jeffrey J Hagen

**Movant(s):**

Patricia Maria Blume

Represented By  
Jeffrey J Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#1.00** Status Conference re: Complaint for Damages and Equitable Relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18, 8/30/18; 9/20/18, 9/21/18

Docket 1

**Tentative Ruling:**

This will be continued as a holding date to the next Ch 11 s/c so that the parties can execute required documents pursuant to the settlement agreement

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

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**CONT... Process America, Inc. Chapter 11**

Applied Funding, Inc. Pro Se

KBS Dreams, Inc. Pro Se

Like Zebra, LLC Pro Se

Stripe Entertainment Group, Inc. Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

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10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #2.00** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
722/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18, 8/30/18; 9/20/18, 9/21/18

Docket 76

**Tentative Ruling:**

This will be continued as a holding date to the next Ch 11 s/c so that the parties can execute required documents pursuant to the settlement agreement

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By

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10:00 AM

**CONT... Process America, Inc.**

**Chapter 11**

Robert S Marticello

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 31, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#3.00** Status Conference re: First Amended Counter-Claim

fr. 10/3/18

Docket 157

**Tentative Ruling:**

This will be continued as a holding date to the next Ch 11 s/c so that the parties can execute required documents pursuant to the settlement agreement

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

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 31, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#4.00** Motion to: (1) to Dismiss First Amended Counterclaims Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure; and (2) Strike Certain Affirmative Defenses Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure

fr. 10/11/18

Docket 171

**Tentative Ruling:**

To be withdrawn once settlement approved

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 31, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#5.00 Motion to Approve Compromise Under Rule 9019  
Between Debtor And Cynergy Holdings, Llc**

Docket 553

**Tentative Ruling:**

The settlement was negotiated in good faith, is in the best interest of the estate, and is reasonable, fair and equitable. Given the uncertainties and costs of continued litigation, the complexities of these matters and the deference required to the reasonable views of the parties, the court approves the settlement. The motion is GRANTED in full.

As there was no opposition filed, appearances are not required, but debtor's counsel will be present for the Chapter 11 status conference to advise as to future actions to wrap up the case.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, October 31, 2018**

**Hearing Room 302**

10:00 AM

**1:12-19998 Process America, Inc.**

**Chapter 11**

**#6.00 Status and Case Management Conference**

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13,  
12/5/13, 3/13/14, 4/24/14, 6/5/14, 11/6/14, 3/19/15;  
6/4/15, 7/22/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16  
9/28/16, 12/14/16, 6/21/18, 8/30/18; 9/20/18, 9/21/18

Docket 1

**Tentative Ruling:**

The following dates are available for a disclosure hearing; January 9, 16 or 23 at 10:00 am.

As the issues have been fairly thoroughly vetted through previous litigation and the parties interested in this matter have had extensive discovery, does the debtor wish to pursue a joint disclosure and plan confirmation hearing? In order to save costs, the debtor could solicit votes with a joint disclosure statement and plan, and the court will hear objections to both at the same time.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**Movant(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz  
Beth Ann R Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Friday, November 2, 2018

Hearing Room 302

10:00 AM

1:18-10891 Hamid Farkhondeh and Mary Dadyan

Chapter 13

#1.00 EVID HEARING RE:

Motion to Dismiss Chapter 13 Bankruptcy  
Petition for Bad Faith

fr. 10/23/18

Docket 49

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Hamid Farkhondeh

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Mary Dadyan

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 6, 2018**

**Hearing Room 302**

9:30 AM

**1:17-11951 Kenneth Paul Lui**

**Chapter 7**

Adv#: 1:17-01085 Lui v. NAVIENT SOLUTIONS,INC

**#1.00 TRIAL -**  
Re: Amended Complaint for Determination that Student  
Loan Debt is Dischargeable Pursuant to 11 USC Sec.  
523(a)(8)(B)

fr. 11/8/17, 6/13/18, 8/15/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Dismissed per stipulation (doc. 42) - hm**

**Party Information**

**Debtor(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Defendant(s):**

NAVIENT SOLUTIONS,INC

Pro Se

**Plaintiff(s):**

Kenneth Paul Lui

Represented By  
Christine A Kingston

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12605 Susana Padre**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Susana Padre

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12610 Delmy Lucia Orozco**

**Chapter 13**

**#0.02** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Delmy Lucia Orozco

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12626 Taylor Demel**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Taylor Demel

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:15-14124 Ignacio Ramirez**

**Chapter 11**

**#1.00 Status and Case Management Conference**

fr. 2/4/16; 6/16/16, 7/28/16, 9/29/16, 11/17/16,  
1/12/17, 4/26/17, 7/26/17; 10/18/17, 1/24/18,  
2/14/18, 5/2/18, 8/1/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case is closed**

**Tentative Ruling:**

Vacated. case has closed

**Party Information**

**Debtor(s):**

Ignacio Ramirez

Represented By  
Anthony Obehi Egbase

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#2.00 Post-Confirmation Status Conference**

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#3.00 Debtor's Motion to Dismiss Bankruptcy Case.**

Docket 87

**Tentative Ruling:**

As the disclosure and plan were not filed in time, and the debtor seeks dismissal, the case will be dismissed, with any outstanding UST fees to be paid. Debtor should submit an order.  
NO APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#3.01 Scheduling and Case Management Conference**

fr. 1/3/18, 8/1/18,10/17/18; 11/8/8

Docket 0

**Tentative Ruling:**

At the previous hearing, the Court set a deadline of August 31 for Debtor to file a Disclosure Statement and Plan. No disclosure statement and plan were filed. On October 3, Debtor filed a Motion to Voluntarily Dismiss the case. That hearing is set for November 8, 2018. This appears to potentially be a surplus estate based upon the schedules. Therefore, the Court will need to determine at the November 8 hearing whether conversion or dismissal is more appropriate.

NO APPEARANCE REQUIRED ON OCTOBER 17

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#4.00 Disclosure Statement Describing Chapter 11 Plan**

fr. 6/13/18; 8/29/18

Docket 65

**Tentative Ruling:**

Appearance required

<b>Party Information</b>
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**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#4.01 Amended Disclosure Statement /Chapter 11 Plan**

Docket 151

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#5.00 Scheduling and Case Management Conference**

fr. 1/17/18, 6/13/18, 8/29/18

Docket 1

**Tentative Ruling:**

This matter will be continued to 11/7 to trail the disclosure statement.

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10834 Godwin Osaigbovo Iserhien**

**Chapter 11**

**#6.00** Disclosure Statement in Support of Plan of  
Reorganization

Docket 41

**\*\*\* VACATED \*\*\* REASON: Order cont. to 2/6/19 @ 10am (eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Godwin Osaigbovo Iserhien

Represented By  
Onyinye N Anyama



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

9:30 AM

**1:18-10834 Godwin Osaigbovo Iserhien**

**Chapter 11**

**#7.00** Motion to Reconsider Default Valuation  
Order Based on Lack of Service,  
Excusable Neglect and Meritorious  
Defenses.

Docket 51

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Godwin Osaigbovo Iserhien

Represented By  
Onyinye N Anyama

**Movant(s):**

Wilmington Savings Fund Society,

Represented By  
Erin M McCartney

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

1:18-10834 Godwin Osaigbovo Iserhien

Chapter 11

#8.00 Status and Case Management Conference

fr. 5/23/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Order cont. to 1/9/19 at @ 10am (eg)

**Tentative Ruling:**

Unless there is an objection, debtor should submit a claims bar date order within a week for a August 3 claims bar date. A disclosure statement and plan should be filed by September 12.  
The status conference will be continued to November 7 at 9:30 am when the disclosure should be noticed.

**Party Information**

**Debtor(s):**

Godwin Osaigbovo Iserhien

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

**1:18-11411 Schaffel Development Company, Inc.**

**Chapter 11**

**#9.00** Motion for relief from stay

13200 MOORPARK HOMEOWNERS ASSO.

Docket 74

**Tentative Ruling:**

No opposition. GRANTED. be sure the RFS order specifies that relief is granted to pursue insurance and third parties, as detailed in the motion, and not to pursue the debtor.  
No appearance required

**Party Information**

**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**Movant(s):**

13200 Moorpark Homeowners

Represented By  
Daniel R Ryan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

**1:18-11411 Schaffel Development Company, Inc.**

**Chapter 11**

**#10.00** Motion for relief from stay

14242 BURBANK HOMEOWNERS ASSO.

Docket 76

**Tentative Ruling:**

No opposition. GRANTED. be sure the RFS order specifies that relief is granted to pursue insurance and third parties, as detailed in the motion, and not to pursue the debtor.  
No appearance required

**Party Information**

**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**Movant(s):**

14242 Burbank Homeowners

Represented By  
Daniel R Ryan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

**1:18-11411 Schaffel Development Company, Inc.**

**Chapter 11**

**#10.01** Motion to Assume and Assign real Property Lease.

Docket 58

**Tentative Ruling:**

The debtor, as explained in the motion and reply, has justified the assignment and assumption of the lease. The lease would have expired on its own terms, and the result is revenue neutral to the debtor.

GRANTED

NO APPEARANCE as opposition was late. Although it was considered by the court, it provided no analysis, no evidence and was not persuasive. It is an unnecessary expenditure of all parties' resources to appear on such a motion.

<b>Party Information</b>
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**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

1:18-11796 Zarui Sarah Adjian

Chapter 11

#11.00 U.S. Trustee's Motion Under 11 USC section 1112(b)  
To Dismiss Or Convert Case

Docket 31

**Tentative Ruling:**

Appearance required

**Party Information**

**Debtor(s):**

Zarui Sarah Adjian

Represented By  
Leo Fasen

**Movant(s):**

United States Trustee (SV)

Represented By  
Katherine Bunker

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

9:30 AM

1:18-12070 Bagrat Ogannes

Chapter 11

#11.01 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate.

Docket 29

**Tentative Ruling:**

Debtor has brought this motion too late. The stay expired by operation of law 30 days after filing the case. There is no legal basis on which to continue or reimpose the stay.

Even if there were a legal basis, the debtor has failed to rebut the presumption of abuse. There is a history of incomplete bankruptcies, transfers of interests in the property and a failure to reorganize despite plenty of opportunity to do so for many years.

Motion DENIED

**Party Information**

**Debtor(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

**Movant(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#12.00** Motion for relief from stay

JPMORGAN CHASE BANK

Docket 2166

**\*\*\* VACATED \*\*\* REASON: Stip. to cont. to 1/9/19, @ 11am (eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Gagan G Vaideeswaran  
Kelsey X Luu

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#13.00 Motion of Chapter 7 Trustee for Order Deeming Estate's Interest in Real Property Located at 30454 Barcelona Rd., Castaic, California 91384 (APN 3247-057-041) Abandoned NUNC PRO TUNC to September 25, 2018

Docket 2168

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Motion to Abandon *Nunc Pro Tunc* to Sept. 25, 2018, the Court finds that the subject property is burdensome and/or of inconsequential value and benefit to the Estate. Motion GRANTED.

APPEARANCES WAIVED ON 11/7/18.

**Party Information**

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:12-20448 Michael Gary Vickery and Elise Rose Vickery

Chapter 13

#14.00 Motion for relief from stay

HSBC BANK USA, N.A.

Docket 67

**Tentative Ruling:**

Petition Date: 11/30/2012

Chapter: 13

Service: Proper. Co-debtor was served. No opposition filed.

Property: 20339 Ingomar Street, Winnetka, CA 91306

Property Value: \$ 390,000 (per debtor's schedules)

Amount Owed: \$431,045.71 (per RFS motion)

Equity Cushion: 0.0%

The first mortgage holder is Ocwen Loan Servicing, LLC; amount of claim: \$413,112 (per amended schedule D)

Post-Petition Delinquency: \$73,091.43 (41 payments of \$1,794.76; less suspense account or partial paid balance \$493.73)

Movant alleges that the last payment tendered was 01/20/2017

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Michael Gary Vickery

Represented By  
Scott D Olsen

**Joint Debtor(s):**

Elise Rose Vickery

Represented By  
Scott D Olsen

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Michael Gary Vickery and Elise Rose Vickery**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:14-11862 Claudia C. Trinidad

Chapter 13

#15.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 46

**Tentative Ruling:**

Petition Date: 04/09/2014

Chapter: 13

Service: Proper. Co-debtor was served. No opposition filed.

Property: 7020 Lubao Avenue, Los Angeles (Canoga Park Area), CA 91306

Property Value: \$425,000 (per debtor's schedules)

Amount Owed: \$422,855 (per RFS motion)

Equity Cushion: 0.0%

The second mortgage holder is City Nat'l Bank/ Ocwen Loan Service; amount of claim: \$106,969 (per schedule D)

Post-Petition Delinquency: \$13,690.06 (5 payments of \$3,026.84; Postpetition advances or other charges due but unpaid \$11; less suspense account or partial paid balance \$1,455.14)

Last payment was tendered on 09/11/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Claudia C. Trinidad

Represented By  
Kevin T Simon

**Movant(s):**

Bayview Loan Servicing, LLC,

Represented By  
Edward G Schloss

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Claudia C. Trinidad**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:15-12349 Marjan Bahman**

**Chapter 13**

#16.00 Motion for relief from stay

WELLS FARGO BANK

Docket 52

**Tentative Ruling:**

Petition Date: 07/09/2015

Chapter 13 plan confirmed: 12/08/2015

Service: Proper. Opposition filed.

Property: 7354 Woodvale Ct, West Hills, CA 91307

Property Value: \$630,000 (per debtor's schedules)

Amount Owed: \$ 349,186.26 (per RFS motion)

Equity Cushion: 0.0%

**Brock Homes Springfield #218 c/o Westcom Property Services; \$7,740.00; Mory Ejabat; \$240,000.00**

Post-Confirmation Delinquency: \$8,171.84 (4 payments of \$2,405.47; less suspense account of partial paid balance: \$1,450.04)

Movant alleges the last payment was tendered on 08/13/2018.

Movant alleges case for relief under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion and hopes to be current with all mortgage payments by the hearing date or to work out a stay current Adequate Protection Order with the Creditor.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Marjan Bahman

Represented By  
Ali R Nader

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Marjan Bahman**

**Chapter 13**

**Movant(s):**

WELLS FARGO BANK, N.A.

Represented By  
Mark D Estle  
Shainna Surles  
Rosemary Allen  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:16-10898 Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**#17.00** Motion for relief from stay

BAYVIEW LOAN SERVICING LLC

fr. 9/23/18, 10/3/18; 10/10/2018

Docket 73

**Tentative Ruling:**

The hearing was continued at the last hearing at the request of the parties  
What is the status of this Motion?  
APPEARANCE REQUIRED

prior tentative:

Petition Date: 3/28/16

Chapter 13 plan confirmed: 3/9/17

Service: Proper; co-debtor served. No opposition filed.

Property: 10580 Horse Creek Ave., Shadow Hills, CA 91040

Property Value: \$975,000 (per Order Granting Motion to Avoid Lien, doc. 41)

Amount Owed: \$1,185,447 (1st DoT)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-confirmation Delinquency: \$64,849.66 (approx. 6 payments of \$4,034;  
10 payments of \$4,064)

Movant alleges that the last payment received was on or about May 2017.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (relief from co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jacqueline Desiree Landaeta Alvarez**

**Chapter 13**

**Party Information**

**Debtor(s):**

Jacqueline Desiree Landaeta Alvarez

Represented By  
Matthew D Resnik

**Movant(s):**

Bayview Loan Servicing, LLC as

Represented By  
Christina J O

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12284 Seyed A Amid**

**Chapter 13**

**#18.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST COMPANY

fr. 9/12/18

Docket 25

**Tentative Ruling:**

The hearing was continued at the last hearing at the request of the parties  
What is the status of this Motion?  
APPEARANCE REQUIRED

Petition Date: 8/28/17

Chapter 13 plan confirmed: 12/18/17

Service: Proper. No opposition filed.

Property: 20850 Martha St., Woodland Hills (Los Angeles), CA 1

Property Value: \$690,000 (per debtor's schedules)

Amount Owed: \$657,876

Equity Cushion: 4.7%

Equity: \$32,124

Post-confirmation Delinquency: \$18,610.66 (7 payments of \$2,953.57; post-petition advances of \$750; less suspense account balance of \$2,814.33)

Movant alleges that the last payment received was on or about June 2018.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Seyed A Amid**

**Chapter 13**

**Party Information**

**Debtor(s):**

Seyed A Amid

Represented By  
Devin Sawdayi

**Movant(s):**

DEUTSCHE BANK NATIONAL

Represented By  
Sean C Ferry

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:17-12602 Norman Everett Ross, Jr. and Edna Henderson Ross**

**Chapter 13**

**#18.01** Motion for relief from the automatic stay

WILMINGTON SAVINGS FUND SOCIETY

fr.10/24/18

Docket 41

**\*\*\* VACATED \*\*\* REASON: APO**

**Tentative Ruling:**

APO FILED

Petition Date: 09/28/2017

Chapter 13 plan confirmed: 4/13/18

Service: Proper. Opposition filed.

Property: 4991 Medina Drive, Woodland Hills, CA 91364

Property Value: \$1,287,000.00 (per debtor's schedules)

Amount Owed: \$ 1,187,285.35 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$99,714.65

Post-confirmation Delinquency: \$7,486.86 (2 payments of \$3,743.43)

Movant alleges case for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay) and **14** (post-petition payment added to the outstanding balance of the subject as non-bankruptcy law). Movant alleges that the last payment tendered was on or about 8/27/18.

Debtors oppose the Motion, arguing that their chapter 13 plan has been confirmed and Debtors propose to enter into an APO with Movant. Debtors stated that they would mail a payment to bring Movant current through Oct. 2018. Lastly, Debtors request a payment history, as none was provided with the Motion.

APPEARANCE REQUIRED

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

---

11:00 AM

CONT... Norman Everett Ross, Jr. and Edna Henderson Ross

Chapter 13

**Party Information**

**Debtor(s):**

Norman Everett Ross Jr.

Represented By  
Barry E Borowitz

**Joint Debtor(s):**

Edna Henderson Ross

Represented By  
Barry E Borowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:18-10475 Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz

Chapter 13

#19.00 Motion for relief from stay

WELLS FARGO BANK NA

fr. 9/26/18, 10/10/18

Docket 44

\*\*\* VACATED \*\*\* REASON: Vol. dismissal filed 10/17/18 (J.J)

**Tentative Ruling:**

This hearing was continued from 9/26/18 so that the parties could discuss resolving this matter with an APO. On the record, Movant withdrew its request for relief under 362(d)(4). Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED.

9-26-18 TENTATIVE BELOW

Petition Date: 2/22/18

Chapter 13 plan confirmed: 8/16/18

Service: Proper. No opposition filed.

Property: 7750 Ben Ave., North Hollywood, CA 91605

Property Value: \$540,820 (per debtor's schedules)

Amount Owed: \$397,411

Equity Cushion: 26.5%

Equity: \$143,409

Post-Petition Delinquency: \$10,901.70 (6 payments of \$1,816.95)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4)). Movant alleges that post-petition mortgage payments are delinquent, with the last payment having been received on 1/18/18.

Movant has not alleged facts to support an allegation of a scheme to delay, hinder or defraud creditors, and thus any request for relief under 362(d)(4) will

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

CONT... Lavinia Lilian Ortiz and Jorge Osvaldo Ortiz  
be denied.

Chapter 13

Given that there is sufficient equity to protect Movant's claim and that a chapter 13 plan was just confirmed, have the parties discussed an APO?

APPEARANCE REQUIRED

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

**Debtor(s):**

Lavinia Lilian Ortiz

Represented By  
Grace White

**Joint Debtor(s):**

Jorge Osvaldo Ortiz

Represented By  
Grace White

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:18-11310 Sandra Blair**

**Chapter 13**

**#20.00** Motion for relief from the automatic stay

WELLS FARGO BANK NA

Docket 22

**Tentative Ruling:**

Petition Date: 05/21/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 23244 Bigler St, Woodland Hills, CA 91364-2709

Property Value: \$580,000 (per debtor's schedules)

Amount Owed: \$920,153.20 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$13,492.11(3 payments of \$4,497.37)

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Sandra Blair

Represented By  
Allan S Williams

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:18-11965 Ian Jacoby

Chapter 7

#21.00 Motion for relief from stay

AMERICAN HONDA FINANCE CORPORATION

Docket 21

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 33) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ian Jacoby

Represented By  
Andrew Goodman

**Movant(s):**

AMERICAN HONDA FINANCE

Represented By  
Vincent V Frounjian

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:18-12048 Alpha-Omega Enterprises, Inc.**

**Chapter 7**

**#22.00** Motion for relief from stay

PACIFIC WESTERN BANK

Docket 22

**Tentative Ruling:**

Petition Date: 08/14/2018  
Chapter: 7  
Service: Proper. No opposition filed.

*Property: All inventory, equipment and supplies described in Sched. B and personal property of Debtor located at its business pursuant to Movant's Judgment Lien on Personal Property and ORAP lien.*

Property Value: \$451,355 (per motion)  
The total value of inventory listed in Schedule B is \$442,355.00  
Amount Owed: \$459,230.02 (per motion)  
Equity Cushion: 0.0%  
Delinquency: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alpha-Omega Enterprises, Inc.

Represented By  
Henrik Mosesi

**Movant(s):**

Pacific Western Bank

Represented By  
Scott H Noskin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Alpha-Omega Enterprises, Inc.**

**Chapter 7**

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Jeffrey S Kwong

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:18-12281 Gagik Soghomonyan

Chapter 7

#23.00 Motion for relief from stay

NATIONWIDE BANK

Docket 8

**Tentative Ruling:**

Petition Date: 09/11/2018

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle (2015 AUDI A8 L)

Property Value: \$28,363 (per debtor's schedules)

Amount Owed: \$33,015.33 (per motion)

Equity Cushion: 0.0%

Delinquency: 3,083.30 (last payment was received on 4/30/2018)

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Gagik Soghomonyan

Represented By  
Silva Berejian

**Movant(s):**

NATIONWIDE BANK

Represented By  
Timothy J Silverman

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:18-12380 Pan Lea Kim

Chapter 13

#24.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 11

**Tentative Ruling:**

Petition Date: 09/26/2018

Chapter: 13

Service: Proper. Co-debtor was served. No opposition filed.

Property: 340 Alahmar Terrace, San Gabriel, CA 91775

Property Value: N/A

Amount Owed: \$601,493.94 (per RFS motion)

Equity Cushion: N/A

Post-Petition Delinquency: \$3,441.78

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (co-debtor stay is terminated); **7** (waiver of the 4001(a)(3) stay) and **9** (relief under 362 (d)(4) for bad faith-multiple bankruptcy cases affecting the property).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Pan Lea Kim

Pro Se

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Darlene C Vigil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:18-12629 Teresa Rivera Ramirez

Chapter 7

#24.01 Motion for relief from stay

HAZELTINE & WYANDOTTE, LP

Docket 8

**Tentative Ruling:**

Appearance required

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

**Debtor(s):**

Teresa Rivera Ramirez

Represented By  
Sydell B Connor

**Movant(s):**

Hazeltine & Wyandotte, LP

Represented By  
Joseph Trenk

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:17-13194 Alycia Anne Holowchak**

**Chapter 7**

Adv#: 1:18-01026 Navy Federal Credit Union v. Holowchak

**#25.00** Status Conference Re: Complaint to  
Determine Dischargeability of a Debt

fr. 5/23/18, 6/13/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Stip. cont. to 12/19/18 @11am (eg)

**Tentative Ruling:**

Having considered the Notice of Settlement filed in this adversary on October 24, 2018 (doc. 11), the Court finds cause to continue this status conference to January 9, 2019, at 10:00 a.m., to allow the parties time to reduce the settlement to a stipulated judgment.

NO APPEARANCE REQUIRED ON 11/7/18

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

**Debtor(s):**

Alycia Anne Holowchak

Represented By  
James Geoffrey Beirne

**Defendant(s):**

Alycia Anne Holowchak

Pro Se

**Plaintiff(s):**

Navy Federal Credit Union

Represented By  
Robert S Lampl

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

**1:18-10828 Nazaret Kechejian**

**Chapter 13**

Adv#: 1:18-01101 Kechejian v. Mkrchyan et al

- #26.00** Status Conference Re Complaint for:
- (1) Violation of California High Cost Mortgage Law;
  - (2) Violation of TILA;
  - (3) Violation of HOEPA;
  - (4) Violation of California Civil Code Sec. 1632;
  - (5) Unconscionability (Civil code Sec. 1688 e. seq);
  - (6) Intentional Misrepresentation;
  - (7) Fraud;
  - (8) Unfair Business Practices (BPC Sec. 17200)
  - (9) Declaratory Relief

Docket 1

**Tentative Ruling:**

Please advise if any objection to following:

Discovery cut off - June 21, 2019

Please advise what plaintiff plans are as to the defendants who have not answered

Pretrial conference - July 31 at 10 am

The trial date will be selected at the pretrial, depending of length needed

The parties should submit a mediation order

**Party Information**

**Debtor(s):**

Nazaret Kechejian

Represented By  
Stella A Havkin

**Defendant(s):**

Kirill Kizyuk

Pro Se

Greg Mkrchyan

Pro Se

Prime Capital Group, Inc., a

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Nazaret Kechejian**

**Chapter 13**

Mkrtchyan Investments, LP, a	Pro Se
Arthur Aristakesyan	Pro Se
Phantom Properties, LLC, a Nevada	Pro Se
Dimitri Lioudkovski	Pro Se
LDI Ventures, LLC, a California	Pro Se

**Plaintiff(s):**

Nazaret Kechejian

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**1:10-16648 Vadim A Lipel**

**Chapter 7**

**#27.00** Trustee's Motion for Order Approving Sale  
of Assets.

Docket 185

**Tentative Ruling:**

Sale to be approved, subject to overbids  
Appearance required

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

**Debtor(s):**

Vadim A Lipel

Represented By  
Douglas D Kappler

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Lei Lei Wang Ekvall  
Reem J Bello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#28.00 Motion Pursuant to Federal Rules of Bankruptcy Procedure 9019 for Entry of an Order Approving the Compromise between the Trustee and Non-Debtors John and Tamar Akhoian.

Docket 74

**Tentative Ruling:**

No opposition. Settlement is fair and reasonable and in the best interest of creditors and the estate. Motion to approve GRANTED.  
No opposition. NO Appearance required on 11/7/18

**Party Information**

**Debtor(s):**

Akhoian Enterprises, Inc.

Represented By  
David S Hagen

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Richard Burstein  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

11:00 AM

**1:15-12429 Ada Ruth Linares**

**Chapter 7**

**#29.00** Motion to Reopen Case to Avoid Involuntary  
Lien and for Extension of Time to Amend Debtor's  
Schedule F.

Docket 12

**Tentative Ruling:**

Motion to Reopen Case to Avoid Lien is GRANTED. The case shall be reopened for sixty (60) days to allow for Debtor's Motion to Avoid Lien to be filed and resolved. Debtor to lodge order within 7 days.

NO APPEARANCE REQUIRED ON 11/7/18.

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

**Debtor(s):**

Ada Ruth Linares

Represented By  
Kenumi T Maatafale

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 7, 2018

Hearing Room 302

11:00 AM

1:17-12333 Karmile Yurdumyan

Chapter 7

#30.00 Motion to Disallow Claims Objection to Payment of Claim #1 filed by SP22, Inc., Scott Parrish and Saeideh Parrish.

fr. 9/26/2018, 10/24/18

Docket 136

**Tentative Ruling:**

It would be more appropriate to resolve this objection to claim in the related adversary action. This claims objection will be continued to December 12, 2018 at 11:00 to trail the status conference in the adversary. Document 149, a notice of lodgment, indicates that an order approving a global settlement was lodged. The Court received no such order, nor is a settlement agreement filed on the docket. The Court will assume this was filed in error, and that no settlement is prepared at this time. If that is not correct, the parties should appear and explain the issue with the settlement agreement. Otherwise, no appearance required on November 7.

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Howard Camhi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 7, 2018**

**Hearing Room 302**

1:00 PM

**1:17-11870 Neil D Gitnick and Anita Marton**

**Chapter 7**

**#31.00** Order to Show Cause re Contempt to  
Enforce Discharge and for Sanctions

Docket 104

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Neil D Gitnick

Represented By  
James R Selth

**Joint Debtor(s):**

Anita Marton

Represented By  
James R Selth

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 8, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12958 Tatonka Acquisitions, Inc.**

**Chapter 11**

**#1.00 Scheduling and Case Management Conference**

fr. 1/3/18, 8/1/18,10/17/18

Docket 0

**Party Information**

**Debtor(s):**

Tatonka Acquisitions, Inc.

Represented By  
Dana M Douglas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

9:30 AM

1:14-12002 Freedom Films, LLC

Chapter 11

#1.00 Post Confirmation Status Conference

fr. 7/3/14, 10/23/14, 1/22/15, 2/12/15,  
4/2/15, 5/28/15; 7/30/15; 10/22/15; 3/31/16;  
6/16/16, 10/6/16, 7/27/17, 1/24/18, 8/1/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

If there are no issues raised at the status conference, the next status conference can be continued to May or June to allow time to wrap things up as proposed in the status report

**Party Information**

**Debtor(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes

**Movant(s):**

Freedom Films, LLC

Represented By  
M Jonathan Hayes



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

9:30 AM

1:16-10069 Osher And Osher, Inc.

Chapter 11

#2.00 Motion of Sara Boodaie, Trustee of The Yehuda Boodaie Revocable Living Trust, for Entry of an Order Disallowing: (1) Claim No. 2 of Kourosh Vosoghi; and (2) Claim No. 3 of 26 Moorpark, LLC.

Docket 383

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Sara Boodaie ("Ms. Boodaie"), as Trustee for the Yehuda Boodaie Revocable Living Trust Dated July 6, 2007 (the "Trust") brings separate objections to the claims (Doc. 383) and the interests (Doc. 386) of Kourosh Vosoghi and 26 Moorpark, LLC (the "Equity Holders") on the grounds that the ownership of the stock of Osher and Osher, Inc. should be resolved by the probate division of the Los Angeles Superior Court. Ms. Boodaie brings another Motion to Enforce Plan and Confirmation Order (Doc. 389). The action in the probate court is currently underway. These motions are "merely seeking to prevent the automatic allowance of the interests by operation of law pending the outcome of the Probate court proceedings." Ms. Boodaie requests that the hearing on this objection to claim be held as a status conference regarding the state court proceedings.

Ms. Boodaie argues that the Equity Holders' claims "are based on a lien allegedly created in funds in Joseph Boodaie's bank account," but that the relevant bank account was located in Israel, outside of the jurisdiction of any ORAP lien created by California law. An attachment to proofs of claim 2-1 and 3-1 indicates that:

Mr. [Joseph] Boodaie was in possession of  
approximately \$1 million in cash in a bank account

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**Osher And Osher, Inc.**

**Chapter 11**

in Israel as of February 22, 2011. Therefore, Creditor's ORAP Lien extends to such funds. These funds were ultimately transferred to debtor herein, Osher and Osher, Inc. . . . Therefore, Creditor asserts that it is a secured creditor of OOI, as all of OOI's assets were Mr. Joseph's personal assets subject to the ORAP Lien.

Proof of Claim 3-1, P. 4. Additionally, Ms. Boodaie argues that the true owner of the Debtor is the Trust for which she is trustee.

The Equity Holders, in their opposition, point to the language of the Findings and Order of the Los Angeles County Superior Court ("Superior Court") dated March 17, 2016:

THE COURT FINDS, DECREES, AND  
ADJUDICATES that Joseph Boodaie, in his personal, individual capacity, is the owner of Osher and Osher. It is further determined that the Judgment Creditors have the legal right to levy upon Osher and Osher, Inc.'s stock certificates as the personal property of Joseph Boodaie, subject to further proceedings in Bankruptcy Court.

Equity Holder's Opp. To Motion to Disallow Claims, Ex. A. Ms. Boodaie argues that the determination of ownership by the Superior Court is subject to litigation in the probate court. Ms. Boodaie relies on language from the minutes the Superior Court dated March 1, 2016:

Having considered the evidence and testimony presented by both sides, the transactions cited by the judgment creditor do not appear to have been executed on behalf of a trust. The Court is not saying that there is no trust entity involved, but the

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documentary evidence does not bear that out. The Court finds that, as of today, Osher and Osher Inc. is owned by judgment debtor. Joseph Boodaie. The Court's finding is without prejudice to the Probate Court and any findings or disposition made by that Court.

Request for Judicial Notice ISO Debtor's Opposition, Ex. H (emphasis added). Ms. Boodaie focuses on the emphasized language above, characterizing the document as a "minute order." No party has briefed the significance of these minute orders, or what should happen if they contradict a separately entered order.

Mr. Shem-Tov, on behalf of the Equity Holders, opposes the motions to disallow on the grounds that the motion is effectively seeking to modify the plan post-confirmation, which may only be done by a plan proponent or the reorganized debtor under § 1127(b). The Equity Holders also argue that Ms. Boodaie's arguments are untimely, and contradict the Superior Court's findings, which were sustained on appeal.

Mr. Aver, on behalf of the Debtor, argues that *res judicata* applies to preclude a party from raising an issue that could have been raised at confirmation. Ms. Boodaie objected to Debtor's disclosure statement, and that objection was overruled by the Court. Ms. Boodaie filed no objection to the confirmation of the chapter 11 plan in this case. The order confirming the plan states as follows:

5. Binding Effect and Validity. The provisions of the Plan and this Order shall bind OOI, the OOI Continuing Estate and all holders of claims against and interests in OOI, including their successors and assigns, whether or not the claims or interests of the holders are impaired under the Plan, whether or not the holders have voted to accept or

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reject the Plan, and whether or not the holders have filed proofs of claim or proofs of interest. Each Plan term and provision, as it may be interpreted in accordance with the Plan, is valid and enforceable under its terms.

Order Confirming Plan, P. 12. "The provisions of a confirmed plan bind the Debtor. . . any creditor, equity security holder, or general partner in the debtor, whether or not the claim or interest of such [party] is impaired under the plan and whether or not such [party] has accepted the plan." § 1141(a). See also In re Heritage Hotel P'ship I, 160 B.R. 374 (B.A.P. 9th Cir. 1993), aff'd, 59 F.3d 175 (9th Cir. 1995) (Chapter 11 plan confirmation order was res judicata on all lender liability claims that debtor had against creditor that arose out of parties' prepetition acts.).

Ms. Boodaie's motions appear to be an inappropriate collateral attack on the findings and order entered by the Superior Court on March 17, 2016. The appropriate place to raise any argument about the reach of the ORAP lien, and presumably the validity of the subsequent levy, is not an objection to interest filed after a chapter 11 plan has been confirmed. This argument should have been made in the Superior Court years ago. This Court must give full faith and credit to the Superior Court's decision. Furthermore, the Court already disallowed Ms. Boodaie's claim based upon largely the same grounds presented here.

With respect to Ms. Boodaie's Motion to Disallow Claims (Doc. No. 383), the motion is DENIED. The plan does not seek to pay the Equity Holders as creditors; those proofs of claim were filed before Equity Holders levied on Debtor's stock.

With respect to Ms. Boodaie's Motion to Disallow Interests (Doc. No. 386), the Motion is DENIED. Ms. Boodaie is bound by the confirmation of the plan under § 1141(a) and is barred by res judicata from raising issues that could have been raised pertaining to the plan. In re Heritage Hotel P'ship I,

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160 B.R. at 377. The plan states that there will be no change in management of the Debtor. The order confirming the plan binds all holders of claims and interests in the Debtor.

Ms. Boodaie's Motion to Enforce Plan and Confirmation Order was brought on the theory that the Plan and Confirmation Order do not authorize a distribution to creditors or interest holders whose claims or interests are disputed. Because the Court denies both of Ms. Boodaie's motions to disallow the claims and interests of the Equity Holders, there are no grounds on which to grant the motion to enforce plan and confirmation order. The Motion to Enforce Plan and Confirmation Order is therefore DENIED.

APPEARANCE REQUIRED

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

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Sara Boodaie, as Trustee of the

Represented By  
Dana M Douglas  
Christopher E Prince

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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#3.00** Motion of Sara Boodaie, Trustee of the Yehuda Boodaie Revocable Living Trust, For Entry of an Order Disallowing the Interests of Kourosh Vosoghi and 26 Moorpark, LLC

Docket 386

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

See calendar #2 above.

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

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

**Movant(s):**

Sara Boodaie, as Trustee of the

Represented By  
Dana M Douglas  
Christopher E Prince

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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#4.00** Motion of Sara Boodaie, Trustee of the Yehuda Boodaie Revocable Living Trust, to Enforce Plan and Confirmation Order.

Docket 389

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

See calendar #2 above.

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

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver

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**1:16-10069 Osher And Osher, Inc.**

**Chapter 11**

**#5.00 Post Confirmation Status Conference**

fr. 11/3/16, 11/10/16; 1/26/17; 2/1/17; 3/29/17, 5/24/17,  
6/14/17, 7/12/17, 10/18/17; 11/29/17, 2/7/18, 5/2/18,  
6/6/18, 8/15/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

Osher And Osher, Inc.

Represented By  
Raymond H. Aver



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**1:17-10881 Emeterio Rodriguez and Leticia Rodriguez**

**Chapter 11**

**#6.00 Scheduling and Case Management Conference**

fr. 5/31/17; 9/27/17; 11/15/17, 1/17/18; 3/28/18

Docket 1

**\*\*\* VACATED \*\*\***

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

case has been closed

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

**Debtor(s):**

Emeterio Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

**Joint Debtor(s):**

Leticia Rodriguez

Represented By  
Anthony Obehi Egbase  
Edith Walters

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**1:18-10949 MEJD PARTNERSHIP**

**Chapter 11**

**#7.00 Disclosure Statement**

fr. 9/12/18

Docket 34

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

There has been no motion to employ an appraiser filed, as indicated by the October 31 status report, nor a stipulation regarding the treatment of U.S. Bank. What is the status of the discussions with the lender?

APPEARANCE REQUIRED

APPEARANCE REQUIRED

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

**Debtor(s):**

MEJD PARTNERSHIP

Represented By  
Mark E Goodfriend  
Mark E Goodfriend

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**1:18-10949 MEJD PARTNERSHIP**

**Chapter 11**

**#8.00 Status and Case Management Conference**

fr. 5/23/18, 9/12/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

**5/23/18 Tentative**

As this is a SAR, debtor should file a disclosure statement and plan by July 18. A notice and order of claims bar date should be submitted within a week for a July 13 bar date.

Unless other issues are raised at the hearing, the status conference will be continued to September 12 at 9:30 to be heard with the deisclosure statement. any motion to value should be self calendared before that date.

<b>Party Information</b>
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**Debtor(s):**

MEJD PARTNERSHIP

Represented By  
Mark E Goodfriend

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**1:18-11003 Fatemah Dowlatinow**

**Chapter 11**

**#9.00 Status and Case Management Conference**

fr. 6/6/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: case converted**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Case has been converted to Chapter 7

<b>Party Information</b>
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**Debtor(s):**

Fatemah Dowlatinow

Represented By  
Dana M Douglas

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1:18-11411 Schaffel Development Company, Inc.

Chapter 11

#10.00 Motion for relief from stay

SCHAFFEL DEVELOPMENT COMPANY INC.

Docket 78

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 6/1/18

Chapter: 11

Service: Proper.

Opposition filed by State Court plaintiff/ creditor Element436, LLC .

Movant:

Relief Sought to: Pursue Pending Litigation (appeal) XX

Commence Litigation \_\_\_ Pursue Insurance \_\_\_

Other

Litigation Information

Case Name: Element436, LLC v. Schaffel Develop. Co., Inc. (Debtor)

Court/Agency: Los Angeles Superior Court

Date Filed: 12/7/16

Judgment Entered: 4/17/18

Trial Start Date: n/a

Action Description: this is a post-judgment case in which Debtor requires relief from stay to appeal under Ingersoll Rand Fin. Corp. v. Miller Mining, Co., 817 F.2d 1424, 1426 (9th Cir.1987).

Grounds

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3<sup>rd</sup> Parties \_\_\_

Nondischargeable \_\_\_

Mandatory Abstention \_\_\_ Non-BK Claims Best Resolved in Non-BK Forum

XX

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CONT... Schaffel Development Company, Inc.

Chapter 11

Other:

State court plaintiff/ judgment creditor Element436, LLC filed an opposition, complaining that Debtor is "delaying implementation of the judgment unnecessarily" by first having filed this chapter 11 case, filing and then defaulting on the appeal.

Creditor's opposition does not speak to the relief requested in the motion. While Creditor concedes that a debtor "is entitled to relief from stay to appeal awards," it argues that the procedural history of the litigation should preclude such relief . The issues with Creditor raises as to Debtor's actions (or lack thereof) in the state court and whether Debtor's attempt to "reinstate the appeal" is in good faith are best argued before the appropriate forum.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **5** (waiver of the 4001(a)(3) stay).

DENY relief requested in paragraph **7** (relief binding & effective in any future bankruptcy case, no matter who the debtor may be, without further notice), as such relief requires the filing of an adversary proceeding under FRBP 7001.

APPEARANCE REQUIRED--RULING MAY BE MODIFIED AT HEARING.

<b>Party Information</b>
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**Debtor(s):**

Schaffel Development Company,

Represented By  
Lewis R Landau

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**1:18-12070 Bagrat Ogannes**

**Chapter 11**

**#11.00** U.S. Trustee Motion to dismiss or convert 11  
U.S.C. § 1112(b)

fr. 10/3/18; 10/10/18

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The United States Trustee ("Trustee") filed this motion to dismiss or convert case for failure to comply with Trustee's requirements, including providing information relating to pre-petition bank accounts, a debtor-in-possession account, monthly operating reports for August, among other things.

Debtor has not filed any opposition to this motion. What is the status of Debtor's compliance efforts?

APPEARANCE REQUIRED

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

**Debtor(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

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**1:12-17261 Elizabeth Maybalian**

**Chapter 13**

**#12.00** Motion for relief from stay

COMPASS BANK

fr. 3/21/18, 5/16/18, 6/13/18, 8/8/18, 9/12/18

Docket 78

**\*\*\* VACATED \*\*\* REASON: Cont'd to 1/9/19 @ 11:00 a.m. per Order #100. If**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

The Court has received a voicemail from the parties regarding a continuance. The order continuing will be entered shortly.  
NO APPEARANCE REQUIRED

**9-12-18 TENTATIVE BELOW**

This matter has been continued several times since the first hearing on March 21, 2018. At the hearing on June 13, 2018, the parties represented that Debtor has secured refinancing. On July 23, 2018, Debtor filed a Motion for Authority to Refinance Real Property (ECF doc. 95). On August 1, 2018, chapter 13 trustee Rojas filed a response to the Refinance Motion, recommending the Court deny the Refinance Motion (ECF doc. 97). What is the status of this Motion?

APPEARANCE REQUIRED.

**3/21/18 Tentative**

Petition Date: 08/13/2012

Chapter: 13

Service: Proper. Opposition filed.

Property: 20637 Wells Drive, Woodland Hills, CA 91364

Property Value: \$714,000 (per debtor's schedules)

Amount Owed: \$772,540.69 (per RFS motion)

Equity Cushion: N/A

Equity: \$0.00.

Post-Petition Delinquency: \$308,087.21 (10 payments of \$4,410.38; 5 payments of



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**CONT... Elizabeth Maybalian Chapter 13**

\$8,350.33; 16 payments of \$8,483.22; 8 payments of \$8,644.15; \$17,761.90 in post-petition advances; \$1,031 in attorneys' fees; less \$1,445.86 in suspense account or partial paid balance)

Movant requests relief under 11 U.S.C. 362(d)(1). Specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is a borrower for purposes of Cal. Civ. Code 2923.5).

Debtor filed a late opposition.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Elizabeth Maybalian

Represented By  
Raymond H. Aver

**Movant(s):**

COMPASS BANK, its successors

Represented By  
Nichole Glowin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:15-11051 Romeo J Pettinelli and Gloria J Pettinelli**

**Chapter 13**

**#13.00** Motion for relief from stay

US BANK NATIONAL ASSOCIATION

fr. 7/18/18; 9/26/18; 10/24/18

Docket 35

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 51) - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Romeo J Pettinelli

Represented By  
Eliza Ghanooni

**Joint Debtor(s):**

Gloria J Pettinelli

Represented By  
Eliza Ghanooni

**Movant(s):**

U.S. BANK NATIONAL

Represented By  
Kelsey X Luu

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:16-13598 Bruce Jeffrey Starin and Geraldine Papal Starin**

**Chapter 13**

**#14.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 9/26/18; 10/24/18

Docket 68

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from 10-24-18 because the parties stated that escrow was about to close. Nothing has been filed since the last hearing. What is the status of this Motion?

APPEARANCE REQUIRED

10-24-18 TENTATIVE BELOW

This hearing was continued from 9-26-18 so that Debtors had an opportunity to have motions related to modifying their plan and refinancing real property resolved. The Court also continued the hearing so that Movant could properly serve other creditors with a secured interest in the subject property.

The Court has granted the Motion to Refinance Real Property (ECF doc. 89) and the Motion to Modify Plan (ECF doc. 87). On 9-26-18, Movant filed a Proof of Service of the Motion, showing proper service on Unifund CCR, LLC. Service on Los Angeles County Treasurer & Tax Collector was not proper, however, per the address listed for the creditor in Appendix D of the Court Manual and the address listed by the creditor on the Proof of Claim no. 6.

APPEARANCE REQUIRED.

9-26-18 TENTATIVE BELOW

Petition Date: 12/21/16

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CONT... **Bruce Jeffrey Starin and Geraldine Papel Starin**

**Chapter 13**

Chapter 13 plan confirmed: 5/9/17

Service: NOT proper - secured judgment lien creditors not served.  
Opposition filed.

Property: 12001 Martha St., North Hollywood, CA 91607

Property Value: \$740,000 (per Appraisal ISO Debtor's Opposition)

Amount Owed: \$137,602

Equity Cushion: 81.4%

Equity: \$602,398

Post-confirmation Delinquency: \$8,172.90 (10 payments of \$817.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a) (3) stay). Movant alleges that the last payment received on this debt was on or about 11/6/17.

Debtors oppose the Motion, arguing that there is considerable equity in the property and that they have been conditionally approved for a reverse mortgage in the amount of \$280,015.80. Once approved by the Court, the reverse mortgage will enable them to pay off all of the encumbrances against the Property, including Movant's claim, with \$28,000 left over to pay off most of the unsecured creditors in class 5.

Given that Movant's claim is protected by sufficient equity, the Court finds grounds to continue this hearing to **October 24, 2018, at 11:00 a.m.**, to allow time for (1) Movant to serve other creditors with a secured interest in the Property; and (2) Debtors to have all of the Motions related to approving the refinance and the motion to modify plan resolved.

APPEARANCES WAIVED ON 9/26/18

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

**Debtor(s):**

Bruce Jeffrey Starin

Represented By  
John D Monte

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**CONT... Bruce Jeffrey Starin and Geraldine Papel Starin**

**Chapter 13**

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:17-10637 Liliya F Kargina

Chapter 13

#15.00 Motion for relief from stay

SETERUS, INC.

fr. 10/24/18

Docket 63

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This hearing was continued from 10-24-18 at the request of the parties because they were discussing an APO.

What is the status of this Motion?

APPEARANCE REQUIRED

10-24-18 TENTATIVE BELOW

Petition Date: 03/13/2017

Chapter 13 plan confirmed: 8/31/17

Service: Proper. No opposition filed.

Property: 18319 Collins St, # 8, Tarzana, CA 91356

Property Value: \$398,000.00 (per debtor's schedules)

Amount Owed: \$208,364.16 (per RFS motion)

Equity Cushion: 40.0%.

Equity: \$189,635.84.

Post-confirmation Delinquency: \$4,564.45 (4 payments of \$1,258.74; less suspense account or partial paid balance of \$470.51)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor's plan has only recently been confirmed and there is a sizeable equity

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**CONT... Liliya F Kargina Chapter 13**

cushion to protect Movant's claim. Have the parties discussed whether an APO is a feasible solution?

APPEARANCE REQUIRED

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

**Debtor(s):**

Liliya F Kargina

Represented By  
Alla Tenina

**Movant(s):**

SETERUS, INC., AS THE

Represented By  
James F Lewin  
Renee M Parker

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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11:00 AM

1:17-12363 Janice Marie Semien

Chapter 13

#16.00 Motion for relief from stay

STATEBRIDGE COMPANY LLC

fr. 9/26/18

Docket 46

\*\*\* VACATED \*\*\* REASON: Voluntary dismissal filed on 11/12/18

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 9/3/17

Chapter 13 plan confirmed: 4/13/18

Service: Proper. Opposition filed.

Property: 5107 Coldwater Canyon Ave. #10, Sherman Oaks, CA 91423

Property Value: \$450,000 (per debtor's schedules)

Amount Owed: \$423,176

Equity Cushion: 6.0%

Equity: \$26,824

Post-Petition Delinquency: \$10,023.58 (4 payments of \$2,413.29; post-petition advances of \$1,565; attorney's fees of \$1,031; less suspense account balance of \$2,225.58)

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that she has made more payments than have been accounted for in the Motion and requests time to retrieve her online payment records to determine which payments have been credited and which were noted as late.

Is Movant amenable to continuing this hearing to give Debtor time to check



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Janice Marie Semien**  
her records?

**Chapter 13**

**APPEARANCE REQUIRED**

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

**Debtor(s):**

Janice Marie Semien

Represented By  
Vernon R Yancy

**Movant(s):**

Statebridge Company, LLC

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12884 Claudia Grace Wells**

**Chapter 7**

**#17.00 Motion for relief from stay (Non-BK Forum)**

SIGRID DAOUDI

Docket 28

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date:10/27/2017

Chapter: 7

Service: Proper. Conditional opposition filed.

Movant: Sigrid Daoudi

Relief Sought to:

Pursue Pending Litigation \_\_\_

Commence Litigation \_\_\_

Pursue Insurance \_x\_

Other

Litigation Information

Case Name: CLAUDIA GRACE WELLS AN INDIVIDUAL DBA ARMANI WELLS

Court/Agency: Worker's Compensation Appeals Board - Van Nuys Division

Date Filed: 11/18/16

Judgment Entered: N/A

Trial Start Date: N/A

Action Description: Worker's Compensation Claim

Grounds:

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3rd Parties \_X\_

Non-dischargeable \_\_\_

Mandatory Abstention \_\_\_

Non-BK Claims Best Resolved in Non-BK Forum \_\_\_

Other:

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Claudia Grace Wells**

**Chapter 7**

Debtor filed a conditional opposition, stating that she will not oppose the motion if movant seeks judgment solely from insurance.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **5** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

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

**Debtor(s):**

Claudia Grace Wells

Represented By  
Anthony A Friedman  
Martin J Brill

**Movant(s):**

Sigrid Daoudi

Represented By  
Edmond Richard McGuire

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12884 Claudia Grace Wells**

**Chapter 7**

**#18.00** Motion for relief from stay (Non-BK Forum)

SIGRID DAOUDI

Docket 29

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date:10/27/2017

Chapter: 7

Service: Proper. Conditional opposition filed.

Movant: Sigrid Daoudi

Relief Sought to:

Pursue Pending Litigation \_\_\_

Commence Litigation \_\_\_

Pursue Insurance \_x\_

Other

Litigation Information

Case Name: CLAUDIA GRACE WELLS AN INDIVIDUAL DBA ARMANI WELLS

Court/Agency: Worker's Compensation Appeals Board - Van Nuys Division

Date Filed: 11/18/16

Judgment Entered: N/A

Trial Start Date: N/A

Action Description: Worker's Compensation Claim

Grounds:

Bad Faith \_\_\_ Claim is Insured \_\_\_ Claim Against 3rd Parties \_X\_

Non-dischargeable \_\_\_

Mandatory Abstention \_\_\_

Non-BK Claims Best Resolved in Non-BK Forum \_\_\_

Other:

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Claudia Grace Wells**

**Chapter 7**

Debtor filed a conditional opposition, stating that she will not oppose the motion if movant seeks judgment solely from insurance.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law to judgment, with stay against enforcement against property of the estate); and **5** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

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

**Debtor(s):**

Claudia Grace Wells

Represented By  
Anthony A Friedman  
Martin J Brill

**Movant(s):**

Sigrid Daoudi

Represented By  
Edmond Richard McGuire

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10207 Gloria Rodriguez**

**Chapter 13**

**#19.00** Motion for relief from stay

LAKEVIEW LOAN SERVICING LLC

fr. 9/12/18

Docket 42

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 52) - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gloria Rodriguez

Represented By  
Stella A Havkin

**Movant(s):**

Lakeview Loan Servicing, LLC

Represented By  
S Renee Sawyer Blume  
Bonni S Mantovani

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-11210 Thomas Vy Nguyen

Chapter 13

#20.00 Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

Docket 32

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 05/10/18  
Chapter 13 plan confirmed: 08/14/18  
Service: Proper. Co-debtor served. No opposition filed.  
Property: 7711 Calle Maria, Winnetka, CA 91306  
Property Value: \$750,000 (per debtor's schedules)  
Amount Owed: \$537,818.45 (per RFS motion)  
Equity Cushion: 20.0%  
Equity: \$212,181.55.  
Post-Petition Delinquency: \$9,090.34 (2 pre-confirmation payments of \$6,043.56; 1 post-confirmation payment of \$3,021.78; post-petition advances or other charge due but unpaid: \$25)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1). Relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (co-debtor stay is terminated) and **7** (waiver of the 4001(a)(3) stay).

Given the size of the equity cushion here, have the parties discussed whether this can be resolved by an APO?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Thomas Vy Nguyen

Represented By  
Joshua L Sternberg

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Thomas Vy Nguyen**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

**1:18-11958 Jose Luis Hernandez**

**Chapter 7**

**#21.00** Motion for relief from stay

AMERICAN HONDA FINANCIAL CORPORATION

Docket 11

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 08/02/18  
Chapter: 7  
Service: Proper. No opposition filed.  
Property: 2016 Honda Accord  
Property Value: \$ 17,019 (per debtor's schedules)  
Amount Owed: \$ 14,761.46 (per RFS motion)  
Equity Cushion: 5%  
Equity: \$ 2,257.54.  
Delinquency: \$992.54  
Last payment was received on 08/28/18

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**Debtor(s):**

Jose Luis Hernandez

Represented By  
Luis G Torres

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-12102 Parviz Paul Mehdizadeh

Chapter 7

#22.00 Motion for relief from stay

FINANCIAL SERVICES VEHICLE TRUST

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 08/18/18

Chapter: 7

Service: Proper. No opposition filed.

Property: Vehicle (2016 BMW 5 Series Sedan 4D 528I)

Property Value: \$26,000 (per debtor's schedules)

Amount Owed: \$ 47,034.63 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$ 7,507.83

Last payment was received on 04/26/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Parviz Paul Mehdizadeh

Represented By  
Glenn Ward Calsada

**Movant(s):**

Financial Services Vehicle Trust

Represented By  
Cheryl A Skigin

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Parviz Paul Mehdizadeh**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-12223 Bennie Akil Taylor

Chapter 7

#23.00 Motion for relief from stay

MY MANAGEMENT CO

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 08/31/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: MY MANAGEMENT CO

Property Address: 5325 Cartwright Ave. #203, North Hollywood, CA 91601

Type of Property: Residential

Occupancy: Expired tenancy

Foreclosure Sale: N/A

UD case filed: 08/31/2018

UD Judgment: N/A

Movant argues that the case was filed in bad faith, as Movant was one of the few creditors listed in case commencement documents.

Disposition: GRANT under 11 U.S.C.(d)(1). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), **3** (Confirmation that there is no stay in effect), **6** (waiver of 4001(a)(3) stay), **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law), **9** (relief binding and effective for 180 days against any debtor), **10** (binding and effective in any case for 2 years), and **11** (binding and effective against Debtor for 180 days)

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Bennie Akil Taylor**

**Chapter 7**

**Debtor(s):**

Bennie Akil Taylor

Represented By  
David H Chung

**Movant(s):**

My Management Co.

Represented By  
Benjamin Taylor

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-12326 David Luis Gonzalez

Chapter 13

#24.00 Motion for relief from stay

WELLS FARGO BANK, N.A.

Docket 23

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 09/18/2018

Chapter: 13

Service: Proper. Co-debtor was served. No opposition filed.

Property: 6729 Amigo Ave, Reseda, CA 91335-5310

Property Value: \$ 733,533.40 (per debtor's schedules)

Amount Owed: \$ 734,212.81 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$2,791.60

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2) and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **6** (Co-debtor stay is terminated); **7** (waiver of the 4001(a)(3) stay) and **9** (Relief under 362(d)(4) for bad faith- multiple bankruptcies affecting the subject property).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

David Luis Gonzalez

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

**1:18-12480 Raul Jimenez**

**Chapter 13**

**#25.00** Motion for relief from stay

JERRY PIKOVER

Docket 12

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Petition Date: 10/05/2018

Chapter: 13

Service: Proper. Co-debtor was served. No opposition filed.

Property: 749 Vernon Avenue, Venice, CA 90291

Property Value: N/A

Amount Owed: \$ 812,566.88 (per RFS motion)

Equity Cushion: N/A

Equity: N/A.

Post-Petition Delinquency: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **4** (confirmation that there is no stay in effect); **7** (waiver of the 4001(a)(3) stay); **8** (Designated law enforcement officer may evict any occupant without further notice); **9** (Relief under 362(d)(4) for bad faith- multiple unauthorized transfers and bankruptcies affecting the subject property); and **10** (relief binding and effective for 180 days against any debtor).

Ellie Chappel was served as borrower, but there is no relief requested as to the termination of co-debtor stay.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Raul Jimenez

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Raul Jimenez**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-12559 Jacqueline B Urenda

Chapter 13

#26.00 Motion to Impose or Continue the Automatic Stay

JACUELINE B. URENDA

Docket 10

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

On 10-17-18, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 17-12523-MT, was a chapter 13 that was filed on 9/20/17 and dismissed on 8/14/18 for failure to make required payments. Relief from stay was granted to Wells Fargo Bank on 8/14/18, after Debtor defaulted under the terms of an APO (17-12523-MT, doc. 41).

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case for failure to make required payments because her rental income is less erratic. Debtor claims that there has been a substantial change in her financial affairs. Debtor states that since the First Filing was dismissed, the students she now rents to are more stable, so that she can make timely plan payments. Debtor claims that the property is necessary for a successful reorganization because this is her primary residence, and a source of income.

Wells Fargo Bank opposes this motion, arguing that Debtor has not rebutted the presumption of bad faith as to by clear and convincing evidence merely by stating that she has secured stable tenancy. In the alternative, Wells Fargo requests that the Court condition any extension of the stay on Debtor's timely payment of the post-petition payments on account of its secured claim.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

**Party Information**

**Debtor(s):**

Jacqueline B Urenda

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Jacqueline B Urenda**

**Chapter 13**

James Geoffrey Beirne

**Movant(s):**

Jacqueline B Urenda

Represented By

James Geoffrey Beirne

James Geoffrey Beirne

James Geoffrey Beirne

James Geoffrey Beirne

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#26.01** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17, 1/31/18, 2/14/18,  
5/30/18, 6/6/18, 7/18/18,

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Having received the Debtor's unilateral status report dated November 12, 2018, and in recognition of the parties' agreement to proceed to mediation on December 20, 2018, this matter will be continued to January 23, 2019.

NO APPEARANCE REQUIRED ON 11/12/18

**Party Information**

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By  
Donna R Dishbak  
Donna R Dishbak

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Yoram Talasazan**

**Chapter 7**

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

**1:18-11545 Ian Ellis Silber**

**Chapter 13**

Adv#: 1:18-01104 Silber et al v. Silber et al

**#27.00** Status Conference Re:  
Complaint by Creditors Kurt and Irene Silber  
to Determine Non-Dischargeability of Debts  
owed by Debtors, Ian Ellis Silber and Jane Silber.

Docket 1

\*\*\* VACATED \*\*\* REASON: Another summons issued new hrg. 12/12/18  
@ 11 am (eg)

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa

**Defendant(s):**

Ian Ellis Silber

Pro Se

Jane Ellen Silber

Pro Se

DOES 1 through 50

Pro Se

**Joint Debtor(s):**

Jane Ellen Silber

Represented By  
Henry Glowa

**Plaintiff(s):**

Kurt Silber

Represented By  
Timothy R Hanigan

Irene Silber

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

---

11:00 AM

**CONT... Ian Ellis Silber**

Timothy R Hanigan

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

**#28.00** Status Conference Re: Counterclaim  
by Israel Abselet, Howard L. Abselet against  
DAVID K GOTTLIEB,  
Fieldbrook, Inc.,  
Elkwood Associates, LLC,  
CITIVEST FINANCIAL SERVICES, INC.,  
Reliable Properties,  
Jack NOURAFSHAN,  
Fereydoun Dayani,  
DMARC 2007-CD5 Garden Street, LLC,  
Soda Partners, LLC

Docket 136

**\*\*\* VACATED \*\*\* REASON: Amended Counter Claim filed new hrg.  
12/12/18 11 (eg)**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This status conference is continued to 11/15/18 at 9:30 a.m., to be heard with  
the summary judgment argument.  
NO APPEARANCE REQUIRED ON 11/14/18

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Solyman Yashouafar**

**Chapter 11**

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Absalet

Represented By  
Henry S David

Israel Absalet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Aleksandrovic et al

**#29.00** Status Conference Re: First Amended Complaint.

fr. 3/21/18, 4/4/18, 10/3/18, 10/10/18

Docket 9

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Yakov Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yakov Aleksandrovic

Represented By  
Stella A Havkin

Natalia Koutina

Represented By  
Stella A Havkin

Yanna Aleksandrovich

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

Law Offices of Steers & Assoc.

Pro Se

RWB Consulting Services & Sales,

Represented By  
Stella A Havkin

RWB Consulting Services & Sales,

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Yakov Aleksandrovich**

**Chapter 7**

Stella A Havkin

**Joint Debtor(s):**

Natalia Koutina

Represented By  
Elena Steers

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12901 Yakov Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01007 Karish Kapital LLC v. Koutina et al

**#30.00** Status Conference Re:  
Complaint Seeking Damages in Core  
Adversary Proceedings

Docket 1

**\*\*\* VACATED \*\*\* REASON: Moot, as amended complaint filed - hm**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

CONT... Yakov Aleksandrovich

Chapter 7

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue. **A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Yakov Aleksandrovich	Represented By Elena Steers
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**Defendant(s):**

Natalia Koutina	Represented By Stella A Havkin
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Yanna Aleksandrovich	Represented By Stella A Havkin
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RWB Consulting Services & Sales,	Represented By Stella A Havkin
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Law Offices of Steers & Assoc.	Pro Se
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RWB Consulting Services & Sales,	Represented By Stella A Havkin
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RWB Consulting Services & Sales,	Represented By Stella A Havkin
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**Joint Debtor(s):**

Natalia Koutina	Represented By Elena Steers
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Yakov Aleksandrovich**

**Chapter 7**

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin  
Jarrod Y Nakano

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11143 Jerald Angelo Gregorio**

**Chapter 7**

Adv#: 1:18-01068 Gregorio v. PHEAA-Pennsylvania Higher Education et al

**#31.00** Status Conference Re: Amended Complaint Dischargeability  
523(a)(8) Student Loan

Docket 7

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*): Feb. 28, 2019  
Expert witness designation deadline (if necessary):to be determined at next hearing  
Case dispositive motion filing deadline (MSJ; 12(c)): to be determined at next hearing  
Status conference to be set for April 2019

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cutoff date, so that it will be completed by the cut-off date, taking into account time for service, notice and response as set forth in the Federal Rules of Civil Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection, answer, or response which becomes the subject of dispute or the passing of a

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

CONT... **Jerald Angelo Gregorio** **Chapter 7**

discovery due date without response or production, and only after counsel have met and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Jerald Angelo Gregorio	Pro Se
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**Defendant(s):**

PHEAA-Pennsylvania Higher	Pro Se
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Windham Professionals	Pro Se
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ECMC Educational Credit	Represented By Scott A Schiff
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United States Department of	Pro Se
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**Plaintiff(s):**

Jerald Angelo Gregorio	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12238 Juliana Njeim**

**Chapter 7**

Adv#: 1:18-01010 Seyedan v. Njeim

**#32.00** Pre-Trial Conference Re: Complaint

fr. 3/28/18, 4/25/18, 7/18/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Juliana Njeim

Represented By  
Richard Mark Garber

**Defendant(s):**

Juliana Njeim

Pro Se

**Plaintiff(s):**

Maryam Seyedan

Represented By  
James R Selth

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13125 Yanna Aleksandrovich**

**Chapter 7**

Adv#: 1:18-01019 Karish Kapital LLC v. Aleksandrovich

**#33.00** Pre-Trial Conference Re: Complaint

fr. 5/2/18; 10/10/18

Docket 1

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Discovery cut off (to be completed) - September 12

Pretrial conference on October 10 at 11 am

<b>Party Information</b>
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**Debtor(s):**

Yanna Aleksandrovich

Represented By  
Elena Steers

**Defendant(s):**

Yanna Aleksandrovich

Represented By  
Stella A Havkin

**Plaintiff(s):**

Karish Kapital LLC

Represented By  
Timothy McFarlin

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

#34.00 Trustee's Application to Employ Accountants  
for the Estate

Docket 50

\*\*\* VACATED \*\*\* REASON: Cont'd per stipulation to 12/12/18 at 11 a.m.  
(doc. 60) - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

John Gordon Jones

Represented By  
Michael Worthington

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

1:12-10231 Owner Management Service, LLC and Trustee Corps

Chapter 7

#34.01 Motion to Abandon Estate's Interest in Real Property  
Located at 3590 Desert Inn Way, Bonita, CA 91902,  
APN 591-310-13-00

Docket 2190

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Opposition to the proposed abandonment was filed by Michael Jaso, a tenant residing at the Desert Way property. Mr. Jaso states that he has been residing at Desert Way under a lease agreement since January 2010. Mr. Jaso explains that the agreement was that he maintain the Property at his own expense and that he would have an opportunity to purchase the property. Mr. Jaso, by his opposition, requested to have the Trustee's sale, set for 10/29/18, to be postponed and to have the opportunity to work with Trustee Seror & the mortgage holder to complete a short sale to him, if possible.

Trustee Seror responded that Mr. Jaso's requests cannot be granted here because (1) the relief sought by Mr. Jaso is not relief that could be granted by the Court – HSBC has already been granted relief from the automatic stay to proceed with its foreclosure; (2) the relief sought by Mr. Jaso is likely moot because the foreclosure was scheduled for a date that has already passed, and thus it is likely that the foreclosure has already been completed; (3) Trustee has already determined that administration of the Property is not in the further interests of the Estate so there are no grounds for him to seek a stay of the foreclose proceedings even could he do so at this point; and, (4) Mr. Jaso does not through his Response oppose abandonment, rather, he requests the opportunity to purchase the Property through a short sale, which respectfully, is not relief that has any relation to the administration of this bankruptcy estate.

Having reviewed the Trustee's Motion to Abandon *Nunc Pro Tunc* to Oct. 23, 2018, the Court finds that the subject property is burdensome and/or of inconsequential value and benefit to the Estate. Mr. Jaso's objection is overruled.  
Motion GRANTED.

APPEARANCE REQUIRED.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

11:00 AM

CONT... Owner Management Service, LLC and Trustee Corps

Chapter 7

**Party Information**

**Debtor(s):**

Owner Management Service, LLC                      Pro Se

**Trustee(s):**

David Seror (TR)

Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, November 14, 2018

Hearing Room 302

1:00 PM

1:15-10446 Thomas R D'Arco

Chapter 7

Adv#: 1:17-01012 David K. Gottlieb, solely in his capacity as chapt v. D'Arco et al

#35.00 Pre-Trial Conference re: Complaint

fr. 4/26/17, 5/24/17, 7/26/17; 1/31/18; 4/25/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Closed 10/31/18 - hm

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This matter will be continued to June 20 to be heard with the Motion for Summary Judgment. Plaintiff to provide notice of continued hearing.

APPEARANCES WAIVED on April 25.

**Party Information**

**Debtor(s):**

Thomas R D'Arco

Represented By  
Chris Gautschi

**Defendant(s):**

Carol V D'Arco

Pro Se

Does 1-100

Pro Se

**Plaintiff(s):**

David K. Gottlieb, solely in his

Represented By  
Fahim Farivar

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Ashley M McDow  
Michael T Delaney  
Fahim Farivar

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

1:00 PM

**CONT... Thomas R D'Arco**

**Chapter 7**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

1:00 PM

**1:16-11671 Yoram Talasazan**

**Chapter 7**

Adv#: 1:16-01119 Moussighi et al v. Talasazan

**#36.00** Status Conference Re: Complaint  
for NonDischargeability of Debt Pursuant to  
11 U.S.C. Sec. 523 and 727.

11/5/16, 11/30/16; 3/29/17, 7/5/17, 1/31/18, 2/14/18,  
5/30/18, 6/6/18, 7/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Moved to 11:00 a.m.**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

This status conference was continued to 11/14 to allow time for the parties to bring a dispositive motion on the remaining issues. No such motion has been filed. In fact, nothing new has been filed in this case since mid-July. What is the status of this action? Do Plaintiffs intend to continue prosecuting this adversary?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Yoram Talasazan

Represented By  
Raymond H. Aver

**Defendant(s):**

Yoram Talasazan

Pro Se

**Plaintiff(s):**

Moeir Moussighi

Represented By  
Donna R Dishbak

Hanrit Moussighi

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, November 14, 2018**

**Hearing Room 302**

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1:00 PM

**CONT... Yoram Talasazan**

**Chapter 7**

Donna R Dishbak  
Donna R Dishbak

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#1.00** Motion to Dismiss the Abselets' First Amended Counterclaim;

Docket 165

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

Israel Abselet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

---

9:30 AM

**CONT... Solyman Yashouafar**

**Chapter 11**

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#2.00** Motion of David K. Gottlieb,  
Chapter 11 Trustee, for Summary Judgment on First  
Claim for Relief (Quiet Title) Against Defendants  
Elkwood Associates, LLC and Fieldbrook, Inc.

fr. 9/18/18; 10/10/2018

Docket 98

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Absalet

Represented By  
Henry S David

Israel Absalet

Represented By  
Henry S David

Citivest financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Solyman Yashouafar**

**Chapter 11**

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Movant(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

DAVID K GOTTLIEB

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

**#3.00** Defendants' Cross-Motion for Summary Judgment  
on Plaintiffs First Claim for  
Relief (Quiet Title)

fr. 9/18/18; 10/10/2018

Docket 102

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

Israel Abselet

Represented By  
Henry S David

Citivest financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Thursday, November 15, 2018**

**Hearing Room 302**

9:30 AM

**CONT... Solyman Yashouafar**

**Chapter 11**

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Monday, November 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

**#1.00** Motion to Disallow Claims Objection to Payment of Claim #1 filed by SP22, Inc., Scott Parrish and Saeideh Parrish.

fr. 9/26/2018, 10/24/18; 11/7/18

Docket 136

**\*\*\* VACATED \*\*\* REASON: Withdrawal filed on 11/16/18 doc. #160. If**

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

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson  
Howard Camhi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

8:30 AM

**1:18-12143 Florence Hamilton**

**Chapter 7**

**#1.00 Pro se Reaffirmation Agreement Between Debtor  
and Wells Fargo Auto**

Docket 14

**Tentative Ruling:**

Petition date: 8/23/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Cadillac ATS

Debtor's valuation of property (Sch. B): \$10,000

Amount to be reaffirmed: \$26,901

APR: 13.990%

Contract terms: \$557.90 per month for 70 months

Monthly Income (Schedule I): \$4,680

Monthly expenses: (Schedule J): \$4,507

Disposable income: \$173

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

No explanation provided.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 29, 2018, **whichever is later**.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

8:30 AM

**CONT... Florence Hamilton**

**Chapter 7**

**Debtor(s):**

Florence Hamilton

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

8:30 AM

**1:18-12157 Laura V. Cowart**

**Chapter 7**

**#2.00 Reaffirmation Agreement with  
Logix Federal Credit Union**

Docket 9

**Tentative Ruling:**

Petition date: 8/24/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2013 Toyota Corolla

Debtor's valuation of property (Sch. B): \$5,000

Amount to be reaffirmed: \$7,728.35

APR: 3.25% (fixed)

Contract terms: \$274.84 for 30 Months

Monthly Income (Schedule I): \$2,721.58

Monthly expenses: (Schedule J): \$2,715 (includes car payment)

Disposable income: \$6.58

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Disposable income is sufficient to afford payments; expenses in schedule J include car payment, and net to \$6.58

Debtor has a right to rescind agreement anytime prior to discharge, or until December 17, 2018 , **whichever is later.**

RULING MAY BE MODIFIED AT HEARING.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Laura V. Cowart**

**Chapter 7**

**Party Information**

**Debtor(s):**

Laura V. Cowart

Represented By  
Elena Steers

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

8:30 AM

**1:18-12275 Arben Nebo**

**Chapter 7**

**#3.00 Pro se Reaffirmation Agreement Between Debtor  
and Toyota Motor Credit Corporation**

Docket 7

**Tentative Ruling:**

Petition date: 9/10/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2015 Toyota Tundra

Debtor's valuation of property (Sch. B): \$13,000

Amount to be reaffirmed: \$13,987.97

APR: 0% (Fixed) Does not appear to be a lease.

Contract terms: \$538.01 for 25 Months

Monthly Income (Schedule I): \$2,104.33

Monthly expenses: (Schedule J): \$3,238

Disposable income: <\$1,194.67>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that relatives will assist with the payment.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 23, 2018, **whichever is later**.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

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8:30 AM

**CONT... Arben Nebo**

**Chapter 7**

**Debtor(s):**

Arben Nebo

Represented By  
Gregory Grigoryants

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

8:30 AM

**1:18-12510 Blanca Suazo**

**Chapter 7**

**#4.00 Reaffirmation Agreement Between Debtor and  
CarMax Auto Finance**

Docket 9

**Tentative Ruling:**

Petition date: 10/10/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2011 Ford Edge

Debtor's valuation of property (Sch. D): \$3,455 (not listed in schedules A/B or G)

Amount to be reaffirmed: \$16,869.12

APR: 9.45% (fixed)

Contract terms: \$398.41 per month for 49 months

Monthly Income (Schedule I): \$2,166.67

Monthly expenses: (Schedule J): \$2,324

Disposable income: <\$157.33>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor says they will get a second job.

Debtor has a right to rescind agreement anytime prior to discharge, or until December 9, 2018, **whichever is later**.

RULING MAY BE MODIFIED AT HEARING.

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 20, 2018**

**Hearing Room 302**

---

8:30 AM

**CONT... Blanca Suazo**

**Chapter 7**

**Debtor(s):**

Blanca Suazo

Represented By  
Monica M Robles

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12748 George Mortensen**

**Chapter 13**

- #0.01** Status conference re:  
(1) Directing compliance with applicable law  
(2) Requiring debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refiling

Docket 1

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

George Mortensen

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12738 Orlando Huete**

**Chapter 13**

**#33.01** Motion in Individual Case for Order Imposing a Stay or  
Continuing the Automatic Stay as the Court Deems

Docket 9

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Orlando Huete

Represented By  
Jaime A Cuevas Jr.

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:11-23477 Victoria Ruiz**

**Chapter 13**

**#34.00** Trustee's Motion to Dismiss Case

fr. 3/28/17, 5/23/17; l 7/25/17, 9/26/17, 11/28/17,  
1/23/18; 3/27/18; 4/24/18, 6/19/18; 7/31/18, 9/11/18,  
10/23/18

Docket 89

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Victoria Ruiz

Represented By  
Siamak E Nehoray

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:13-15548 Sigalit Marmorstein**

**Chapter 13**

**#35.00** Trustee's Motion to Dismiss Case.

Docket 48

**\*\*\* VACATED \*\*\* REASON: W/drawal filed by Trustee Doc. #51. If**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sigalit Marmorstein

Represented By  
David S Hagen

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15090 Israel Deleon and Yvonne Deleon**

**Chapter 13**

**#36.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 59

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Israel Deleon

Represented By  
Elena Steers

**Joint Debtor(s):**

Yvonne Deleon

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:14-15589 Henry Guzman**

**Chapter 13**

**#37.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18, 10/23/18

Docket 66

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Henry Guzman

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:15-10240 Fernando Becerril**

**Chapter 13**

**#38.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 9/11/18, 10/23/18

Docket 43

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fernando Becerril

Represented By  
Ali R Nader

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11078 Art Summroell**

**Chapter 13**

**#39.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/23/18

Docket 47

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Art Summroell

Represented By  
Elena Steers

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11646 Edgar Rufino Hernandez**

**Chapter 13**

**#40.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 58

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Edgar Rufino Hernandez

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11815 William Michael Desmuke, Sr and Priscilla Ann Desmuke**

**Chapter 13**

**#41.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 11/28/17; 2/27/18; 3/27/18, 5/22/18; 7/31/18,  
9/11/18, 10/23/18

Docket 48

**Tentative Ruling:**

According to the Trustee's website, Debtors are now \$16,415 behind on plan payments. Do Debtors have a realistic chance of modifying this plan?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

William Michael Desmuke Sr

Represented By  
Claudia L Phillips

**Joint Debtor(s):**

Priscilla Ann Desmuke

Represented By  
Claudia L Phillips

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12579 Nafees Memon**

**Chapter 13**

**#42.00** Motion to Dismiss Case for Failure to  
Make Plan Payments

fr. 10/23/18

Docket 80

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nafees Memon

Represented By  
William R Ramsey

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12834 Fakhruddin Noorbhai and Asma Fakhruddin Noorbhai**

**Chapter 13**

**#43.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/23/18

Docket 44

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Fakhruddin Noorbhai

Represented By  
Jeffrey N Wishman

**Joint Debtor(s):**

Asma Fakhruddin Noorbhai

Represented By  
Jeffrey N Wishman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12965 Yinka Brandy Nunoo**

**Chapter 13**

**#44.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 49

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Yinka Brandy Nunoo

Represented By  
Devin Sawdayi

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:16-13648 Lisa Marie Payne**

**Chapter 13**

**#45.00** Motion to Dismiss Case for Failure to Make  
Plan Payments

fr. 10/23/18

Docket 46

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Lisa Marie Payne

Represented By  
Thomas B Ure

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10117 Gregory A Harris**

**Chapter 13**

**#46.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/23/18

Docket 85

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Gregory A Harris

Represented By  
Brad Weil

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11267 Irma Villalpando**

**Chapter 13**

**#47.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18, 9/11/18, 10/23/18

Docket 82

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Irma Villalpando

Represented By  
Steven A Alpert

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#48.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 7/31/18, 9/11/18, 10/23/18

Docket 105

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11301 Allen Charles Mixon, III and Gladys Stennis Mixon**

**Chapter 13**

**#49.00** Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments Post Petition Income and Expense

fr. 10/23/18

Docket 111

**\*\*\* VACATED \*\*\* REASON: Motion granted, Doc. #130 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Allen Charles Mixon III

Represented By  
Stella A Havkin

**Joint Debtor(s):**

Gladys Stennis Mixon

Represented By  
Stella A Havkin

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11804 Eduardo N Trillo, Jr. and Maritess Biglangawa Trillo**

**Chapter 13**

**#50.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr, 10/23/18

Docket 40

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Eduardo N Trillo Jr.

Represented By  
Elena Steers

**Joint Debtor(s):**

Maritess Biglangawa Trillo

Represented By  
Elena Steers

**Movant(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12534 Richard Khatibi**

**Chapter 13**

**#51.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

fr. 10/23/18

Docket 125

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Michael D Kwasigroch

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13304 Melissa D Kurtz**

**Chapter 13**

**#52.00** Motion to Dismiss Case for  
Failure to Make Plan Payments

Docket 49

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melissa D Kurtz

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10559 Sam Shem Tov Dan**

**Chapter 13**

**#53.00** Objection to the Trustee's Notice of Intent to  
pay claims

fr. 10/23/18

Docket 0

**Tentative Ruling:**

Counsel needs to move quickly to resolve any issues so that trustee can commence paying claims. What time frame is counsel promising?

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

**Debtor(s):**

Sam Shem Tov Dan

Represented By  
Shai S Oved

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11625 Blanca Araceli Michel**

**Chapter 13**

**#54.00** Motion to Avoid Lien JUNIOR LIEN with Trinity  
Financial Services, LLC

fr. 10/23/18

Docket 43

**Tentative Ruling:**

No opposition filed. Service proper. Motion GRANTED. No appearance required.

**Party Information**

**Debtor(s):**

Blanca Araceli Michel

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12231 Manouchehr Kouchakali**

**Chapter 13**

**#55.00** Motion to Avoid Lien JUNIOR LIEN with Wells Fargo Bank, N.A.

Docket 17

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Manouchehr Kouchakali

Represented By  
Kevin T Simon

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, November 27, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10559 Sam Shem Tov Dan**

**Chapter 13**

**#56.00** Application for Compensation for Shai S Oved,  
Debtor's Attorney, Period: 3/2/2018 to 10/24/2018, Fee: \$9000,  
Expenses: \$100.

Docket 49

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Sam Shem Tov Dan

Represented By  
Shai S Oved

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 5, 2018**

**Hearing Room 302**

11:00 AM

**1:05-19547 JOSE E IRIAS**

**Chapter 7**

**#1.00** Trustee's Final Report and Application for  
Compensation and Deadline to Object

Docket 46

**\*\*\* VACATED \*\*\* REASON: cont. to 12/12/18 @ 11am (eg)**

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

**Debtor(s):**

JOSE E IRIAS

Represented By  
Allan J Sarkin

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Diane C Weil

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 5, 2018

Hearing Room 302

11:00 AM

**1:12-10231 Owner Management Service, LLC**

**Chapter 7**

Adv#: 1:18-01079 Seror v. Gregorian et al

**#2.00** Status Conference re: Complaint to determine validity, priority and extent of liens

fr. 9/26/18

Docket 1

\*\*\* VACATED \*\*\* REASON: cont. to 12/12/18 @ 11am (eg)

**Party Information**

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Defendant(s):**

La Vista Properties Pro Se

Alfred Gregorian Pro Se

**Plaintiff(s):**

David Seror Represented By  
Richard Burstein  
Michael W Davis

**Trustee(s):**

David Seror (TR) Represented By  
Richard Burstein  
Michael W Davis  
David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 5, 2018

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#3.00 Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17, 2/7/18, 3/21/18

Docket 12

\*\*\* VACATED \*\*\* REASON: cont. to 12/12/18 @ 11am (eg)

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Kevin T Simon

**Movant(s):**

Kern County Treasurer and Tax

Represented By  
Nicole M Misner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 5, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13198 Nelda Fuentes and Jose Fuentes**

**Chapter 13**

**#4.00** Motion for relief from stay

WELLS FARGO BANK N.A.

Docket 32

**\*\*\* VACATED \*\*\* REASON: Adequate Protection Entered 11/15/18 (eg)**

**Party Information**

**Debtor(s):**

Nelda Fuentes

Represented By  
Rebecca Tomilowitz

**Joint Debtor(s):**

Jose Fuentes

Represented By  
Rebecca Tomilowitz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 5, 2018

Hearing Room 302

11:00 AM

1:18-10772 Anna Gevorkian

Chapter 13

#5.00 Motion for relief from stay

PARKWOOD VAN NUYS HOA

Docket 50

\*\*\* VACATED \*\*\* REASON: cont. to 12/12/18 @ 11am (eg)

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**Movant(s):**

Parkwood Van Nuys HOA

Represented By  
Neil B Katz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 5, 2018

Hearing Room 302

11:00 AM

**1:18-11545 Ian Ellis Silber**

**Chapter 13**

Adv#: 1:18-01104 Silber et al v. Silber et al

**#6.00** Status Conference re: Complaint by creditor  
Kurt and Irene Silber to determine non-dischargeability  
of debts owed by debtors, Ian Ellis Silber and Jane Silber

Docket 5

\*\*\* VACATED \*\*\* REASON: cont. to 12/12/18 @ 11am (eg)

**Party Information**

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa

**Defendant(s):**

Ian Ellis Silber

Pro Se

Jane Ellen Silber

Pro Se

DOES 1 through 50

Pro Se

**Joint Debtor(s):**

Jane Ellen Silber

Represented By  
Henry Glowa

**Plaintiff(s):**

Kurt Silber

Represented By  
Timothy R Hanigan  
Arthur Carvalho Jr

Irene Silber

Represented By  
Timothy R Hanigan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Tuesday, December 11, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

**#1.00** Motion to Dismiss the Abselets' First Amended Counterclaim.

fr. 11/15/18

Docket 165

**Tentative Ruling:**

First Counterclaim: Declaratory Relief

The allegations in the first claim for relief mirror those in the Trustee's first claim, which survived a separate motion to dismiss and, tentatively, a summary judgment motion by the Elkwood Defendants. The Elkwood Defendants argue, however, that this action for declaratory judgment is essentially an action for quiet title, and that, furthermore, the Abselets lack standing.

The Court agrees with the Abselets that an action for declaratory judgment is appropriate here. It appears that the only concern with a quiet title action is whether the Abselets, as junior lienholders, may quiet title in the Trustee. If that concern is founded, then the Abselets are seeking a remedy that could not be granted in a quiet title action. Regardless of what the action is called, it is clear what the Abselets are seeking.

The Elkwood defendants also argue that declaratory relief is not an independent claim, but rather a remedy. This argument is belied by their later arguments that declaratory relief is only allowed as a separate claim for relief under certain circumstances, such as when it seeks relief not available in a quiet title action.

The first claim for relief is sufficient to state a claim for the declaratory relief sought by the Abselets. As to standing, the Court agrees with the Abselets. Yvanova did not address the standing of junior lienholders who were prejudiced by an allegedly void foreclosure. However, because the rights of the Abselets were unquestionably prejudiced if the allegations are true, they have suffered sufficient injury for standing.

Irregularities

It is unclear what relief the Elkwood Defendants seek with respect to section II B 3 of the motion regarding alleged irregularities. Because there is, by the Elkwood Defendants' own acknowledgment, no cause of action attached to these allegations, the motion is

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denied. The allegations may stand as part of the context of the other causes of action.

Second Counterclaim

The second counterclaim is "based on the counterfactual contention of the Nourafshan entities that Elkwood assigned only the New Solyman Obligation and the PWB Chalette DOT to Fieldbrook." The Court has considered the theory that the note was bifurcated and has rejected it, tentatively, in its ruling on the cross-motions for summary judgment. However, because that ruling is subject to the Elkwood Defendants' action for reformation, this issue may yet become relevant.

The Abselets seek a declaration that the Rexford foreclosure sale was void on two grounds. First, the complaint states that the bifurcated "New Massoud Obligation" was unsecured or otherwise that the Elkwood Defendants did not properly record a notice of default or Notice of Sale with respect to the New Massoud Obligation. Second, the complaint avers that any partial assignment was invalid because such assignment would have required the consent of the Debtors and the junior lienholders.

The Abselets' argument for how the debt was unsecured does not state a plausible claim. According to the opposition, the definition sections of the relevant loan documents do not create a security interest in the "New Massoud Obligation."

The PWB Rexford DOT defines "INDEBTEDNESS" as "all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Trustor's obligations or expenses Incurred by Trustee or Lender to enforce Trustor's obligations under this Deed of Trust, together with Interest on such amounts as provided in this Deed of Trust. . . .

The New Massoud Obligation is not the "INDEBTEDNESS" secured by the Rexford DOT because it is not "all" of the amounts due under the PWB Note or "Related Documents." It was a mere 11.89% of the INDEBTEDNESS.

Opposition, 12:15-13-3. This labored reading of the loan document has no merit for the reasons stated in the Elkwood Defendants' reply.



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The second theory for the second counterclaim does not state a plausible claim for relief. The bifurcation of the note, if one occurred, would have been very prejudicial to junior lienholders, including the Abselets. However, the Abselets have not provided any legal authority to support their contention that a "material split" requiring the consent of junior lienholders. The authority relied upon by the Abselets does not support the remedy sought. In Gluskin v. Atl. Sav. & Loan Assn., the court held that a lender and a borrower may not bilaterally make a material modification in the loan to which the seller has subordinated without the knowledge and consent of the seller to that modification if the modification materially affects the seller's rights. 32 Cal. App. 3d 307 (Ct. App. 1973). Gluskin arose in the context of a subordination agreement which was essentially three-way transaction. The Gluskin court recognized "the vulnerable position in which a seller who agrees to subordinate his purchase money deed of trust may find himself." Id. at 313. The court stated that there were "strong public policy reasons to protect the seller in subordination situations." Id. This Court is not willing to stretch this principle from a 45-year-old case to the current situation.

The other authority cited by the Abselets similarly focuses on subordination of the senior lien, particularly in the context of subordination agreements in construction loans. In fact, the treatise cited by the Abselets seems to refute their own theory. After discussing subordination in the context of construction loans, the treatise says the following:

**Alternate view that consensual junior lienor is inherently at risk of modification of the senior lienor.** The possible argument from these earlier cases, that all junior lienors, not solely subordinating sellers, should be able to gain priority over modifications to the senior lien made without their consent, has been rejected. The most recent case emphasizes that accepting a junior lien position necessarily exposes the junior lienor to the risk of modifications of the senior lien. If the junior lienor is reluctant to incur this risk, the junior lienor can either decline to extend credit in a junior position or else, prior to extending credit or accepting a junior lien position, the junior lienor can negotiate specific terms of a subordination or intercreditor agreement to provide contractual protection against such modifications. The senior lienor owes "no express or implied contractual duties" to a person who extends credit in a junior position without its consent. To the contrary, establishing a rule that protects junior creditors from any material change in a

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senior loan would upset the California "first in time, first in right" system of lien priorities, and give undue protection to a junior creditor who "takes a calculated investment risk" by accepting a junior position

Miller & Starr, California Real Estate, 4 Cal. Real Est. § 10:102 (4th ed. August 2018 Update). Notably, none of the cases cited by the Abselets provided any plaintiff with the relief sought by the Abselets: a declaration that the foreclosure was void. All of the cases cited similarly involve subordination agreements, which place the subordinating lienholder "in an especially vulnerable position." Friery v. Sutter Buttes Sav. Bank, 61 Cal. App. 4th 869, 876 (1998).

The second cause of action does not state a plausible claim for relief due to the lack of supporting legal authority. The motion is GRANTED as to the second claim for relief.

Third counterclaim: intentional fraudulent transfer, Rexford Home. Defendant does not seek dismissal.

Fourth and Fifth counterclaims - Conversion of Chalette proceeds and Money had and received for Chalette Proceeds. Motion denied as Abselets have alleged sufficient facts to support the claims under Lee v. Hanley, 61 Cal. 4<sup>th</sup> 1225, 1240 (2015) and Baldwin v. Marina City Properties, 79 Cal. App. 3d 393, 403 (1978).

Sixth Counterclaim: Unjust Enrichment

Some states recognize an independent claim for "unjust enrichment" or "restitution." See, e.g., Larisa's Home Care, LLC v. Nichols-Shields, 362 Or. 115 (2017). In California, the majority of courts do not recognize a cause of action for unjust enrichment. Forcellati v. Hyland's, Inc., 876 F. Supp. 2d 1155, 1166 (C.D. Cal. 2012) ("we agree with Defendants that the majority of state and federal district courts in California do not recognize unjust enrichment as a freestanding claim."); Mckell v. Wash. Mut., Inc., 142 Cal.App. 4th 1457, 1490 (2006). Unjust enrichment is instead a remedy under California law. Swain v. CACH, LLC, 699 F. Supp. 2d 1109, 1115 (N.D. Cal. 2009). Because there is no independent cause of action for unjust enrichment under California law, the Motion is GRANTED as to the sixth counterclaim

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Seventh Counterclaim: Actual fraudulent transfer: Chalette Proceeds, stands for now as well

Eighth Counterclaim: Conspiracy to Chill bidding. The court agrees that Abselets are not required to tender since they seek damages here, not a reversal of foreclosure. The cases cited by the Abselets generally support this theory as alleged in the complaint.

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

Israel Abselet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

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**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**1:16-12255 Solyman Yashouafar**

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Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

**#2.00**

Motion of David K. Gottlieb,

Chapter 11 Trustee, for Summary Judgment on First  
Claim for Relief (Quiet Title) Against Defendants  
Elkwood Associates, LLC and Fieldbrook, Inc.

fr. 9/18/18; 10/10/2018; 11/15/18

Docket 98

**Tentative Ruling:**

The cross motions for summary judgment address mostly the same issues, so the following tentative ruling addresses both motions together and will be revised in a written ruling following argument:

I.

Trustee's Motion only seeks summary judgment on the first claim for relief: quiet title as to the Rexford Property. Quiet Title claims are actionable under Cal. Civ. Pro. Code § 760.020. Trustee argues that the foreclosure of the Rexford home was void because Elkwood assigned the entire PWB Note to Fieldbrook before the foreclosure sale. Trustee argues further that the PWB note could not be split and assigned in part without the written consent of the borrowers, and that Trustee's rights as a *bona fide* purchaser of the Rexford Property bars reformation of the

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Bifurcation of the PWB Note

The success or failure of Trustee's Motion turns on whether the rights to foreclose under the Rexford DOT were transferred from Elkwood to Fieldbrook in the February 18, 2015 Fieldbrook Assignment.

There seems to be no dispute that when Elkwood obtained the PWB Note from Pacific Western Bank, it remained a single note secured by both the Rexford DOT and the Chalette DOT. Similarly, there is no contention that the PWB Note was in any way altered before Elkwood executed the Fieldbrook Assignment. The Fieldbrook Assignment, therefore, is the contract under which any "bifurcation," "splitting," "partial assignment," or assignment of a "participating interest," as the transaction has been variously described,<sup>1</sup> must have occurred.

Under California law, "[a] contract must be so interpreted as to give effect to the mutual intention of the parties as it existed at the time of contracting, so far as the same is ascertainable and lawful." Cal. Civ. Code § 1636. However, "it is not the parties' subjective intent that matters, but rather their objective intent, as evidenced by the words of the contract." Block v. eBay, Inc., 747 F.3d 1135, 1138 (9th Cir. 2014) (internal quotations omitted). "California recognizes the objective theory of contracts, under which it is the objective intent, as evidenced by the words of the contract, rather than the subjective intent of one of the parties, that controls interpretation. The parties' undisclosed intent or understanding is irrelevant to contract interpretation." Reilly v. Inquest Tech., Inc., 218 Cal. App. 4th 536, 554 (2013). The Court must examine the wording of the Fieldbrook Assignment to determine the objective intent of the contracting parties.

The operative language of the Fieldbrook Assignment in its entirety is as follows:

For Value Received, the undersigned ELKWOOD ASSOCIATES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY hereby grants, assigns, transfers and conveys to FIELDBROOK, INC., A CALIFORNIA CORPORATION all of its right, title and beneficial Interest In and to that certain Deed of Trust dated MARCH 20, 2009 executed by SOLYMAN YASHOUAFAR, AS TRUSTEE OF THE SOLYMAN AND SOHEILA YASHOUAFAR 2004 TRUST DATED MARCH 8, 2004 as Trustor, to PACIFIC WESTERN BANK, as Trustee, for the benefit of PACIFIC WESTERN BANK as beneficiary and recorded as Instrument No. 20090425658, on March 25, 2009, In Book \_\_\_\_\_, Page \_\_\_\_\_ of Official Records in the Office of the County Recorder of Los Angeles County, California, describing land in said county as,

Lot 34 in Tract No. 24484, in the city of Beverly Hills, County of Los Angeles, State of California, as per map recorded in book 657, pages 99 and 100 of maps, in the office of the county recorder of said county.

A.P.N. 4391-009-002 AKA: 580 CHALETTE DRIVE, BEVERLY HILLS, CA 90210

Together with the Secured Promissory Note or Notes therein described or referred to,

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the money due and to become due thereon with interest, and all rights accrued or to accrue under said Deed of Trust, any liens, security interest, and remedies arising thereunder. This Assignment is made without recourse, representations or warranties of any kind except as may be set forth in any Loan Sale Agreement that may be between assignor and assignee.

Fieldbrook Assignment, RJN ISO T'ee MSJ at Ex. D. By its terms, the assignment purports to assign the Chalette DOT and the PWB Note from Elkwood to Fieldbrook. Conspicuously absent from the Fieldbrook Assignment is any reference to the Rexford DoT, which also secured the PWB Note. Defendants argue that the Fieldbrook assignment contains a latent ambiguity requiring the admission of extrinsic evidence.

*Extrinsic Evidence*

A latent ambiguity exists when a document, while unambiguous on its face, may be reasonably susceptible to more than one possible meaning upon production of extrinsic evidence. Dore v. Arnold Worldwide, Inc., 39 Cal. 4th 384, 391 (2006). "The test of admissibility of extrinsic evidence to explain the meaning of a written instrument is not whether it appears to the court to be plain and unambiguous on its face, but whether the offered evidence is relevant to prove a meaning to which the language of the instrument is reasonably susceptible." Id. (quoting Pac. Gas & Elec. Co. v. G. W. Thomas Drayage & Rigging Co., 69 Cal. 2d 33, 37 (1968)).<sup>2</sup> The Pacific Gas Court reasoned that, under California law, "the intention of the parties as expressed in the contract is the source of contractual rights and duties." Pacific Gas, 69 Cal. 2d at 38. Extrinsic evidence is not admissible to add to, detract from, or vary the terms of a written contract. Id. at 33.

The Fieldbrook assignment is not reasonably susceptible to a reading that the PWB Note would be bifurcated and \$5.8 million of the note secured by only the Chalette DOT would be transferred to Fieldbrook while the remainder of the PWB Note and the Rexford DOT would remain with Elkwood. No amount of extrinsic evidence would allow such a wholesale re-imagining of the terms of the Fieldbrook Assignment. The phrase "[t]ogether with the Secured Promissory Note or Notes therein described or referred to" clearly indicates that all notes secured by the Chalette DOT were transferred in the Fieldbrook Assignment, without any qualification or limitation. While Defendants attach evidence that indicates an intent to assign only a portion of the PWB Note, that evidence does not indicate an ambiguity in the language of the Fieldbrook Assignment—instead, that extrinsic evidence "flatly contradicts" the language quoted above. Consolidated World Investments, Inc. v. Lido Preferred Ltd., 9 Cal. App. 4th 373, 379 (Cal. Ct. App. 1992). The phrase "[t]ogether with the Secured Promissory Note or Notes therein described" is not reasonably susceptible to the reading "[t]ogether with \$5.8 million of the Secured Promissory Note or Notes

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therein described. . . ." Trustee's Reply, 2:21-3:1. See Gerdlund v. Elec. Dispensers Int'l, 235 Cal. Rptr. 279, 284 (Cal. Ct. App. 1987) (refusing to admit parol evidence where contract language stating that "[n]otice of termination may be given at any time and for any reason" was not reasonably susceptible to the proposed reading that such notice could only be given "for any *good* reason.").

Furthermore, the evidence produced by Defendants to support the bifurcation of the PWB Note does not prove a clear intent to have the note bifurcated where all material inferences must be made against the non-moving party. While most facts are not in dispute on these cross motions, the Trustee and the Abselets dispute the significant assertions of fact concerning the bifurcation as self-serving. These statements have not been cross examined at trial and must be evaluated in light of all the evidence. While there were certainly negotiations with Pacific Western Bank regarding some sort of bifurcation of the PWB Note, those negotiations were carried out by an entity which is not party to this litigation, Kensington. While the emails to Mr. Garcia at Pacific Western Bank may demonstrate Kensington's intent to bifurcate the PWB Note, those emails do not provide evidence of the intent of separate legal entities, Elkwood and Fieldbrook. Defendants ask the Court to simply ignore the corporate form—as Jack Nourafshan appears to have—and assume that all three entities acted with one will. In doing so, Defendants are asking for the benefits of the corporate form without any of the responsibilities. This would be particularly inequitable in light of the underlying allegations of fraud which have not been fully litigated.

The Guerrero Memo, which was apparently executed on behalf of Fieldbrook, indicates that the portion of the PWB Note that was transferred to Fieldbrook was \$5.8 million. The fact that the Guerrero Memo states that "we" have assigned the Chalette DoT to Fieldbrook, on Fieldbrook's own letterhead, is a further example of Nourafshan's lack of regard for distinct corporate entities. The Guerrero Memo was written the day before Fieldbrook obtained an interest in the Property.

The material undisputed facts are simply that the Fieldbrook Assignment, as recorded at the Los Angeles County Recorder's Office, does not in any way bifurcate the PWB Note, it merely assigns the PWB Note and Chalette DOT to Fieldbrook. Nor has any other document been provided by the Elkwood Defendants purporting to bifurcate the PWB Note.<sup>3</sup>

*Disposition of the Rexford DOT*

The Court's determination that extrinsic evidence is not appropriate to support a bifurcation of the PWB Note does not resolve the disposition of the Rexford DOT. Because the Fieldbrook Assignment did not mention the

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Rexford DOT, but assigned the entire PWB Note, the question remains as to whether Elkwood had the right to foreclose under the Rexford DOT. Defendants argue that the failure to mention the Rexford DOT constitutes a patent ambiguity in the Fieldbrook Assignment. Regardless of whether the ambiguity is patent or latent, the Fieldbrook Assignment is susceptible to the reading suggested by the Elkwood Defendants' extrinsic evidence: the Fieldbrook Assignment was not intended to transfer the Rexford DOT. However, because the Rexford DOT was assigned to Fieldbrook as a matter of law, the extrinsic evidence is of no consequence.

A plain reading of the document is that no ambiguity exists regarding the bifurcation of the amount due, but an ambiguity does exist regarding the disposition of the Rexford DOT. If the Court were to admit extrinsic evidence to determine the intent of the parties with regard to the Rexford DOT, the Court could not use that same evidence to bifurcate the PWB Note as requested by the Elkwood Defendants.<sup>4</sup> Cross-Motion, 13:17-21. Extrinsic evidence cannot be used to show that only \$5.8 million of the PWB Note was transferred in the Fieldbrook Assignment because the language of the Fieldbrook Assignment is not reasonably susceptible to that reading. The Elkwood Defendants misapply the rule from Pacific Gas by implying that admission of extrinsic evidence to interpret an ambiguity is separate from the "reasonably susceptible" test of Pacific Gas. Cross-Motion, 25:3-5.

One exception to the parol evidence rule is that extrinsic evidence may be introduced to explain the meaning of ambiguous contractual language. The test of whether parol evidence is admissible to construe an ambiguity is not whether the language appears to the court unambiguous, but whether the evidence presented is relevant to prove a meaning to which the language is 'reasonably susceptible.'

Consol. World Investments, Inc. v. Lido Preferred Ltd., 9 Cal. App. 4th 373, 379 (1992).

The Trustee is correct that the entire PWB Note was transferred to Fieldbrook days before the Rexford foreclosure, so the issue is whether, as Trustee argues, the Rexford DOT was also necessarily transferred to Fieldbrook. Trustee's Motion, 18:1-20. First, there has been no authority presented that a deed of trust can be separated from the note it secures and remain valid, nor do the Elkwood Defendants make that argument. The Elkwood Defendants instead focus their argument on enforcing their stated intention of assigning only a portion of the PWB Note—an argument which the law does not support.

The transfer of the entire PWB Note to Fieldbrook carried with it the Rexford DOT. "The assignment of a debt secured by mortgage carries with it the security." Cal. Civ. Code § 2936.

The assignment of a secured debt carries with it the security, since the security is a mere incident of the debt. [Civ. Code, §§ 1084, 2936] The endorsement and delivery of the promissory note secured by a deed of trust



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or mortgage accomplishes the transfer of the security without the necessity of a formal assignment of the trust deed or mortgage itself. The trust deed or mortgage, in fact, need not even be mentioned in the assignment. [Cockerell v. Title Ins. & Trust Co. (1954) 42 Cal 2d 284, 267 P2d 16] On the other hand, an assignment of the trust deed or mortgage without a transfer of the note, that is, of the security without the debt, is completely ineffective. The assignee has nothing except the possibility of an action against the assignor to compel the assignor to transfer the note as well as the security, if that was the agreement. [Kelley v. Upshaw (1952) 39 Cal 2d 179, 246 P2d 23] When one assignee takes the note and another takes the trust deed or mortgage, the holder of the note prevails regardless of the time of transfer. [Adler v. Sargent (1895) 109 Cal 42, 41 P 799]

Cal. Civ. Prac. Real Property Litigation § 4:28, Rights of assignee; see also In re Macklin, 495 B.R. 8, 13 (Bankr. E.D. Cal. 2013) ("The note and the mortgage are inseparable; the former as essential, the later as an incident. An assignment of the note carries the mortgage with it, while an assignment of the latter alone is a nullity."); Yanova v. New Century Mortg. Corp., 62 Cal. 4th 919, 927 (2016) ("The deed of trust, moreover, is inseparable from the note it secures, and follows it even without a separate assignment.").

The next issue is whether the Trustee's Deed Upon Sale is void. The Court determines that it is. As described above, the Fieldbrook Assignment transferred the entire PWB Note and, consequently, the Rexford DOT. When Elkwood foreclosed, it had neither the right to foreclose nor the right to credit bid. Therefore, the recorded Trustee's Deed Upon Sale was void, and must be treated as a "blank piece of paper." Los Angeles v. Morgan, 105 Cal. App. 2d at 733; See also Taormina Theosophical Community, Inc. v. Silver, 140 Cal. App.3d. 964, 971 (Cal. App. 2d Dist. 1983) ("[T]he act of recording the November 9 CCRs did not make them enforceable. The purpose of recording is to protect innocent purchasers and encumbrancers of property by giving notice of potential limitations on title. . . Recording itself grants no interest in the property, and a void document 'derives no validity from the mere fact that it is recorded.'" (citations omitted)). No action was taken to correct the defective Trustee's Deed Upon Sale before the bankruptcy was filed. This, however, does not resolve the first claim for relief because of the other issues raised.

Tender

As explained in the earlier motions to dismiss, because the foreclosure is void, the Trustee is not required to tender the loan proceeds to proceed with this action.

Participation

The Elkwood Defendants have argued that the Court could consider the transaction between Elkwood and

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Fieldbrook to be a participation agreement, which is authorized under the Business Loan Agreement that was related to the PWB Note. See Nourafshan Declaration, Ex. G, P. 5. Participations "are contractual arrangements between a lender and a third party, in which the third party, or participant, provides funds to the lender. The lender, in turn, uses the funds from the participant to make loans to the borrower." In re ACRO Bus. Fin. Corp., 357 B.R. 785, 787 (Bankr. D. Minn. 2006). To determine whether a transaction is a participation agreement, courts have considered the following factors: "a) money is advanced by participant to a lead lender; b) a participant's right to repayment only arises when a lead lender is paid; c) only the lead lender can seek legal recourse against the borrower; and, d) the document is evidence of the parties true intentions." In re Coronet Capital Co., 142 B.R. 78, 82 (Bankr. S.D.N.Y. 1992).

While Trustee cites out-of-circuit cases to describe the nature of such agreements, the law appears consistent among jurisdictions and the Elkwood Defendants provide no law in support of their assertion that Participation in the PWB Note is legally equivalent to a partial assignment. Cross-Motion, 23:13-15. A participation is not merely a partial assignment, but a specific and technical agreement.

Mortgage lenders frequently wish to assign partial interests in a loan or a group of loans to one or more investors. Such transactions occur in two common contexts. The first is the case of a very large loan which may be beyond the financial resources of the originating or "lead" lender. The creation of "participation" interests by way of partial assignments that can be sold to one or more other financial institutions allows the lead lender to reduce its investment in the underlying loan, and at the same time spreads the risk of a possible loan default. . . .

Generally at least two documents are involved in the sale of participation interests of the latter type: a participation agreement and a participation certificate (PC). The first will set forth the parties' rights and duties in general, while the second will state the particular share or percentage that the investor is receiving, and may also identify the loans included in the package. In the first type of participation, involving a single large loan, all of this information will usually be contained in a single agreement.

Whatever the format, the documents should be drafted to state the parties' agreement on a number of important issues, including the following. As among the participants, and as against the lead lender, who will have priority in the loan and foreclosure proceeds? In most cases the participants have equal priority; whether the lead lender will share their priority or be subordinate to them as to any retained interest in the loans is a matter for negotiation. Other financial benefits of the loan, such as default interest, prepayment fees, and extension or assumption fees, should also be allocated. . . .

[T]he participants cannot be holders of the notes, and hence probably cannot enforce them directly.

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1 Real Estate Finance Law § 5:35 Partial assignments and participations (6th ed.). No money was advanced by the alleged "participant," Fieldbrook, to the "lender," Elkwood. Also relevant is the fact that Fieldbrook itself pursued foreclosure against the Chalette Property under the PWB Note, which is not consistent with a participant's rights as described above. Furthermore, the language of the Fieldbrook Assignment indicates that the Elkwood Defendants intended an assignment, not a participation agreement. There is insufficient evidence and no legal support for considering the Fieldbrook assignment to be a participation agreement, under which no notice was required.

Prejudice

The Elkwood Defendants further argue that, because Debtors were not prejudiced by a partial assignment of the PWB Note and the Chalette DOT, Trustee may not object. Elkwood Defendants' Motion, 27:13-14. The issue of prejudice arises in the case law in two contexts: first, as a requirement for standing, and second as an element of a wrongful foreclosure claim.

*Prejudice as Required for Standing*

The Elkwood Defendants' primary contention is that Trustee lacks standing:

Plaintiff neither alleges nor proves any prejudice beyond the mere foreclosure, which means that he lacks standing, as defined under California case law for purposes of a borrower's claim that a foreclosures sale is void.

Elkwood Defendants' Reply to Elkwood Motion, 6:21-23. This issue was also raised and argued at the February 27, 2018 hearing on the Elkwood Defendants' motion to dismiss the second amended complaint. The Elkwood Defendants are incorrect.

The California Supreme Court in Yvanova v. New Century Mortg. Corp. is the lead case on this area of law. 62 Cal. 4th 919 (2016). In Yvanova, a homeowner challenged the foreclosure of her home by an entity who allegedly did not own the note and deed of trust because the assignment in which the entity received its interest was allegedly void. The court held that, if an assignment necessary to the chain of title is void, the entity seeking a trustee's sale had no legal authority to do so and the "unauthorized sale constitutes a wrongful foreclosure." Id. at 935. The court saw its ruling as narrow in scope, ruling that a homeowner in default and who was not a party to the assignment would have standing to challenge an assignment of the note and deed of trust if the homeowner claimed that the assignment was void, not merely voidable. Id. at 924.

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The Yvanova court did not "address any of the substantive elements of the wrongful foreclosure tort or the factual showing necessary to meet those elements," Id. at 924, leaving other courts to resolve those questions.<sup>5</sup> Instead, prejudice was discussed in terms of an injury for purposes of the constitutional requirement of standing. "[W]e are concerned only with prejudice in the sense of an injury sufficiently concrete and personal to provide standing, not with prejudice as a possible element of the wrongful foreclosure tort." Id. at 937 (emphasis added) (citing Culhane v. Aurora Loan Servs. of Nebraska, 708 F.3d 282 (1st Cir. 2013) ("For purposes of standing doctrine, an injury is defined as an invasion of a legally protected interest which is (a) concrete and particularized; and (b) actual or imminent, not conjectural or hypothetical. The foreclosure of the plaintiff's home is unquestionably a concrete and particularized injury to her.")). In order to have standing, a plaintiff "must be able to allege injury—that is, some invasion of the plaintiff's legally protected interests." Angelucci v. Century Supper Club, 41 Cal. 4th 160, 175, 158 P.3d 718, 726–27 (2007)

As it relates to standing, we disagree with defendants' analysis of prejudice from an illegal foreclosure. A foreclosed-upon borrower clearly meets the general standard for standing to sue by showing an invasion of his or her legally protected interests—the borrower has lost ownership to the home in an allegedly illegal trustee's sale.

Id. at 937 (citation omitted). In the underlined portions above, the Yvanova court clearly distinguishes between prejudice as a standing issue and prejudice as an element to the tort of wrongful foreclosure. It is equally clear from the language above that a homeowner whose home was foreclosed upon by one with no right to do so had standing to challenge that foreclosure. It is irrelevant for purposes of standing whether the homeowner seeks relief in a wrongful foreclosure action or a quiet title action.

Yvanova is not distinguishable and inapplicable, as Defendants argue, because it involved an attack on an assignment, where here Trustee argues that the assignment is valid, and that the foreclosure is therefore void. While Yvanova and the other related cases involve a void assignment rather than only an allegedly void foreclosure, the ultimate result is clearly to allow challenges to void foreclosures, not merely void assignments. See Glaski v. Bank of Am., 218 Cal. App. 4th 1079, 1101 (2013) ("[W]here a plaintiff alleges that the entity lacked authority to foreclose on the property, the foreclosure sale would be void."). There are many passages of Yvanova which make this clear:

In itself, the principle that only the entity currently entitled to enforce a debt may foreclose on the mortgage or deed of trust securing that debt is not, or

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at least should not be, controversial. It is a straightforward application of well-established commercial and real-property law: a party cannot foreclose on a mortgage unless it is the mortgagee (or its agent).

Yvanova, 62 Cal.4th at 928. "A foreclosure initiated by one with no authority to do so is wrongful for purposes of such an action." Id. at 929. Clearly, Yvanova is not so absurdly narrow as to only allow standing to challenge void assignments; it also grants the wronged party standing to challenge a void foreclosure.<sup>6</sup>

*Prejudice as an Element of Wrongful Foreclosure*

Trustee argued at the motion to dismiss stage and continues to argue that the first claim for relief seeks quiet title, not to set aside foreclosure<sup>7</sup>, and that prejudice is not a requirement of quiet title. Trustee's Opposition to Cross-Motion, 24:13-28. Quiet title actions are controlled by Cal. Civ. Proc. § 761.020. To state a claim for quiet title, a complaint must include (1) the subject property's description, including both its legal description and its street address or common designation; (2) plaintiff's alleged title to the property; (3) the adverse claims against which a determination is sought; (4) the date as of which the determination is sought; and (5) a prayer for the determination of the title against the adverse claims. Metcalfe v. Drexel Lending Grp., No. 08-CV-00731 W POR, 2008 WL 4748134, at \*5 (S.D. Cal. Oct. 29, 2008).

The Elkwood Defendants argue that, in effect, a quiet title claim based upon a void foreclosure must necessarily be accompanied by a wrongful foreclosure action. Two legal issues are raised with that argument: 1) can a quiet title action attacking an allegedly void foreclosure of real property succeed without an accompanying successful wrongful foreclosure tort, and 2) in the context of such a quiet title action, is prejudice beyond the fact of foreclosure required as a substantive requirement of the claim?

The court in Sciaratta v. U.S. Bank Nat'l Assn., relying in part on Yvanova, held that when a homeowner is foreclosed on by one with no right to do so, that homeowner is sufficiently prejudiced to challenge the allegedly void assignment in a wrongful foreclosure action. 247 Cal. App. 4th 552, 565-66 (2016). The Elkwood Defendants cite Cardenas v. Caliber Home Loans, Inc., which explicitly rejects the Sciaratta court's approach, finding that the failure to allege any prejudice beyond the fact of foreclosure is fatal to an action to set aside a foreclosure based upon a void assignment. 281 F. Supp. 3d 862, 873 (N.D. Cal. 2017).<sup>8</sup>

To the extent the Elkwood Defendants argue that a quiet title action under these circumstances must be accompanied by a wrongful foreclosure action, the Court disagrees. First, the Elkwood Defendants' have provided

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no authority to that effect. Second, this argument was never raised at the motion to dismiss stage, at which the court dismissed the action for wrongful foreclosure in part because it was duplicative of the quiet title action. The wrongful foreclosure action was dismissed on the belief that the prejudice issue would become irrelevant, as prejudice is not an element of quiet title. Third and most importantly, prejudice is not an element of a quiet title action.

The Abselets, in their opposition to the Cross Motion, argue that Massoud, in whose shoes Trustee stands,<sup>9</sup> was prejudiced by 1) losing the opportunity to find funds to pay \$782,000 for the "New Massoud Obligation" (the amount Massoud would owe if the Note were bifurcated, as the Elkwood Defendants' seek); 2) if Massoud could not produce those funds, "the Abselets would have stepped in" to pay that amount in order to protect their interest, "relieving Massoud of substantial obligations," Abselet Opp. To Elkwood Motion, 19:7-20; and 3) Massoud could have "paid off the Original Obligation through bidding at the foreclosure on the Chalette Home, and freed his home from the subject loan altogether," Id. at 22:20-23:4. These theories offered to satisfy the prejudice requirement, while possibly reasonable in a vacuum, are confusing in light of the allegations of fraud and collusion advanced by both the Abselets and the Trustee.

Reformation of Contract

Reformation is raised as part of the Defendants cross motion for summary judgment and as a defense to the Trustee's first cause of action. Reformation of contract under California law is governed by Cal. Civ. Code.

§ 3399:

When, through fraud or a mutual mistake of the parties, or a mistake of one party, which the other at the time knew or suspected, a written contract does not truly express the intention of the parties, it may be revised on the application of a party aggrieved, so as to express that intention, so far as it can be done without prejudice to rights acquired by third persons, in good faith and for value.

Trustee argues that the equitable remedy of reformation cannot be used to defeat the rights of a trustee in a bankruptcy case because of the Trustee's rights as a *bona fide* purchaser of real property pursuant to § 544(a)(3). The final clause of Cal. Civ. Code § 3399, "so far as it can be done without prejudice to rights acquired by third persons, in good faith and for value," indicates that reformation is not available where the rights of a *bona fide purchaser* would be prejudiced.

*Trustee's Rights as Bona Fide Purchaser*

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Trustee has argued that his standing as a hypothetical *bona fide purchaser* of real property under the strong-arm powers of § 544(a)(3) precludes any action for reformation of contract by the Elkwood Defendants. Trustee Motion 19:16-24:4. The Elkwood Defendants respond that reformation is available despite Trustee's powers under § 544(a)(3) because Elkwood recorded a Trustee's Deed upon Sale following the foreclosure of the Rexford Property. The purpose of § 544(a)(3) is to encourage perfection of interests in real property, such as mortgages. The question for the Court is whether a purchaser would have been on notice of Elkwood's interest in the Rexford Property. A reformation action will be allowed only if a hypothetical *bona fide* purchaser would have had notice of Elkwood's interest. See, e.g., In re Weisman, 5 F.3d 417, 420 (9th Cir. 1993); In re Probasco, 839 F.2d 1352, 1354 (9th Cir. 1988).

The rights of a *bona fide* purchaser under § 544(a)(3) are defined by state law. In re Tleel, 876 F.2d 769, 772 (9th Cir. 1989). In California, a purchaser of real estate for value without actual or constructive notice of a prior interest is given status as a *bona fide purchaser*. Id. Because § 544(a) specifies that a trustee has its strong-arm powers "without respect to any knowledge," "actual notice cannot overcome the Trustee's *bona fide purchaser* status." Id. However, constructive or inquiry notice can preclude a Trustee's status as a *bona fide purchaser* under § 544(a)(3). In re Harvey, 222 B.R. 888, 893 (B.A.P. 9th Cir. 1998). Constructive notice in the context of real estate is provided by recordation of interests against the property. Cal. Civ. Code §§ 19, 1214.

Trustee acknowledges that a hypothetical purchaser viewing the real estate records for the Rexford Property on the petition date would have seen the Trustee's Deed Upon Sale filed by Elkwood recorded March 6, 2015. Trustee RJN, Ex. G.<sup>10</sup> Typically, this recorded document would provide constructive notice to any potential purchaser of an adverse interest in the property. However, Trustee argues that the Trustee's Deed Upon Sale is void. A recorded document, if void, should be treated "as a blank sheet of paper" and therefore does not provide constructive notice. City of Los Angeles v. Morgan, 105 Cal. App. 2d 726, 733 (1951) ("[I]t is obvious that invalid documents are not entitled to be recorded, but if they are recorded, they do not give constructive notice."); See also 5 Collier on Bankruptcy ¶ 544.02 (16th 2018) ("Where the holder of a security interest has not taken the essential steps to perfect that security interest, or where the recording is defective, the trustee does not have constructive notice.").

Rights under § 544(a)(3) may be cut off where any *bona fide* purchaser would have inquiry notice of a

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superior interest in the property. Courts have applied the standard of whether a "prudent purchaser," in light of reasonably available information, would have made an inquiry about the alleged interest. In re Weisman, 5 F.3d 417, 420 (9th Cir. 1993).

A "prudent purchaser" describes someone who is shrewd in the management of practical affairs and whose conduct is marked by wisdom, judiciousness, or circumspection. See Probasco, 839 F.2d at 1356. Such a purchaser will be charged with knowledge of 1) the nature of the property; 2) its current use; 3) the identities of the persons occupying it; 4) the relationship among them; and, 5) the relationship between those in possession and the person whose purported interest in the property the purchaser intended to acquire. Id. Clear and open possession of real property by someone other than the party on title constitutes constructive notice to subsequent purchasers, requiring such purchasers to inquire into the possessor's interest. In re Probasco, 839 F.2d 1352, 1354 (9th Cir. 1988). By the same token, "there is no duty to inquire upon a subsequent purchaser regarding any unknown claims or interest by a person in possession of real property where the occupant's possession is consistent with the record title." Weisman, 5 F.3d at 421.

The court in Probasco decided that it was "almost inconceivable" that a reasonably prudent person, "knowing that Parcels 2 and 3 were jointly owned, and seeing a perimeter fence around all three parcels, no fence between the parcels, the staking of all three parcels, and roads traversing the entire property, would not inquire whether a one-half owner of Parcels 2 and 3 had an interest in Parcel 1." Probasco, 839 F.2d at 1356. Therefore, the court held that the debtor-in-possession, as a hypothetical *bona fide* purchaser under § 544(a)(3), had inquiry notice of a superior interest in the real property, Id. at 1357, and the court further required that the deed be reformed to include all three properties, Id. at 1356. Notably, the success of the reformation action depended upon the trustee having constructive or inquiry notice of the allegedly unperfected interest. Similarly, the court in Weisman held that a reasonably prudent purchaser would have inquired whether debtor had executed an unrecorded deed conveying her interest in property currently occupied by her ex-husband and his new wife. Weisman, 5 F.3d at 422. The court determined that, realistically, people are not willing to allow their ex-husband and his new wife to reside in property still jointly owned by the divorced couple. The Weisman court therefore found that the bankruptcy trustee did not have a superior interest to the unrecorded deed as a under § 544(a)(3) because the trustee was on inquiry notice due to the observable facts surrounding the occupancy of the home. See also In re Sale Guar. Corp., 220 B.R. 660, 666 (B.A.P. 9th Cir. 1998), aff'd, 199 F.3d 1375 (9th Cir. 2000) (Trustee's rights as BFP cut off by



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constructive knowledge that property was possessed by parties other than Debtor because a "prudent purchaser" is charged with the knowledge of: (1) the nature of the property; (2) the current use of the property; (3) the identity of the person in possession of the property; and (4) the relationship between the person in possession and the person whose interest the purchaser intends to acquire. (citing In re Weisman,)).

Here, reasonable inspection of the Rexford home would not have put a hypothetical *bona fide* purchaser on inquiry notice of changed ownership of the property due to the highly unusual circumstance of Elkwood, following an alleged foreclosure, allowing Massoud to continue residing at the property. An individual purchasing the home from Massoud on the date of the petition, upon reviewing title, would see that Massoud owned the property subject to certain liens.

Lastly, while a hypothetical *bona fide* purchaser would realistically see the Trustee's Deed Upon Sale in the property records, if that document is void, it would not provide inquiry notice of Elkwood's interest.<sup>11</sup>

Cal. Civ. Code § 1640

Defendants argue that, if the Fieldbrook Assignment is interpreted as assigning the entire PWB Note, any language that suggests that the entire PWB Note was assigned must be disregarded under Cal. Civ. Code § 1640 and the contract should be reformed to reflect Defendants' intent. Defendants' Opp., 17:2-21:15. The language of the statute is as follows:

When, through fraud, mistake, or accident, a written contract fails to express the real intention of the parties, such intention is to be regarded, and the erroneous parts of the writing disregarded. Cal. Civ. Code § 1640. This provision is one of several rules for the construction of contractual language in California's civil code. Payne v. Commercial Nat. Bank of Los Angeles, 177 Cal. 68, 72 (1917). In the case of mutual mistake, the contract may be reformed to conform to the intent of the parties. Thrifty Payless, Inc. v. The Americana at Brand, LLC, 218 Cal. App. 4th 1230, 1243 (2013). Parol evidence may be considered in making a determination of the true intentions of the contracting parties. Id. "Only gross negligence or 'preposterous or irrational' conduct will bar mutual mistake. . . . Mistake must be pleaded with some particularity so that there is 'a clear recitation of facts showing how, when and why the mistake occurred.'" Id., citing George v. Auto. Club of S. California, 201 Cal. App. 4th 1112, 1132 (2011).

The intent of the Elkwood Defendants at the time of the Fieldbrook Assignment is disputed, and therefore summary judgment cannot be entered in their favor under this theory. The Court agrees with the Elkwood Defendants that the remedy for mutual mistake is reformation of the agreement under Cal. Civ. Code § 3399, and

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that relief in a reformation action may go beyond merely disregarding certain phrases. Trustee raises legitimate concerns that the Elkwood Defendants have not met the requirement articulated in Thrifty and George of clearly reciting facts showing how, when, and why the mistake occurred. Because summary judgment cannot be granted on the reformation action, the Court reserves these issues for resolution at a later time.

Because there is a disputed issue of material fact as to the intent of the parties to the contract, the Court cannot grant summary judgment in favor of either party on the issue of reformation. The Court does not need to reach the issue of whether the Trustee is a bona fide purchaser until the reformation issue is resolved at a subsequent trial.

**II. Conclusion**

Partial summary judgment is granted in Trustee's favor that the Fieldbrook Assignment is not reasonably susceptible to a reading that the note was bifurcated. The Fieldbrook Assignment must be read as providing that the entire PWB Note was transferred along with the Chalette DoT. The Rexford DoT was then also transferred as a matter of law. With regards to the reformation action, a genuine dispute of material fact exists as to the intention of the parties to the Fieldbrook assignment. Further, the factual issues of the alleged fraud may inform whether the equitable remedy of reformation is appropriate under these circumstances. The Trustee may stand in the shoes of a *bona fide* purchaser, but that issue is not reached unless the requirements for reformation are proven. While the Court holds that the foreclosure appears to be void, that determination is still subject to the affirmative defense of the reformation action. The Court rejects the Elkwood Defendants' standing argument and finds that Yvanova confers standing to the Trustee to bring this action. The Trustee's Motion and the Elkwood Defendants' Motion are otherwise denied, except as detailed above.

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By

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**Chapter 11**

	Daniel J McCarthy
Soda Partners, LLC	Represented By Ronald N Richards
Quality Loan Service	Pro Se
Chase Manhattan Mortgage Co.	Pro Se
Howard Abselet	Represented By Henry S David
Israel Abselet	Represented By Henry S David
Citivist financial Services, Inc.	Pro Se
State Street Bank and Trust Co.	Pro Se
DMARC 2007-CD5 Garden Street,	Represented By Timothy C Aires
QUALITY LOAN SERVICE	Pro Se

**Movant(s):**

DAVID K GOTTLIEB	Represented By Jeremy V Richards John W Lucas
DAVID K GOTTLIEB	Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB	Represented By Jeremy V Richards John W Lucas
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**Trustee(s):**

David Keith Gottlieb (TR)	Represented By Jeremy V Richards John W Lucas
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**1:16-12255 Solyman Yashouafar**

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**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

**#3.00** Defendants' Cross-Motion for Summary Judgment  
on Plaintiffs First Claim for  
Relief (Quiet Title)

fr. 9/18/18; 10/10/2018; 11/15/18

Docket 102

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

Israel Abselet

Represented By  
Henry S David

Citivest financial Services, Inc.

Pro Se

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State Street Bank and Trust Co.	Pro Se
DMARC 2007-CD5 Garden Street,	Represented By Timothy C Aires
QUALITY LOAN SERVICE	Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB	Represented By Jeremy V Richards John W Lucas
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**Trustee(s):**

David Keith Gottlieb (TR)	Represented By Jeremy V Richards John W Lucas
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**1:16-12255 Solyman Yashouafar Chapter 11**

Adv#: 1:17-01040 GOTTLIEB v. Elkwood Associates, LLC et al

- #4.00** Status conference re: first amended counterclaim for:
- 1) declaratory relief (two counts)
  - 2) avoid foreclosure sales (two counts)
  - 3) conversion
  - 4) money had and received
  - 5) unjust enrichment
  - 6) conspiracy to chill bidding

fr. 12/12/18

Docket 151

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

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**CONT... Solyman Yashouafar**

**Chapter 11**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Absalet

Represented By  
Henry S David

Israel Absalet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards

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**Solyman Yashouafar**

John W Lucas

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**1:12-19998 Process America, Inc.**

**Chapter 11**

**#0.01** Application for compensation (third interim)  
period: 10/1/2014 to 10/31/2018,

Docket 567

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Third Interim Application, the Court finds that the fees and costs are reasonable, necessary and are approved as requested.

APPEARANCES WAIVED ON 12/12/18.

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong  
Lindsey L Smith



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**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:12-01421 Tigrent Group Inc. v. Process America, Inc. et al

**#0.02** Status conference re: complaint for damages and equitable relief

fr. 1/31/13, 3/21/13, 5/23/13, 8/29/13, 11/7/13, 12/5/13, 4/24/14, 6/5/14, 11/6/14, 3/19/15, 6/4/15, 7/22/15, 8/12/15, 9/9/15, 2/24/16, 5/25/16, 7/27/16, 9/28/16, 12/14/16; 2/8/17, 4/26/17, 7/11/17; 9/6/17, 11/1/17, 11/30/17, 1/9/18; 5/1/18, 6/21/18, 8/30/18; 9/20/18, 9/21/18, 10/31/18

Docket 1

**Tentative Ruling:**

Do the parties wish to continue this to the 1/23 Chapter 11 status conference so that all remaining issues can be discussed together?

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-patrick M Fritz

**Defendant(s):**

Process America, Inc.

Pro Se

Kimberly S Ricketts

Pro Se

Craig Rickard

Pro Se

KEITH PHILLIPS

Pro Se

Gwendolyn Phillips

Pro Se

C2K Group, LLC

Pro Se

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**CONT... Process America, Inc. Chapter 11**

Applied Funding, Inc. Pro Se

KBS Dreams, Inc. Pro Se

Like Zebra, LLC Pro Se

Stripe Entertainment Group, Inc. Pro Se

**Plaintiff(s):**

Tigrent Group Inc. Represented By  
Thomas F Koegel

**US Trustee(s):**

United States Trustee (SV) Pro Se

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**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#0.03** Motion to: (1) to Dismiss First Amended Counterclaims Pursuant to Rule 12(b) of the Federal Rules of Civil Procedure; and (2) Strike Certain Affirmative Defenses Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure

fr. 10/11/18, 10/31/18

Docket 171

**\*\*\* VACATED \*\*\* REASON: Dismissed per stipulation - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
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**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

**#0.04** Status Conference re: First Amended Counter-Claim

fr. 10/3/18, 10/31/18

Docket 157

**\*\*\* VACATED \*\*\* REASON: Dismissed per stipulation - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello  
Lei Lei Wang Ekvall  
Kyra E Andrassy

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

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**1:12-19998 Process America, Inc.**

**Chapter 11**

Adv#: 1:14-01154 Process America, Inc., a Nevada corporation v. Cynergy Holdings, LLC

- #0.05** Status Conference re: First Amended Complaint for
- 1) Disallowance of Claim [ 11 U.S.C. section 502}
  - 2) Offset and Recoupment [11 U.S.C. section 553]
  - 3) Accounting
  - 4) Disallowance of Intrest of Claim [11U.S.C.502]
  - 5) Voiding validity and extent of lien [11U.S.C. section503,F.R.B.P.7002(2)]
  - 6)Turnover of property of the estate (Reserve Account)[11U.S.C. section 542]
  - 7) Turnover of property of the estate (Residuals) [11 U.S.C. section 542]
  - 8) Subordination of claim and lien [11 U.S.C. section 510]; and
  - 9) Declaratory relief

fr. 11/5/14, 12/10/14; 12/18/14; 3/18/15, 5/27/15, 5/1/18  
7/22/15, 9/9/15; 2/24/16, 5/25/16, 7/27/16, 9/28/16;  
12/14/16, 2/8/17, 4/26/17, 7/11/17, 9/6/17, 11/1/17; 11/30/17,  
1/9/18, 6/21/18, 8/30/18; 9/20/18, 9/21/18, 10/31/18

Docket 76

**\*\*\* VACATED \*\*\* REASON: Dismissed per stipulation - hm**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Process America, Inc.

Represented By  
Ron Bender  
John-Patrick M Fritz  
Beth Ann R Young  
Jeffrey S Kwong

**Defendant(s):**

Cynergy Holdings, LLC

Represented By  
Robert S Marticello

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

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---

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**CONT... Process America, Inc.**

**Chapter 11**

**Plaintiff(s):**

Process America, Inc., a Nevada

Represented By  
Beth Ann R Young  
John-Patrick M Fritz

**United States Bankruptcy Court  
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9:30 AM

1:15-13495 Picture Car Warehouse Inc

Chapter 11

#1.00 First interim application for compensation by the Law Office of Carolyn A. Dye as general counsel to debtor in possession.

Period: 10/20/2015 to 6/30/2018,  
Fee: \$216,902.00,  
Expenses: \$8,497.12.

Docket 378

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First Interim Application for Fees and Expenses (doc. 378) and the Stipulation Between US Trustee and the Law Office of Carolyn Dye to a Reduction in Fees Requested in the First Interim Application (the "Stipulation," doc. 386), the Court finds that the fees and costs provided for in the Stipulation are reasonable and are approved.

APPEARANCES WAIVED ON DECEMBER 12, 2018.

**Party Information**

**Debtor(s):**

Picture Car Warehouse Inc

Represented By  
Carolyn A Dye

**United States Bankruptcy Court  
Central District of California  
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Judge Maureen Tighe, Presiding  
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Wednesday, December 12, 2018

Hearing Room 302

9:30 AM

1:16-11598 Farideh Warda

Chapter 11

#2.00 Debtor's second amended chapter 11 plan  
of reorganization

Docket 212

**Tentative Ruling:**

The Court approved Debtor's Second Amended Disclosure Statement following a hearing on October 10, 2018. As noted in the tentative ruling for that hearing, U.S. Bank has elected to be treated as fully secured under § 1111(b)(2) with respect to its claim against the property located at 3037 W 12<sup>th</sup> St., Los Angeles, CA 90006 (the "12<sup>th</sup> St. Property"). U.S. Bank and Wells Fargo Bank, N.A. filed objections to the confirmation of the plan.

**U.S. Bank's 1111(b) election**

Where a creditor makes an § 1111(b) election, "the present value of the electing creditor's stream of payments need only equal the present value of the collateral, which is the same amount that must be received by the nonelecting creditor, but the sum of the payments must be in an amount equal at least the creditor's total claim." Cal. V. Weinstein (In re Weinstein), 227 B.R. 284, 294 (B.A.P. 9th Cir. 1998).

There is no dispute that the second part of the test, deferred payments in at least the amount of the claim, is satisfied by Debtor's plan. The total amount deferred payments proposed by the plan is \$972,000 (360\*\$2,700). This exceeds both the claim amount (\$937,351.29 per amended claim #4-2) and the current amount stated in U.S. Bank's opposition to confirmation (\$899,106.36).

The primary dispute is whether the Debtor's plan satisfies that "present value" requirement. In clarifying the "present value" requirement, the Weinstein court said "[a] stream of payments which will pay an obligation with an appropriate rate of interest over time is equivalent to the present value of that obligation." Id. The Court previously valued the 12<sup>th</sup> St. Property at \$625,000. Debtor contends that the present value of U.S. Bank's claim is \$555,000, while creditor asserts that the present value is \$625,000, or perhaps



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**CONT...**

**Farideh Warda**

**Chapter 11**

higher. The dispute arises from the effect of post-petition, pre-confirmation rents in the amount of approximately \$70,000 under relevant Ninth Circuit authority. Compare In re Weinstein, 227 B.R. at 294 (reducing "present value" by amount of post-petition, pre-confirmation payments) with In re Ambanc La Mesa Ltd. Partnership, 115 F.3d 650, 654 (9th Cir. 1997), cert. denied, 522 U.S. 1110, 118 S.Ct. 1039 (1998) (finding that the bankruptcy Court erred in failing to add to present value the unpaid post-petition payments). This issue was addressed by the court in In re Grogan, No. BR 11-65409-FRA11, 2013 WL 4854313, at \*3 (Bankr. D. Or. Sept. 10, 2013). The Grogan court explained that the difference between the Weinstein and Ambanc cases was that Weinstein involved cash that was unencumbered—that is, it was neither rent or other cash collateral. In re Grogan, 2013 WL 4854313, at \*3-4. The rule explained by Grogan is that the present value of a claim is not reduced when the claimant receives payments in funds that would otherwise be cash collateral, but is reduced by the payment of funds that are not otherwise collateral of the claimant. U.S. Bank therefore correctly argues that payments made from cash collateral funds are essentially "a wash." Id. In re Arden Properties, Inc., 248 B.R. 164, 170 (Bankr. D. Ariz. 2000).

Here, the more than \$70,000 paid to U.S. Bank was cash collateral. Therefore, post-petition pre-confirmation payments of those funds does not reduce the present value of U.S. Bank's claim. The present value is the property's fair market value, previously determined to be \$625,000 by the Court.

U.S. Bank is inconsistent in what it asserts is the proper treatment of its claim. U.S. Bank argues that under Till v. SCS Credit Corp., 541 U.S. 465 (2004), the appropriate rate of interest would be 6.5%. It then asserts that the present value of its claim requires payments of \$3,950.43 per month over 30 years for a total claim payout of \$1,422,154.80. However, it then goes on to conclude that the payments should be \$3,962.48 over 30 years with an interest rate of 3.35%. This final analysis is odd, as it improperly values the full amount of the claim (\$899,106.36) as the fair market value of the property. The Till rate is not the appropriate interest rate to use under § 1111(b), but it may serve as a useful guide.

The Debtor's Second Amended Plan proposes to make monthly payments of \$2,700 to U.S. Bank for 30 years, which, at the appropriate present value of \$625,000, results in an

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**CONT...**

**Farideh Warda**

**Chapter 11**

interest rate of 3.191% and a total payout of \$972,000. The Court finds that the proposed treatment in the Debtor's Second Amended Plan is not fair and equitable with respect to U.S. Bank's claim. An interest rate of 4.500% would be fair and equitable under these circumstances. The Court recognizes the default risk presented by Debtor, the history of defaults, and the fact that this is an investment property; however, weighing in favor of a lower interest rate is the fact that U.S. Bank previously made errors with respect to Debtor's loan which has taken some time to address, as well as the nature of the protections provided by § 1111(b). The basic compromise of a § 1111(b) election is that the creditor risks a lesser interest rate in favor of being treated as fully secured for purposes of the plan, 7 Collier on Bankruptcy 16<sup>th</sup> ed. ¶ 1111.03[5][b] ("The solution lies in. . . a note bearing a below-market rate of interest"), thereby protecting the creditor from a "quick sale of its collateral" if it believes the property is undervalued or that the market may soon change. Weinstein, 227 B.R. at n. 11-12. A 4.500% interest rate with a fair market value of \$625,000 over 30 years results in equal monthly payments of approximately \$3,166.78 for a total payout of \$1,140,040.80 under the plan. The Court notes that these payments represent only principal and interest, and do not include property taxes or insurance. The plan may go forward if this amount is included, assuming feasibility is found.

**Feasibility**

To confirm Debtor's plan, the Court must find that "confirmation is not likely to be followed by liquidation or the need for further financial reorganization of the debtor." 11 U.S.C. § 1129(a)(11). U.S. Bank objects, arguing that the plan is not feasible as proposed. First, U.S. Bank points out that the plan calls for \$10,650 in administrative claims to be paid on the confirmation date, but that Debtor only has a total of \$473.42 in her DIP accounts according to the September Monthly Operating Report. U.S. Bank also argues that Debtor's projected expenses are not substantiated, including the proposed \$2,700 payment to U.S. Bank for the mortgage on the 12<sup>th</sup> St. Property. U.S. Bank points out that Debtor's average monthly expenses for the past 6 months have been almost \$3,000 higher than the projected expenses under the plan; however, that seems to include ongoing payments to Mr. Cooper (mortgage servicer for U.S. Bank) and to Wells Fargo, which would be reduced under the plan.

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**CONT... Farideh Warda**

**Chapter 11**

U.S. Bank also argues that, while the plan asserts that the 12<sup>th</sup> St. Property is generating \$5,790 in rents, recent Monthly Operating Reports reveal the following rental income:

April: \$5,870  
May: \$4,500  
June: \$4,640  
July: \$4,895  
August: \$4,500  
September: \$4,800

Lastly, U.S. Bank argues that if the Court determines a more fair and equitable payment than the \$2,700 payment proposed by the plan, the plan will become infeasible. Because the Court has determined that a 4.5% interest rate with monthly payments of approximately \$3,166.78 would be fair and equitable, the Court will need to see whether the new payments, including taxes and insurance, are feasible. The plan currently projects \$11,390 in gross monthly income, compared with \$10,400 in expenses, so there may be room for Debtor to make the plan work.

Debtor will need to explain at the confirmation hearing why the rental income at the 12<sup>th</sup> St. Property has been lower than expected, and whether that is likely to increase in the future. Debtor will also need to explain how it will make the higher payments on the 12th St. Property. Lastly, Debtor will need to explain what funds will be available at confirmation to pay administrative fees or if something has been worked out.

**Rate of Interest (Wells Fargo Claim)**

Wells Fargo, which holds a secured interest in Debtor's property located at 2339 Quail Glen Dr., Chino Hills, CA 91709 (the "Chino Hills Property"), filed an objection to Debtor's Second Amended Plan. Wells Fargo argues that Debtor has not properly calculated the interest rate under Till. The current prime rate is 5.25%, and the proposed rate under the plan is 5.75%. Wells Fargo argues that this rate is too low and does not properly take into account the Debtor's default risk. Wells Fargo argues that, due to Debtor's history of defaults, expenses, and the fact that the Chino Hills Property is a rental property, the Court should increase the interest rate 1%-2% above prime. The Court agrees that 5.75% is an

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**CONT...**

**Farideh Warda**

**Chapter 11**

insufficient adjustment for the default risk presented by the Debtor. The Court finds that 1% is an appropriate adjustment in this case, for an interest rate of 6.25% on the Chino Hills Property.

Wells Fargo also objects on the grounds that Debtor's plan fails to address the payment of certain escrow deficiencies on the Chino Hills Property. Wells Fargo states that it is currently in the process of obtaining the amount of the escrow deficiencies and will provide the Court with that information at the confirmation hearing. Debtor will need to address these escrow deficiencies at the time of confirmation.

APPEARANCE REQUIRED

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

**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

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**1:16-11598 Farideh Warda**

**Chapter 11**

**#3.00 Status and case management conference**

fr. 4/4/18, 7/18/18, 9/12/18; 10/10/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Farideh Warda

Represented By  
Todd L Turoci

**United States Bankruptcy Court  
Central District of California  
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9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#4.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 10/3/18; 10/10/18

Docket 259

**Tentative Ruling:**

Previous Tentative

Petition Date: 7/7/16

Chapter: 11

Service: Improper. Opposition filed.

Property: 1620 Maclaren St., La Puente, CA 91744

Property Value: \$ 225,000 (per schedules)

Amount Owed: \$ 343,565.30 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: Unknown

Movant requests relief under 11 U.S.C. 362(d)(1) and (d)(2). Specific relief is requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **12** (Debtor is borrower for purposes of C.C.C. § 2920.5(c)(2) (C)).

The accounting attached to the Motion as Exhibit 5 indicates that no payments have been made on this mortgage since July 24, 2017. The accounting also indicates that the amount in the suspense account has dropped to only \$469.61.

In his opposition to the Motion, Debtor indicates that the parties were previously working on the terms of a plan treatment stipulation and, apparently, adequate protection payments. Debtor had previously been making adequate protection payments of \$937 each month, but Movant was not cashing the checks. Debtor argues that Movant has not shown that it is not adequately protection such that cause for relief exists under § 362(d)(1) because Debtor is willing to pay adequate protection payments of "\$1,349.99 as agreed upon, at least orally, between Debtor

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CONT... **Samuel James Esworthy**

**Chapter 11**

and Movant." Opposition, 3:23-24. Furthermore, Debtor argues that Movant provides no grounds for cause under (d)(1) other than lack of adequate protection and does not explain how it is not adequately protected.

Debtor does not dispute that the property lacks equity for purposes of relief from stay under § 362(d)(2); however, Debtor argues that the property is necessary for an effective reorganization. Debtor has the burden of proof on the issue of whether the property is necessary for an effective reorganization. § 362(g)(2). In order to establish whether the property is necessary to an effective reorganization, the Debtor must show that there is "a reasonable possibility of a successful reorganization within a reasonable time." United Sav. Ass'n of Texas v. Timbers of Inwood Forest Assocs., Ltd., 484 U.S. 365, 376 (1988).

Debtor correctly argues that Movant did not serve the Motion on the 20 largest unsecured creditors as required by the Local Rules. Debtor does not cite which Local Bankruptcy Rule requires service of a relief from stay motion upon the 20 largest unsecured creditors. LBR 4001-1(c)(1)(C) states that relief from stay motions that are not for unlawful detainer or for (d)(4) must be served upon: i) Debtor and Debtor's attorney; ii) the trustee, iii) any codebtor, iv) the holder of any lien or encumbrance against the property, and v) any other party entitled to notice under FRBP 4001. FRBP 4001(a)(1) requires that a relief from stay motion in a chapter 11 case where no creditors committee has been appointed must be served upon the list of 20 largest unsecured creditors described in FRBP 1007(d).

Because the motion has been improperly served, the Court will not grant the Motion until all required parties have properly received notice under the rules. Debtor's Second Amended Disclosure Statement was conditionally approved by the Court at the hearing on September 12, though the Court notes that no order was lodged in connection with that disclosure statement. Debtor also states that a hearing on confirmation of the Plan is scheduled for December 12, but because the disclosure statement order was never lodged and never entered, the Plan Confirmation hearing date was never set. Debtor should remedy these issues immediately.

The Court is inclined to continue this hearing to December 12, 2018 at 9:30 a.m. That will allow time for Movant to re-notice the Motion in accordance with the rules. More importantly, whether Debtor can confirm a plan on December 12 will indicate whether there is a "reasonable possibility of a successful reorganization within a reasonable time." This case has been pending for more than two years, and relief from stay will likely be granted under § 362(d)(2) if Debtor is unable to confirm the second amended plan.

APPEARANCE REQUIRED

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**CONT... Samuel James Esworthy**

**Chapter 11**

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

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

**Movant(s):**

Wells Fargo Bank, N.A.

Represented By  
Dane W Exnowski



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9:30 AM

**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#5.00 Motion for relief from stay**

**WILMINGTON SAVINGS FUND SOCIETY, FSB**

Docket 294

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By  
M. Jonathan Hayes

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1:16-11985 Samuel James Esworthy

Chapter 11

#6.00 Third amended chapter 11  
plan of reorganization

Docket 267

**Tentative Ruling:**

**APPEARANCE REQUIRED**

- **Class 5** US Bank (holder of DoT on Ben Ave. Property) objects:
  - Proof of Claim #5 filed 9/21/16: \$302,035.95, with \$38,630.35 in arrears
  - Impaired claim treated under Class 5: paid in full over 30 years at 5.25%
    - Monthly payment of \$1,621
  - Objection: No provision for maintenance of hazard insurance or for ongoing timely payment of property taxes. DEBTOR'S RESPONSE IS ADEQUATE AND THIS WILL BE COVERED. DEBTOR IS IN DEFAULT UNDER THE PLAN IF THESE MATTERS ARE NOT PROVIDED FOR
  - Objection: Monthly payment provided is incorrect; correct payment under the terms proposed should be \$1,667.85 - DEBTOR SHOULD CORRECT UNLESS DISAGREES
  - Objection: Default provision provided for in the Class 5 treatment of this claim and the default provision in Section F.4 of the Plan contradict:
    - Class 5 in the Plan provides: If there should be a default, Nationstar shall give the Debtor notice of the default in writing with an email copy to counsel and allow ten (10) days for the Debtor to cure the default. If the default is not cured, Nationstar shall have relief from the automatic stay without any further court proceeding required and may proceed with its rights under the agreements and state law.
    - Section F.4 of the Plan provides: As those claimants whose claims are not agreed upon by the parties (i.e., memorialized in a plan treatment stipulation), if Debtor fails to make any payment required under the Plan, or to perform any other obligation required under the Plan for more than twenty-one (21) days after the time specified in the Plan, the affected creditor may serve upon Debtor and Debtor's attorney (if any) a written notice of default. Debtor is in material default under the Plan if he fails within twenty-one (21) days of the service of such notice of default, plus

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CONT...

**Samuel James Esworthy**

**Chapter 11**

three (3) additional days if served by mail, either; (i) to cure the default or (ii) to obtain from the Court an extension of time to cure the default or a determination that no default occurred.

- \* *Creditor requests that any order confirming the plan specify that the default remedies provided under Class 5 control over the default remedies contained in Section F.4 of the Plan. DEFAULT PROVISIONS OF SECTION F.4 OF PLAN CONTROLS AND SHOULD BE SPECIFIED IN CONFIRMATION ORDER TO CONTROL*
  
- **Class 4** US Bank (holder of DoT on Millbury Ave. Property) objects:
  - Proof of Claim #7 filed 9/23/16: \$283,669.05, with \$44,038.54 in arrears
  - Impaired claim treated under Class 4: paid in full over 30 years at 5%
    - Monthly payment of \$1,523
  - Objection: Lack of good faith in proposing the Plan because Debtor made only two adequate protection payments on account of this secured claim since the date of filing on July 20, 2016. While the Debtor proposes to pay the full amount of the claim as provided for in the Proof of Claim, because of the lack of adequate protection payments during the pendency of this case, the claim has increased since then. Creditor argues that it is "patently unfair" to allow Debtor to continue to use the Millbury Property and collect rent, without making any payments to the secured creditor and to ask it to carry the risk of no payments during the two years before confirmation is unreasonable. WHY HAS NO MOTION BEEN BROUGHT EARLIER?
  - Objection: No provision for maintenance of hazard insurance or for ongoing timely payment of property taxes. DEBTOR'S RESPONSE IS ADEQUATE AND THIS WILL BE COVERED. DEBTOR IS IN DEFAULT UNDER THE PLAN IF THESE MATTERS ARE NOT PROVIDED FOR
  - Objection: Plan not fair and equitable because Debtor does not offer Secured Creditor the "indubitable equivalent" as the Plan proposes to pay Secured Creditor less than the full current payoff of the amount due and fails to make interim payments on the ongoing and prepetition arrears.
    - In order to determine whether Secured Creditor is receiving the "indubitable equivalent" of its claim on plan confirmation, US Bank argues that the Property must be valued at the time of confirmation. While Debtor states in his plan that the property is valued at \$308,000, US

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CONT...

**Samuel James Esworthy**

**Chapter 11**

Bank's valuation as of May 2018 is \$420,000.

- US Bank contends that the Plan must be denied as a matter of law because it cannot provide for payment of less than full debt, nor can it state the value of the Property is \$308,000.00 based on an appraisal that is almost two years old.
- Section 1129 (b)(2)(A)(iii) offers the debtor the ability to show that the plan is fair and equitable by showing that the secured creditor will realize the indubitable equivalent of its secured claims. A debtor wishing to use the secured creditor's cash collateral post-confirmation and who seeks to cramdown the plan must show that the creditor is receiving the indubitable equivalent. The Ninth Circuit requires two showings when a debtor wishes to cramdown a plan against secured creditors by invoking § 1129(b)(2)(A)(iii): that the plan "compensate for present value" and "insure the safety of the principal." Crocker Nat'l Bank v. Am. Mariner Indus., Inc. (In re Am. Mariner Indus., Inc.), 734 F.2d 426, 433 (9th Cir.1984), *abrogated on other grounds by* United Sav. Assn v. Timbers of Inwood Forest Assoc., Ltd., 484 U.S. 365, 376 (1988). Where the plan changes a secured creditor's rights in the collateral, providing the indubitable equivalent requires that the plan provide substitute collateral or other assurances that the creditor's risk is not increased. Arnold & Baker Farms v. United States (In re Arnold & Baker Farms), 85 F.3d 1415, 1422 (9th Cir.1996). This principle has been well recognized in the context of using cash collateral post-confirmation to fund a Chapter 11 reorganization. *See e.g.*, In re Griswold Bldg., LLC, 420 B.R. 666, 705–06 (Bankr.E.D.Mich.2009) ( "...Debtors propose to use the Lender's cash collateral to pay claims that have a lower priority under the Bankruptcy Code than the claims of the Lender, without providing any replacement collateral for the Lender. It is hard to see how that is fair and equitable.").  
DEBTOR HAS NOT ADEQUATELY RESPONDED TO THIS
- Objection: There is no provision for default provided for in the Class 4 treatment of this claim and the default provision in Section F.4 of the Plan is unclear.  
DEFAULT PROVISIONS OF SECTION F.4 OF PLAN CONTROL AND SHOULD BE SPECIFIED IN CONFIRMATION ORDER TO CONTROL

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By

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**CONT...**

**Samuel James Esworthy**

M. Jonathan Hayes

**Chapter 11**

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**1:16-11985 Samuel James Esworthy**

**Chapter 11**

**#7.00 Status and case management conference**

fr. 9/1/16, 2/9/17, 3/22/17, 4/26/17, 7/5/17,  
8/16/17; 9/27/17, 11/29/17, 2/14/18, 4/25/18,  
6/13/18, 7/18/18, 9/12/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Samuel James Esworthy

Represented By

M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes  
M Jonathan Hayes

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**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#8.00** Debtor's second amended chapter 11 plan  
of reorganization

Docket 154

**Tentative Ruling:**

On September 12, 2018, the Court conditionally approved Debtor's Second Amended Disclosure Statement, which had been filed two days before the hearing. At the hearing, the condition that was set on approval of the disclosure was that Debtor had to file an amended Plan that reflected the changes that had been made to the 2nd amended disclosure statement: (1) the distribution to unsecured creditors is to be 0.0131%; and (2) that Debtor is obligated to pay U.S. Trustee quarterly fees post-confirmation and to submit post-confirmation quarterly reports.

To date, no amended Plan has been filed and Debtor also did not file the required confirmation brief. The required Confirmation Scheduling Order was not lodged (see S/C page, #9), and there is no evidence that the solicitation package was served.

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton

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**1:16-12073 Anzhey Barantsevich**

**Chapter 11**

**#9.00 Status and case management conference**

fr. 9/8/16; 1/19/17; 1/26/17, 7/12/17; 9/27/17,  
11/29/17, 2/28/18, 5/2/18, 5/23/18, 7/18/18,  
9/12/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Anzhey Barantsevich

Represented By  
Stephen L Burton



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:16-12518 Ireland Needlecraft, Inc.**

**Chapter 11**

**#10.00** Post confirmation status conference

fr. 11/3/16; 3/30/17; 3/29/17, 6/21/17; 8/23/17,  
5/2/18, 9/12/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Case closed on interim basis (doc. 194) - hm**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Ireland Needlecraft, Inc.

Represented By  
Steven R Fox  
Steven R Fox

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-10256 Tours Incorporated, Inc.**

**Chapter 11**

**#11.00** Status and case management conference

fr. 3/22/17, 9/13/17; 12/6/17, 3/21/18, 8/15/18,  
8/29/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Tours Incorporated, Inc.

Represented By  
Mark E Brenner

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-12420 M.N.E. Funding, Inc.**

**Chapter 11**

**#12.00** Post confirmation status conference

fr. 11/1/17, 10/25/17, 1/17/18, 2/28/18, 5/2/18,  
5/30/18, 7/18/18, 8/29/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

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

**Debtor(s):**

M.N.E. Funding, Inc.

Represented By  
Mark E Goodfriend

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13263 Eduardo Antonio Canas**

**Chapter 11**

**#13.00** First and final fee application for compensation

Docket 89

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the First and Final Application for Compensation, the Court finds that the fees and costs are reasonable, necessary and are approved as requested.

APPEARANCES WAIVED ON 12/12/18.

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

**Debtor(s):**

Eduardo Antonio Canas

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:17-13341 Castillo I Partnership**

**Chapter 11**

**#14.00** Scheduling and case management conference

fr. 1/17/18, 6/13/18, 8/29/18; 12/2/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

Debtor should provide a specific date by which amended disclosure statement and plan can be filed so new hearing date can be set. The debtor needs to move this case and be ready to actually have approval on a specific plan by the next hearing

**Party Information**

**Debtor(s):**

Castillo I Partnership

Represented By  
Mark E Goodfriend

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, December 12, 2018

Hearing Room 302

9:30 AM

1:18-10484 Barton Wayne Fishback and Carol Fishback

Chapter 11

#15.00 Scheduling and case Management conference

fr. 3/28/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Dismissed with 180-day bar to refile on  
6/21/18 (doc. 118) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Barton Wayne Fishback

Represented By  
Matthew Abbasi

**Joint Debtor(s):**

Carol Fishback

Represented By  
Matthew Abbasi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#16.00** U.S. Trustee's motion to dismiss or convert  
under

fr. 10/24/18

Docket 56

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-11544 Happy Jump, Inc.**

**Chapter 11**

**#17.00** Status and case management conference

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

The court agrees that mediation is appropriate. The parties should choose a mediator from the panel and propose a deadline by which they will meet. The court will then continue this s/c to a date after the mediation completion.

**Party Information**

**Debtor(s):**

Happy Jump, Inc.

Represented By  
Mark T Young



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

9:30 AM

1:18-12070 Bagrat Ogannes

Chapter 11

#18.00

Status and case management conference

Docket 1

**Tentative Ruling:**

Debtor has not brought motion to employ appraiser as promised in status report. The valuations need to be completed quickly and case moved.

Proposed claim bar date:2/22/19- debtor should serve notice of bar date by 12/22

Proposed disclosure statement filing deadline: 3/15/19

Proposed disclosure statement hearing: 5/1/19 at 10 am

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE INITIAL STATUS CONFERENCE

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

**Debtor(s):**

Bagrat Ogannes

Represented By  
Crystle Jane Lindsey

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12188 Ofelia Margarita Macias**

**Chapter 11**

**#19.00** Scheduling and case management conference  
and filing of monthly report

Docket 28

**Tentative Ruling:**

Proposed claim bar date: 2/22/19 - serve order with claims bar date by 12/22  
Proposed disclosure statement filing deadline: 3/15/19  
Proposed disclosure statement hearing: 5/22/19 at 10 am  
File valuation motions ASAP  
DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

**Party Information**

**Debtor(s):**

Ofelia Margarita Macias

Represented By  
Lionel E Giron

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12276 Catherine J. Watkins**

**Chapter 11**

**#20.00** Amended motion for order detemining  
proposed plan treatment of secured claim

Docket 17

**Tentative Ruling:**

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Catherine J. Watkins

Represented By  
Michael R Totaro

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

9:30 AM

**1:18-12547 Michael Vara**

**Chapter 11**

**#21.00** Scheduling and case management conference  
and filing of monthly reports.

Docket 16

**Tentative Ruling:**

Proposed claim bar date: 2/22/19 - serve order with claims bar date by 12/22

Proposed disclosure statement filing deadline: 3/15/19

Proposed disclosure statement hearing: 5/22/19 at 10 am

**DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE**

**Party Information**

**Debtor(s):**

Michael Vara

Represented By  
Onyinye N Anyama

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

10:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#22.00** Motion by JP Morgan to convert case from chapter 11 to 7 or in the alternative to dismiss

fr. 1/17/13, 2/21/13, 5/30/13, 10/10/13, 3/27/14, 10/2/14, 4/23/15, 4/23/15; 12/3/15, 2/4/16, 4/7/16; 6/9/16, 8/4/16, 11/10/16; 1/26/17, 3/1/17; 3/22/17, 4/26/17, 6/14/17, 6/20/17; 7/6/17; 8/1/17; 8/16/17, 8/17/17, 9/13/17; 10/11/17, 12/14/17, 2/7/18; 3/7/18, 5/1/18, 6/21/18, 7/18/18

Docket 210

**\*\*\* VACATED \*\*\* REASON: continued to 2/27/19 at 10:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L James  
Lindsey L Smith

**Movant(s):**

JPMorgan Chase Bank, National

Represented By  
Christopher M McDermott

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

10:00 AM

**1:10-19870 Melissa Mosich Miller**

**Chapter 11**

**#23.00** Status and case management conference

fr. 9/29/10, 2/10/11, 5/26/11, 11/10/11,  
3/15/12, 3/29/12, 11/28/12, 2/7/13,  
2/21/13, 5/30/13, 10/10/13,  
3/27/14, 10/2/14, 4/9/15; 4/23/15; 12/3/15  
4/7/16, 4/7/16, 6/9/16, 8/4/16, 11/10/16; 1/26/17,  
3/1/17; 3/22/17, 4/26/17, 6/14/17; 7/6/17; 8/1/17; 8/16/17,  
8/17/17, 9/13/17; 10/11/17, 12/13/17, 2/7/18; 3/7/18,  
5/1/18, 6/21/18, 7/18/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: continued to 2/27/19 at 10:00 a.m.**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Melissa Mosich Miller

Represented By  
Jacqueline L Rodriguez

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12302 Alona Orit Athouel

Chapter 13

#24.00 Motion for relief from stay

CAB WEST LLC

Docket 30

**Tentative Ruling:**

Petition Date: 09/13/2018  
Converted 7 → 13: 10/24/18  
Service: Proper. No opposition filed.  
Property: 2016 Ford Explorer  
Property Value: not listed (LEASE)  
Amount Owed: \$29,607.39 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$ 984.25 (2 payments of \$493.25)  
Last payment was received on 09/07/2018

Movant indicates that Debtor's proposed ch.13 plan provides for rejection of this lease.

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Alona Orit Athouel

Represented By  
Eric Bensamochan

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Alona Orit Athouel**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:15-14115 Audrey M Whittinhal

Chapter 13

#24.01 Motion for relief from stay

WILMINGTON TRUST N.A.

Docket 31

**Tentative Ruling:**

Petition Date: 12/18/2015  
Chapter 13 Plan confirmed on 03/31/2016  
Service: Proper. Opposition filed.  
Property: 11052 Reseda Blvd, Northridge, CA 91326  
Property Value: \$568,000 (per debtor's schedules)  
Amount Owed: \$354,722.20 (per RFS motion)  
Equity Cushion: 30.0%  
Equity: \$213,277.80  
Post-Confirmation Delinquency: \$2,354.46 (1 payment of \$1,131.59; 1 payment of 1,193.58; post-petition advances or other charges due but unpaid: \$975; less suspense account or partial paid balance: \$945.71)

Movant alleges cause for relief from stay under 11 U.S.C. 362(d)(1) , with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that Debtor has become current on all post-petition arrearages as of date 11/20/2018.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

Audrey M Whittinhal

Represented By  
Michael D Luppi

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Audrey M Whittinhall**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10772 Anna Gevorkian**

**Chapter 13**

**#25.00** Motion for relief from stay

PARKWOOD VAN NUYS HOA

fr. 12/5/18

Docket 50

**Tentative Ruling:**

Petition Date: 3/26/18

Chapter 13 plan confirmed: 8/14/18

Service: Proper. Opposition filed.

Property: 15050 Sherman Way #116, Van Nuys, CA 91405

Property Value: \$295,000 (per Order Granting Debtor's Motion to Avoid Lien, doc. 39)

Amount Owed: \$2,702

Equity Cushion: unk.

Equity: unk.

Post-confirmation Delinquency: \$2,702 (3 payments of \$449; \$105 for 7 late charges (\$15 each))

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law); 3 (Movant permitted to engage in loss mitigation activities); and 6 (waiver of the 4001(a)(3) stay). Movant alleges that Debtor is delinquent on their required post-confirmation payments to the HOA.

In opposition, Debtor argues that she has made more payments than have been accounted for in the Motion, and that any remaining delinquency will be cured on or before the hearing on this Motion.

**APPEARANCE REQUIRED**

**Party Information**

**Debtor(s):**

Anna Gevorkian

Represented By  
Robert T Chen

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Anna Gevorkian**

**Chapter 13**

**Movant(s):**

Parkwood Van Nuys HOA

Represented By  
Neil B Katz

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-11423 Henry W Hardison, Jr

Chapter 13

#26.00 Motion for relief from stay

SECOND CHANCE HOME LOAN LLC

fr. 10/24/18

Docket 37

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 46) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Henry W Hardison Jr

Represented By  
James Geoffrey Beirne

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-11366 Irene Franklin

Chapter 13

#27.00 Motion for relief from stay

CHAMPION MORTGAGE COMPANY

Docket 22

**Tentative Ruling:**

Petition Date: 05/30/2018  
Chapter 13 Plan confirmed on 11/27/2018  
Service: Proper. Opposition filed.  
Property: 22656 Miranda Street, Woodland Hills, CA 91367  
Property Value: \$500,000.00 (per debtor's schedules)  
Amount Owed: \$396,165.07 (per RFS motion)  
Equity Cushion: 13.0%  
Equity: \$103,834.93.  
Post-petition (pre-confirmation) Delinquency: \$1,189.00 (one forced payment)

Movant alleges cause for relief from stay under 11 U.S.C. 362(d)(1) , with the specific relief requested in paragraphs 2 (proceed under non-bankruptcy law and 7 (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, arguing that the Debtor is in a reverse mortgage and there are no post-petition mortgage payments due; the post-petition "arrearage" arises from the forced placed homeowners insurance the mortgage company placed upon the debtor's residential real property; and she will obtain her own home own homeowners insurance and debtor will then only be financially responsible for the pro rata portion of the forced place homeowners insurance for the short period of time it was in effect. Also, the property is her primary residence since her Chapter 13 case was filed on May 30, 2018.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Irene Franklin

Represented By  
Sunita N Sood

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Irene Franklin**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-11090 Jason R. Corralejo and Claudine P. Corralejo**

**Chapter 13**

**#28.00** Motion for relief from stay

DAIMLER TRUST

Docket 35

**Tentative Ruling:**

Petition Date: 04/27/2018  
Chapter 13 Plan confirmed on 11/27/2018  
Service: Proper. Co-debtor was served. No opposition filed.  
Property: 2016 Mercedes-Benz C300W  
Property Value: \$4,175.00 (per debtor's schedules)  
Amount Owed: \$31,201.87 (per RFS motion)  
Last payment was received on 09/09/2018 and the lease is matured, therefore no future payment due.  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: \$0

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Jason R. Corralejo

Represented By  
Gregory M Shanfeld  
Amelia Puertas-Samara

**Joint Debtor(s):**

Claudine P. Corralejo

Represented By  
Gregory M Shanfeld



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Jason R. Corralejo and Claudine P. Corralejo**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-10382 John Edward Wilds and Lisa Irene Wilds**

**Chapter 13**

**#29.00** Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 10/24/18

Docket 37

**\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 45) - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

John Edward Wilds

Represented By  
Randall V Sutter

**Joint Debtor(s):**

Lisa Irene Wilds

Represented By  
Randall V Sutter

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:11-22664 L.D.T. Investments Inc.

Chapter 7

#30.00 Motion for relief from stay

TAZANA GARDENS CONDOMINIUM ASSOCIATION

Docket 666

**Tentative Ruling:**

Petition Date: 10/31/2011

Chapter: 7

Service: Proper. No opposition filed.

Property: 18550 Hatteras Street, Suite 115, Tarzana, CA 91356

Property Value: \$428,000 (per RFS motion)

Amount Owed: \$364,000 (per RFS motion)

Equity Cushion: 7.0%

Equity: \$64,000.00.

Delinquency: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (stay is annulled retroactively); **7** (waiver of the 4001(a)(3) stay) and **10** (relief binding and effective for 180 days against any debtor).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

L.D.T. Investments Inc.

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

David Seror

David Seror (TR)

Steven T Gubner

Corey R Weber

Michael W Davis

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**CONT... L.D.T. Investments Inc.**

**Chapter 7**

Richard Burstein  
Elissa Miller  
Aram Ordubegian  
Andy Kong  
Jessica L Bagdanov  
Ronald P Abrams  
Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:17-10637 Liliya F Kargina

Chapter 13

#31.00 Motion for relief from stay

SETERUS, INC.

fr. 10/24/18, 11/14/18

Docket 63

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 69) - hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Liliya F Kargina

Represented By  
Alla Tenina

**Movant(s):**

SETERUS, INC., AS THE

Represented By  
James F Lewin  
Renee M Parker

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-10587 Marcela Navarrete Melendrez**

**Chapter 13**

**#32.00** Motion for relief from stay

BANK OF AMERICA, N.A.

fr. 10/24/18

Docket 42

**Tentative Ruling:**

This hearing was continued at the last hearing at the request of the parties.  
What is the status of this Motion?  
APPEARANCE REQUIRED

10-24-18 TENTATIVE BELOW

Petition Date: 03/07/2018

Chapter 13 plan confirmed: 8/14/18

Service: Proper. No opposition filed.

Property: 6449 Elmer Avenue, Los Angeles, CA 91606

Property Value: \$567,576.00 (per debtor's schedules)

Amount Owed: \$286,094.34 (per RFS motion)

Equity Cushion: 42.0%

Equity: \$281,481.66.

Post-Petition Delinquency: \$7,254.96 (3 payments of \$2,198.16; cost added for administration of bankruptcy claim of \$665; less suspense account or partial paid balance of 4.52)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **6** (waiver of the 4001(a) (3) stay). Movant alleges that the last payment tendered was on or about 6/8/18.

Debtor's plan has only recently been confirmed and there is a sizeable equity cushion to protect Movant's claim. Have the parties discussed whether an

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Marcela Navarrete Melendrez**  
APO is a feasible solution?

**Chapter 13**

**APPEARANCE REQUIRED**

<b>Party Information</b>
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**Debtor(s):**

Marcela Navarrete Melendrez

Represented By  
Raymond Perez

**Movant(s):**

Bank of America, N.A.

Represented By  
Asya Landa  
Diana Torres-Brito

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12380 Pan Lea Kim

Chapter 13

#33.00 Motion for relief from stay

MAGNUM PROPERTY INVESTMENTS, LLC AND  
STRATEGIC ACQUISITIONS, INC

Docket 19

**Tentative Ruling:**

Petition Date: 09/26/2018  
Chapter 13 dismissed with 180-day bar to refile: 10/21/18  
Service: Proper. Co-debtor (owner) was served. No opposition filed.  
Property: 5055 Coldwater Canyon Ave, #101, Sherman Oaks, CA 91423  
Property Value: \$ N/A (per debtor's schedules)  
Amount Owed: \$ N/A (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **5** (stay is annulled retroactively); **6** (termination of co-debtor stay); **7** (waiver of the 4001(a)(3) stay); and **9** (Relief under 362(d)(4) for bad faith).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Pan Lea Kim Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12334 Pedro Lopez**

**Chapter 7**

**#34.00** Motion for relief from stay

MTGLQ INVESTORS, L.P.

Docket 10

**Tentative Ruling:**

Petition Date: 09/19/2018

Chapter: 7

Service: Proper. No opposition filed.

Movant: MTGLQ Investors

Property Address: 34652 Boros Boulevard, Beaumont, CA 92223

Type of Property: Residential

Occupancy: holdover after foreclosure sale

Foreclosure Sale: 12/27/17

UD case filed: 06/04/2018

UD Judgment: N/A

A review of Debtor's schedules shows that he asserts no interest in any real property, and the chapter 7 trustee issued her no asset report on 10/30/18. Based on the history of bankruptcy filings affecting this property, it is likely that this bankruptcy case was "hijacked" by having this property "dumped" into this

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), **6** (waiver of 4001(a)(3) stay); **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law); **9** (relief binding and effective for 180 days against any debtor); and **10** (Binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years).

DENY relief requested in paragraph **8** (relief under 362(d)(4) because Movant is not a secured creditor entitled to such relief; and **11** (binding and effective against this Debtor for 180 days) because no allegations of bad faith have been made with respect to his actions in this bankruptcy

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

CONT... Pedro Lopez

Chapter 7

<b>Party Information</b>
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**Debtor(s):**

Pedro Lopez

Pro Se

**Movant(s):**

MTGLQ Investors, L.P.,

Represented By  
Nancy L Lee

**Trustee(s):**

Diane C Weil (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-12104 Raquel Rosales-Yapo**

**Chapter 13**

**#35.00** Motion for relief from stay

DEUTSCHE BANK N.A.

Docket 43

**Tentative Ruling:**

Petition Date: 08/19/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 15222 Carey Ranch Lane, Los Angeles, CA 91342

Property Value: \$ (per debtor's schedules)

Amount Owed: \$933,853.11 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Petition Delinquency: \$12,992.66 (3 payments of \$3,987.22; attorney's fees and costs: \$1,031)

Movant alleges cause for relief from stay under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

The Relief under 362(d)(4) is not requested but there are multiple bankruptcies cases affecting the Property were filed.

Debtor filed a response that he does not oppose the granting of the Motion.

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Raquel Rosales-Yapo

Represented By  
Kevin T Simon

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Raquel Rosales-Yapo**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:17-12534 Richard Khatibi

Chapter 13

#36.00 Motion for relief from stay

KERN COUNTY TREASURER AND TAX COLLECTOR

fr.11/8/17, 2/7/18, 3/21/18; 12/5/18

Docket 12

\*\*\* VACATED \*\*\* REASON: Cont'd to 1/22/19 at 11:00 a.m. (doc. 137) -  
hm

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Richard Khatibi

Represented By  
Kevin T Simon

**Movant(s):**

Kern County Treasurer and Tax

Represented By  
Nicole M Misner

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:14-12975 Rosa Maria Arevalo

Chapter 13

#37.00 Motion for relief from stay

BAYVIEW LOAN SERVICING

Docket 51

**Tentative Ruling:**

Petition Date: 06/13/2014  
Chapter 13 Plan confirmed on 06/12/2015  
Service: Proper. No opposition filed.  
Property: 12615 Cathy Street, Los Angeles, CA 91342  
Property Value: \$320,000 (per debtor's schedules)  
Amount Owed: \$371,039.19 (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Confirmation Delinquency: \$13,168.84 (2 payments of \$3,034.83; 2 payments of \$3,110.06; post-petition advance or other charges due but unpaid: \$56; attorneys' fees and costs: \$1,000.50; less suspense account or partial paid balance: \$177.44)  
Last payment was received on 10/18/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Rosa Maria Arevalo

Represented By  
Donald E Iwuchuku

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12056 Samuel Araos Pasag and Nellie Garingan Pasag**

**Chapter 13**

**#38.00** Motion for relief from stay

DEUTSCHE BANK NATIONAL TRUST CO

fr. 6/13/18, 8/15/18, 10/17/18

Docket 34

**Tentative Ruling:**

The hearing was continued at the last hearing at the request of the parties.  
What is the status of this Motion?  
APPEARANCE REQUIRED

**10-17-18 TENTATIVE BELOW**

At the previous hearing, the parties indicated that there was no confirmation whether Debtor was able to obtain a loan modification. If the loan modification did not go through, the parties indicated that they would seek an adequate protection order. Nothing new has been filed on the docket. What is the status of either a loan modification or an adequate protection order?

**8/15/18 Tentative**

This hearing was continued from June 13, 2018, to allow the Debtor to apply for a loan modification. What is the status of this Motion?  
APPEARANCE REQUIRED

**6/13/18 TENTATIVE BELOW**

Petition Date: 08/2/2017

Service: Proper. Opposition filed.

Property: 21051 Schoenborn St., Canoga Park, California 91304

Property Value: \$ 560,000.00 (per debtor's schedules)

Amount Owed: \$ 687,555.73

Equity Cushion: 0.0%

Equity: \$0.00

Post-Petition Delinquency: \$11,056.62 (4 payments of \$10,251.16; \$0.00 in post-petition advances; \$1,031 in attorneys' fees; less \$225.54 in suspense account or partial paid balance)

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

CONT... Samuel Araos Pasag and Nellie Garingan Pasag

Chapter 13

Debtor opposes the Motion, arguing that there is an application for a loan modification still under review, and requests a continuance of this hearing to allow for a determination of the loan modification application. See Opposition, Ex. A.

Movant requests relief under 11 U.S.C. 362(d)(1). Movant requests specific relief in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **5** (11 U.S.C. §1201 (a) or §1301(a) co-debtor stay terminated, modified, or annulled); and **6** (waiver of the 4001(a)(3) stay).

APPEARANCE REQUIRED

<b>Party Information</b>
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**Debtor(s):**

Samuel Araos Pasag

Represented By  
Hasmik Jasmine Papian

**Joint Debtor(s):**

Nellie Garingan Pasag

Represented By  
Hasmik Jasmine Papian

**Movant(s):**

Deutsche Bank National Trust Co.,

Represented By  
Alexander G Meissner  
S Renee Sawyer Blume

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12154 Silvia Veronica Venegas

Chapter 13

#39.00 Motion for relief from stay

SRPS LP

Docket 21

**Tentative Ruling:**

Petition Date: 08/24/2018

Chapter: 13

Service: Proper. Opposition filed.

Movant: SRPS LP

Property Address: 7443 Gaviota Avenue, Van Nuys, CA 91406

Type of Property: Residential

Occupancy: Owner of the Property

Foreclosure Sale:

UD case filed: 10/02/2018 (without knowledge of this bankruptcy filing)

UD Judgment: N/A

Movant alleges cause for relief under 11 U.S.C. 362(d)(1), (d)(2), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law), **4** (stay is annulled retroactively), **6** (waiver of 4001(a)(3) stay), **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law) and **9** (relief binding and effective for 180 days against any debtor). Movant alleges cause for annulment because it caused an unlawful detainer complaint to be filed against Debtor (among others) on or about October 2, 2018, without notice or knowledge of this filing. Movant alleges it was not notified of this bankruptcy until October 15, 2018, when the Superior Court clerk notified its office.

Debtor opposes the Motion, arguing that movant has not established cause to justify annulment of the stay; Debtor has equitable interest in the property and the property is necessary to an effective reorganization; and that Movant was not entitled to notice of bankruptcy filing.

APPEARANCE REQUIRED

**Party Information**

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Silvia Veronica Venegas**

**Chapter 13**

**Debtor(s):**

Silvia Veronica Venegas

Represented By  
Matthew D. Resnik

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:17-13199 Sonia Pantoja

Chapter 13

#40.00 Motion for relief from stay

KINECTA FEDERAL CREDIT UNION

Docket 36

\*\*\* VACATED \*\*\* REASON: Withdrawal filed by Movant on 12/4/18 -  
doc. #46. lf

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Sonia Pantoja

Represented By  
Lauren M Foley

**Movant(s):**

Kinecta Federal Credit Union

Represented By  
Bruce P. Needleman

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12579 Susan R. Forcier

Chapter 7

#41.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 13

**Tentative Ruling:**

Petition Date: 10/22/2018

Chapter:7

Service: Proper. No opposition filed.

Property: 22664 Cohasset Street, West Hills, CA 91307

Property Value: \$550,000 (per debtor's schedules)

Amount Owed: \$595,722.26 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$126,118.92

41 of payments have come due and were not made.

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Susan R. Forcier

Represented By  
Louis J Esbin

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-11210 Thomas Vy Nguyen**

**Chapter 13**

**#42.00** Motion for relief from stay

U.S. BANK NATIONAL ASSOCIATION

fr. 11/14/18

Docket 32

**Tentative Ruling:**

**11-14-18 TENTATIVE BELOW**

Petition Date: 05/10/18

Chapter 13 plan confirmed: 08/14/18

Service: Proper. Co-debtor served. No opposition filed.

Property: 7711 Calle Maria, Winnetka, CA 91306

Property Value: \$750,000 (per debtor's schedules)

Amount Owed: \$537,818.45 (per RFS motion)

Equity Cushion: 20.0%

Equity: \$212,181.55.

Post-Petition Delinquency: \$9,090.34 (2 pre-confirmation payments of \$6,043.56; 1 posty-confirmation payment of \$3,021.78; post-petition advances or other charge due but unpaid: \$25)

Movant alleges cause for relief under 11 U.S.C. 362(d)(1). Relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (co-debtor stay is terminated) and **7** (waiver of the 4001(a)(3) stay).

Given the size of the equity cushion here, have the parties discussed whether this can be resolved by an APO?

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Thomas Vy Nguyen

Represented By  
Joshua L Sternberg

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Thomas Vy Nguyen**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12429 Salvador German Helleon and Daniel Roy Farrell

Chapter 7

#43.00 Motion for relief from stay

HONDA LEASE TRUST

Docket 24

**Tentative Ruling:**

Petition Date: 09/29/2018

Chapter:7

Service: Proper. Co-debtor was served. No opposition filed.

Property: 2017 ACURA RDX

Property Value: \$25,850 (per RFS motion)

Amount Owed: \$31,264.59 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Delinquency: \$ 1,054.04

Last payment was received on 09/12/18

Disposition: GRANT under 11 U.S.C. 362(d)(1) and (d)(2). GRANT relief requested in paragraph **2** (proceed under applicable non-bankruptcy law) and **6** (waiver of 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Salvador German Helleon

Represented By  
Blake J Lindemann

**Joint Debtor(s):**

Daniel Roy Farrell

Represented By  
Blake J Lindemann

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Salvador German Helleon and Daniel Roy Farrell**

**Chapter 7**



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:13-14890 Josephine E Williams

Chapter 13

#43.01 Motion for relief from stay

PACIFIC WEST HOME MORTGAGE, LLC

Docket 131

**Tentative Ruling:**

Petition Date: 07/24/2013  
Chapter 13 plan confirmed: 4/2/14  
Service: Proper. No opposition filed.  
Property: 8745 Willis Avenue #114, Los Angeles, CA 91402-2178  
Property Value: \$ 150,000 (per debtor's schedules)  
Amount Owed: \$ N/A (per RFS motion)  
Equity Cushion: 0.0%  
Equity: \$0.00.  
Post-Petition Delinquency: N/A

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Josephine E Williams

Represented By  
Carlo Reyes

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12480 Raul Jimenez

Chapter 13

#43.02 Motion for relief from stay

DEUTSCHE BANK N.A.

Docket 23

**Tentative Ruling:**

Petition Date: 10/5/18

Ch: 13 (*pro se*)

Service: Proper; former owner served. No opposition filed.

Movant: Deutsche Bank

Property Address: 400 Whitegate Rd., Thousand Oaks, CA 91320

Type of Property: Residential

Occupancy: holdover after foreclosure

Foreclosure Sale: 7/24/18

UD case filed: 8/4/18

UD Judgment: n/a

Disposition: GRANT under 11 U.S.C. 362(d)(1); (d)(2). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph **7** (designated law enforcement officer may evict any occupant, upon a recording of the order in compliance with applicable non-bankruptcy law).

DENY request for relief in paragraphs **9** (binding & effective relief for 2 years); **10** (binding & effective relief against any debtor for 180 days) and **11** (binding & effective against this Debtor for 180 days) because Movant did not allege facts to support a finding of bad faith.

APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Raul Jimenez

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Raul Jimenez**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12616 Jose Rivera

Chapter 7

#43.03 Motion for relief from stay

SUSAN MATA

Docket 11

**Tentative Ruling:**

Petition Date: 10/25/18

Ch: 7

Service: Proper on Judge's Shortened Time procedue for UD RFS. No opposition filed.

Movant: Susan Mata

Property Address: 16252 Kalisher St., Granada Hills, CA 91344

Type of Property: Residential

Occupancy: month-to-month tenancy in default

Foreclosure Sale: n/a

UD case filed: 7/25/18

UD Judgment (entered against Debtor's spouse, Arcelia Rivera): 10/25/18

Writ of Possession issued: 10/29/18

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief as requested in paragraphs **2** (proceed under non-bankruptcy law), and **6** (waiver of 4001(a)(3) stay). GRANT relief as to paragraph 9 (binding and effective against any debtor for 180-days).

DENY relief as to paragraph **8** (relief under 362(d)(4)), as Movant here is not a secured creditor entitled to relief.

APPEARANCE REQUIRED DUE TO SHORTENED TIME—RULING MAY BE MODIFIED AT HEARING. MOVANT TO LODGE ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Jose Rivera

Represented By  
Alfred Manuel Freitas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Jose Rivera**

**Chapter 7**

**Movant(s):**

Susan Mata

Represented By  
Steven M Mayer

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:18-12768 Loi Tan Nguyen

Chapter 13

#43.04 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

Docket 11

**Tentative Ruling:**

On November 14, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago. The previous case, 18-11451-MT, was a chapter 13 filed on June 6, 2018 and dismissed on October 24, 2018. The dismissal was initially with a 180 day bar under Section 109(g)(2), but the order was alter amended to remove the bar against refiling (Doc. No. 42).

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor states the reason for dismissal of the prior case as "Delinquent plan payments and failed post petition mortgage payments." Debtor further states that he misunderstood the process of selling his home in a chapter 13, and was under the mistaken belief that he did not have to make post-petition mortgage payments. Debtor intends to make the post-petition mortgage payments in this case until the house is sold. Debtor argues that the property is of consequential value to the estate because the value exceeds all encumbrances on the property by \$254,050, which would be available to pay unsecured creditors of the estate. Debtor argues that all secured creditors are adequately protected by an equity cushion. Debtor supports his motion with declarations from himself and from a real estate agent who states that the property would likely sell for between \$750,000 and \$800,000 in the next 45-120 days.

Creditors Glen and Pamela Blunden oppose the motion, arguing that the motion should be denied because Debtor shows little change in financial condition since his last filing. The Blundens received no payments on behalf of their deed of trust during the previous bankruptcy, and point to the timing of this filing (right before another scheduled nonjudicial foreclosure sale) as

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

CONT... **Loi Tan Nguyen**

**Chapter 13**

evidence of bad faith. The Blundens argue that Debtor has not rebutted the presumption of bad faith with clear and convincing evidence.

The occurrences in the previous bankruptcy, including the hearing where the case was dismissed, gave every indication that Debtor would re-file to "do it right." Therefore, the timing of this case is not troubling. The Blundens and other secured creditors appear to be protected by a substantial equity cushion in the property. Furthermore, if Debtor is successful with a sale, unsecured creditors will be paid 100%. As to the missed post-petition mortgage payments in the previous bankruptcy, this never should have happened. Debtor will be on a short leash regarding stay-current payments to secured creditors during this bankruptcy. Have December's payments been made? Whether clear and convincing evidence exists to demonstrate good faith in this bankruptcy will depend on whether Debtor has made post-petition payments in this bankruptcy.

If Debtor has made or can make ongoing payments to Secured creditors, the Motion will be GRANTED.

APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Loi Tan Nguyen

Represented By  
Khachik Akhkashian

**Movant(s):**

Loi Tan Nguyen

Represented By  
Khachik Akhkashian  
Khachik Akhkashian

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-12738 Orlando Huete**

**Chapter 13**

**#43.05** Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems

fr. 11/27/18

Docket 9

**Tentative Ruling:**

At the hearing on November 27, a creditor appeared and made an oral opposition to the motion (which was heard on shortened time). Because the Debtor's attorney had already left the courtroom when the creditor arrived, the Court imposed the stay for a limited time, through December 13, and continued this matter to December 12.

No opposition papers have been filed. The creditor will have to appear and make its opposition orally.

**APPEARANCE REQUIRED**

**11-27-18 TENTATIVE BELOW**

On November 9, 2018, Debtor filed this Chapter 13 case. Debtor has one previous bankruptcy case that was dismissed a short time ago, and three additional cases in the past ten years. The most recent dismissed Chapter 13 case, 1:18-bk-11444-VK, was filed on June 6, 2018 and dismissed on October 9, 2018 at confirmation. At the confirmation hearing, appearance counsel stated that Debtor had decided to "go ahead and work with the lender," and seek a loan modification. It appears that those efforts were unsuccessful.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor asserts the present case was filed in good faith notwithstanding the dismissal of the previous case. Debtor contends the previous case was dismissed because his income has been more consistent and he is more organized with respect to his work-related international travel expenses.

No opposition filed. The Motion is GRANTED. Because this motion is being heard on



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**CONT... Orlando Huete**  
shortened time, APPEARANCE REQUIRED.

**Chapter 13**

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

**Debtor(s):**

Orlando Huete

Represented By  
Jaime A Cuevas Jr.

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:16-11093 Kamel M. Ballout**

**Chapter 13**

Adv#: 1:17-01004 Ballout v. Sarieddine

**#44.00** Pre-Trial conference re: first amended complaint

fr. 6/28/17, 7/5/17, 1/24/18, 2/14/18, 8/8/18, 8/29/18

Docket 19

**Tentative Ruling:**

APPEARANCE REQUIRED

**8-29-18 TENTATIVE BELOW**

This matter was continued from August 8th to allow time for the settlement to be approved. What is the status of the settlement?

APPEARANCE REQUIRED

**8/8/18 Tentative**

Having reviewed the dockets for both the adversary and bankruptcy cases, and finding that this matter has settled, this pretrial conference will be continued to **August 29, 2018 at 11 a.m.**, to allow time for the Motion to Approve Compromise under Rule 9019 to be resolved.

APPEARANCES WAIVED ON 8/8/18.

**Party Information**

**Debtor(s):**

Kamel M. Ballout

Represented By  
R Grace Rodriguez

**Defendant(s):**

Mike Sarieddine

Represented By  
Daniel J King  
Daniel J King

**Plaintiff(s):**

Kamel M. Ballout

Represented By

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11:00 AM

**CONT... Kamel M. Ballout**

R Grace Rodriguez

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:16-12255 Solyman Yashouafar**

**Chapter 11**

Adv#: 1:17-01040 GOTTlieb v. Elkwood Associates, LLC et al

- #45.00** Status conference re: first amended counterclaim for:
- 1) declaratory relief (two counts)
  - 2) avoid foreclosure sales (two counts)
  - 3) conversion
  - 4) money had and received
  - 5) unjust enrichment
  - 6) conspiracy to chill bidding

Docket 151

**\*\*\* VACATED \*\*\* REASON: Moved to 12/11/18 at 9:30 a.m. to be heard  
with related matters - hm**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Solyman Yashouafar

Represented By  
Mark E Goodfriend

**Defendant(s):**

Elkwood Associates, LLC

Represented By  
Daniel J McCarthy

Fieldbrook, Inc.

Represented By  
Daniel J McCarthy

Soda Partners, LLC

Represented By  
Ronald N Richards

Quality Loan Service

Pro Se

Chase Manhattan Mortgage Co.

Pro Se

Howard Abselet

Represented By  
Henry S David

**United States Bankruptcy Court  
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San Fernando Valley  
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**Wednesday, December 12, 2018**

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11:00 AM

**CONT... Solyman Yashouafar**

**Chapter 11**

Israel Abselet

Represented By  
Henry S David

Citivist financial Services, Inc.

Pro Se

State Street Bank and Trust Co.

Pro Se

DMARC 2007-CD5 Garden Street,

Represented By  
Timothy C Aires

QUALITY LOAN SERVICE

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Jeremy V Richards  
John W Lucas

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Jeremy V Richards  
John W Lucas

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
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**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-11870 Neil D Gitnick**

**Chapter 7**

Adv#: 1:17-01083 Vargas et al v. Gitnick et al

**#46.00**

Status conference re: complaint to determine

non-dischargeability of debt

fr. 12/13/17, 6/20/18

Docket 1

**Tentative Ruling:**

NO PRETRIAL STIPULATION HAS BEEN FILED - Plaintiff should explain why this case should not be dismissed for a lack of prosecution

Exchange of exhibit lists: \_\_\_\_\_

Parties to file and serve Notice of Cross-Examination of Witness:

\_\_\_\_\_

Hard copies of exhibit books exchanged (if not already done): \_\_\_\_\_

Parties to file and serve trial briefs: \_\_\_\_\_

TRIAL TO BE HELD ON: \_\_\_\_\_

PLAINTIFF TO LODGE SCHEDULING ORDER WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Neil D Gitnick

Represented By  
James R Selth

**Defendant(s):**

Neil D Gitnick

Pro Se

**United States Bankruptcy Court  
Central District of California  
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11:00 AM

**CONT...** Neil D Gitnick  
Anita Marton

Pro Se

**Chapter 7**

**Joint Debtor(s):**

Anita Marton

Represented By  
James R Selth

**Plaintiff(s):**

Patricia Vargas

Represented By  
Jay W Smith

Ana Contreras

Represented By  
Jay W Smith

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
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Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01047 SP22, Inc., a California corporation et al v. Yurdumyan, an individual

**#47.00** Status conference re: complaint to  
establish debt and determine debt to be  
non-dischargeable

fr. 7/18/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Cont'd to 1/16/19 @ 11:00 a.m. per order  
#21. lf

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Karmile Yurdumyan, an individual

Pro Se

**Plaintiff(s):**

SP22, Inc., a California corporation

Represented By  
Allan Herzlich

Scott Parrish, an individual

Represented By  
Allan Herzlich

Saeideh Parrish, an individual

Represented By  
Allan Herzlich

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson



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Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

**1:18-10313 Harold H Choe**

**Chapter 7**

Adv#: 1:18-01052 Hernandez et al v. Choe

**#48.00** Pre-Trial conference re: complaint for  
nondischargeability of debt

fr. 7/18/18

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Harold H Choe

Represented By  
Young K Chang

**Defendant(s):**

Harold H Choe

Pro Se

**Plaintiff(s):**

Jose Hernandez

Represented By  
Timothy L Joens

Viviana R Valle

Represented By  
Timothy L Joens

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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11:00 AM

**1:18-10891 Hamid Farkhondeh**

**Chapter 13**

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

**#49.00** Status conference re: complaint determine dischargeability of debt for false pretenses, false representations, and/or actual fraud and objection to debtors' discharge, pursuant to 523 and 727 of the bankruptcy code

fr. 8/8/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: To be heard at 1:00 p.m. - jc**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Hamid Farkhondeh Pro Se

**Defendant(s):**

Hamid Farkhondeh Pro Se

Mary Dadyan Pro Se

**Joint Debtor(s):**

Mary Dadyan Pro Se

**Plaintiff(s):**

Noushin Laaly Represented By  
Stella Rafiei

Kourosh Laaly Represented By  
Stella Rafiei

**Trustee(s):**

Elizabeth (SV) F Rojas (TR) Pro Se

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11:00 AM

**1:18-11143 Jerald Angelo Gregorio**

**Chapter 7**

Adv#: 1:18-01068 Gregorio v. PHEAA-Pennsylvania Higher Education et al

**#50.00** Status conference re: amended complaint for  
dischargeability of student loan

fr. 11/14/18

Docket 7

**Tentative Ruling:**

Discovery cut-off (all discovery to be completed\*):\_Feb. 28, 2019

Expert witness designation deadline (if necessary):to be determined at next hearing

Case dispositive motion filing deadline (MSJ; 12(c)):\_to be determined at next  
hearing

Status conference to be set for April 2019

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before  
pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery  
subpoenas under Rule 45, must be initiated a sufficient period of time in advance of  
the cutoff date, so that it will be completed by the cut-off date, taking into account  
time for service, notice and response as set forth in the Federal Rules of Civil  
Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery  
disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection,  
answer, or response which becomes the subject of dispute or the passing of a  
discovery due date without response or production, and only after counsel have met

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CONT... **Jerald Angelo Gregorio**

**Chapter 7**

and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Jerald Angelo Gregorio	Pro Se
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**Defendant(s):**

PHEAA-Pennsylvania Higher	Pro Se
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Windham Professionals	Pro Se
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ECMC Educational Credit	Represented By Scott A Schiff
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United States Department of	Pro Se
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**Plaintiff(s):**

Jerald Angelo Gregorio	Pro Se
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**Trustee(s):**

Diane C Weil (TR)	Pro Se
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**United States Bankruptcy Court  
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Hearing Room 302

11:00 AM

**1:12-10231 Owner Management Service, LLC**

**Chapter 7**

Adv#: 1:18-01079 Seror v. Gregorian et al

**#51.00** Status conference re: complaint to determine  
validity, priority and extent of liens

fr. 9/26/18; 12/5/18

Docket 1

**Tentative Ruling:**

Having considered Trustee's Unilateral status report, the status conference is continued to January 23, 2019 at 10:00 a.m. to allow Trustee an opportunity to file motion(s) for default judgment.

Plaintiff to give notice of continued status conference.

APPEARANCE WAIVED on December 12, 2018.

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

**Debtor(s):**

Owner Management Service, LLC Pro Se

**Defendant(s):**

Alfred Gregorian Pro Se

La Vista Properties Pro Se

**Plaintiff(s):**

David Seror Represented By  
Richard Burstein  
Michael W Davis

**Trustee(s):**

David Seror (TR) Represented By  
Richard Burstein  
Michael W Davis

**United States Bankruptcy Court  
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11:00 AM

**CONT... Owner Management Service, LLC**

**Chapter 7**

David Seror  
David Seror (TR)  
Steven T Gubner  
Reagan E Boyce  
Jessica L Bagdanov  
Reed Bernet  
Talin Keshishian

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**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11545 Ian Ellis Silber**

**Chapter 13**

Adv#: 1:18-01104 Silber et al v. Silber et al

**#52.00** Status conference re: complaint for  
non-dischargeability of debt

Docket 5

**Tentative Ruling:**

NO Status report has been filed. Is plaintiff prosecuting this case?  
Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before  
pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery  
subpoenas under Rule 45, must be initiated a sufficient period of time in advance of  
the cutoff date, so that it will be completed by the cut-off date, taking into account  
time for service, notice and response as set forth in the Federal Rules of Civil  
Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery  
disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection,  
answer, or response which becomes the subject of dispute or the passing of a  
discovery due date without response or production, and only after counsel have met  
and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery  
issue. Absent an order of the Court, no stipulation continuing or altering this**

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CONT... Ian Ellis Silber

Chapter 13

requirement will be recognized by the Court.

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE  
PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

Ian Ellis Silber

Represented By  
Henry Glowa

**Defendant(s):**

Ian Ellis Silber

Pro Se

Jane Ellen Silber

Pro Se

DOES 1 through 50

Pro Se

**Joint Debtor(s):**

Jane Ellen Silber

Represented By  
Henry Glowa

**Plaintiff(s):**

Kurt Silber

Represented By  
Timothy R Hanigan  
Arthur Carvalho Jr

Irene Silber

Represented By  
Timothy R Hanigan

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



**United States Bankruptcy Court  
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Wednesday, December 12, 2018

Hearing Room 302

11:00 AM

1:17-10017 Akhoian Enterprises, Inc.

Chapter 7

#53.00 Objection to claim number 7

Docket 83

**Tentative Ruling:**

Debtor filed its chapter 7 petition on January 4, 2017. Debtor is an entity that was either a plumbing company or an entity that operated and managed plumbing companies, under the direction of Debtor's principal John Ahokian.

On December 21, 2017, creditor Wesley Hatfield ("Hatfield") filed a proof of claim in the amount of \$90,385 for "Unpaid, earned wages & commissions, penalties, interest, etc." Proof of Claim no. 7, filed December 21, 2018 (the "Hatfield PoC"). There were no documents attached to the Hatfield PoC when it was filed. The Hatfield PoC was amended on November 27, 2018, to include declarations, estimated calculations of the claim amount, and documentation in the form of timesheets and invoice reports from various entities alleged to be under the direction of John Ahokian.

On December 21, 2017, creditor Jose Pina ("Pina") filed a proof of claim in the amount of \$155,990 for "Unpaid, earned wages & commissions, penalties, interest, etc." Proof of Claim no. 8, filed December 21, 2018 (the "Pina PoC"). There were no documents attached to the Pina PoC when it was filed. The Pina PoC was amended on November 27, 2018, to include declarations, estimated calculations of the claim amount, and documentation in the form of timesheets and invoice reports from various entities alleged to be under the direction of John Ahokian.

On December 21, 2017, creditor Angel Valdez ("Valdez") filed a proof of claim in the amount of \$128,076 for "Unpaid, earned wages & commissions, penalties, interest, etc." Proof of Claim no. 9, filed December 21, 2018 (the "Valdez PoC"). There were no documents attached to the Valdez PoC when it was filed. The Valdez PoC was amended on November 27, 2018, to include declarations, estimated calculations of the claim amount, and documentation in the form of timesheets and invoice reports from various entities alleged to be under the direction of John Ahokian.

Debtor objects to the Hatfield PoC, the Pina PoC, and the Valdez PoC (referred to together as the "Wage PoCs") on the same grounds, contending that the Wage PoCs are unsupported by any substantial documentation evidencing the dates of

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11:00 AM

CONT... **Akhoian Enterprises, Inc.**

**Chapter 7**

alleged employment, terms of such employment or any other evidence validating the claim, which apparently alleges that Hatfield, Pina, and Valdez ("referred to together as "Claimants") were not paid for services performed. Further, as an additional ground for such objection, Debtor alleges that the Claimants were never employed by Debtor. See Declaration of John Akhoian ISO Objection.

Claimants argue in their jointly filed Opposition to Objections that each Claimant has cured the inadvertent failure to attach documents to their initial Proofs of Claims. These Amended Proofs of Claim relate back to the initial Proofs of Claims. Claimants note that the Amended Proofs of Claims provide updated damages calculations for each Proof of Claim, specifically concern the exact claims, conduct, circumstances and facts which gave rise to the initial Proofs of Claims, namely "Unpaid, earned wages & commissions, penalties, interest..." Claimants contend that the basis for the Wage PoCs was set forth in great detail in a legal demand sent to Debtor well before any proofs of claims were due, for that legal demand had been filed in this case as an exhibit to a Declaration before the filing of the initial Proofs of Claims.

In reply, Debtor does not directly address the documents provided in the Amended Proofs of Claim, but instead argues with the basis asserted for the Wage PoCs. Specifically, Debtor contends that the claims were based on Claimants "disingenuous" position that they were plumbers and entitled to compensation for work performed as such. Although they may have begun as plumbers, it is Debtor's position that the Claimants were no longer performing plumbing services. Debtor claims that each Claimant had graduated to working in sales and they were being paid strictly on a commission basis for selling services and are not entitled to compensation as plumbers.

**Standard**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See *also* Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more."

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CONT... **Akhoian Enterprises, Inc.**

Chapter 7

Wright v. Holm ( In re Holm ), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see also Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996). To defeat the claim, the objector must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623.

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

**Analysis**

Debtor here sought to defeat the Wage PoCs by submitting evidence in the form of a declaration by John Ahokian, Debtor's principal. This evidence cast doubt on the Claimants' assertions that they were employed by Debtor as plumbers. In response, Claimants amended the Wage PoCs to include evidence in the form of declarations of the Claimants and documentation to support their claims. §

A party objecting to a claim must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623. Here, the evidence provided in the Amended Wage PoCs is sufficient to defeat the scant Objection raised here – that the Wage PoCs lacked supporting documentation.

The factual issues about the validity of the claim that were argued in the Reply cannot be resolved on this record. Claimants request that the Court set the matter for a full evidentiary hearing. In addition to their desire to cross-examine Mr. Akhoian, Claimants state that they intend to subpoena third parties that will provide material facts for the Court's consideration. The parties should be prepared to discuss dates for any further briefing that may be required in advance of an evidentiary hearing.

APPEARANCE REQUIRED.

**Party Information**

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**CONT... Akhoian Enterprises, Inc.**

**Chapter 7**

**Debtor(s):**

Akhoian Enterprises, Inc.

Represented By  
David S Hagen

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Richard Burstein  
Talin Keshishian

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11:00 AM

**1:17-10017 Akhoian Enterprises, Inc.**

**Chapter 7**

**#54.00** Objection to claim number 8

Docket 84

**Tentative Ruling:**

See tentative for #53

<b>Party Information</b>
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**Debtor(s):**

Akhoian Enterprises, Inc.

Represented By  
David S Hagen

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Richard Burstein  
Talin Keshishian

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**Wednesday, December 12, 2018**

**Hearing Room 302**

11:00 AM

**1:17-10017 Akhoian Enterprises, Inc.**

**Chapter 7**

**#55.00** Objection to claim number 9

Docket 85

**Tentative Ruling:**

See tentative for #53

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

**Debtor(s):**

Akhoian Enterprises, Inc.

Represented By  
David S Hagen

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Richard Burstein  
Talin Keshishian

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11:00 AM

**1:17-10017 Akhoian Enterprises, Inc.**

**Chapter 7**

**#56.00** Objection to claim number 4

Docket 86

**Tentative Ruling:**

Debtor filed its chapter 7 petition on January 4, 2017. Debtor is an entity that was either a plumbing company or an entity that operated and managed plumbing companies, under the direction of Debtor's principal John Ahokian.

On May 2, 2017, State Compensation Insurance Fund ("SCIF") filed a proof of claim in the amount of \$72,871.11 for unpaid workers compensation insurance. Proof of Claim no. 4, filed May 2, 2017 (the "SCIF PoC"). The documents attached to the SCIF PoC were insurance premium invoices for an entity called "TATS, Inc."

Debtor objects to the SCIF PoC, contending that the documentation attached to the claim indicates that the obligation is owed by another entity, TATS, Inc., which filed a separate and distinct bankruptcy proceeding as 1:17-bk10018-MB. See Declaration of John Akhoian ISO Objection.

SCIF argues in opposition that the insurance policy that it issued was what is known as a "common ownership" policy and provided coverage to Debtor as well as "TATS, Inc." and "TAAC, Inc." (referred to with Debtor as the "Debtor entities"). The workers compensation policy that was issued (# 9077363) covered the time period 10/26/13 – 4/1/14. The policy automatically renewed on 4/1/14 and was cancelled on or about 12/22/14. SCIF attached to its declaration in support a copy of Debtor Entities' Submission Summary, which shows that Debtor sought insurance not only for Debtor but also for "TATS, Inc." and "TAAC, Inc." and "Mr. Rooter." Because Debtor Entities did not allow SCIF to complete an audit of the 2014 policy term, SCIF claims it was not able to determine how much payroll was generated by each entity as the employer failed to comply with SCIF's attempts to perform the audit. Thus, per the Policy terms, SCIF issued a forced estimated bill of \$34,108.56. SCIF did not have a breakdown of payroll for each Debtor entity, so the full amount of the estimated bill was included in the SCIF PoC for Ahokian Enterprises, Inc.

In reply, Debtor does not continue with its argument that some other entity owes the debt on which the SCIF PoC is based. Instead, Debtor contends that it objects to SCIF's use of "estimates" to determine the amount of the SCIF PoC. The use of

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CONT... **Akhoian Enterprises, Inc.**

Chapter 7

such estimates, Debtor believes, has inflated the claim by SCIF's use of "intentional mischaracterization of workers categories, putting employees in the highest risk categories to inflate the premium."

**Standard**

A proof of claim is deemed allowed unless a party in interest objects under § 502(a) and constitutes "prima facie evidence of the validity and amount of the claim" pursuant to Bankruptcy Rule 3001(f). See *also* Fed. R. Bankr.P. 3007. The filing of an objection to a proof of claim "creates a dispute which is a contested matter" within the meaning of Bankruptcy Rule 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. See Adv. Comm. Notes to Fed. R. Bankr.P. 9014.

Upon objection, the proof of claim provides "some evidence as to its validity and amount" and is "strong enough to carry over a mere formal objection without more." Wright v. Holm ( In re Holm ), 931 F.2d 620, 623 (9th Cir.1991) (quoting 3 Collier on Bankruptcy § 502.02, at 502-22 (15th ed.1991)); see *also* Ashford v. Consolidated Pioneer Mort. ( In re Consol. Pioneer Mort.), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151, 1996 WL 393533 (9th Cir.1996).

"If the objector produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts to the claimant to prove the validity of the claim by a preponderance of the evidence." In re Consol. Pioneer, 178 B.R. at 226 (quoting In re Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir.1992)). The ultimate burden of persuasion remains at all times upon the claimant. See In re Holm, 931 F.2d at 623.

**Analysis**

A party objecting to a claim must come forward with sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." In re Holm, 931 F.2d at 623. Here, the evidence provided in support of SCIF's Opposition is sufficient to defeat the scant Objection raised in the Motion – that the debt on which the SCIF PoC was based was owed by another entity.

The factual issues about the amount of the claim that should be attributed to this bankruptcy estate that were argued in the Reply cannot be resolved on this record. Claimants request that the Court require Debtor to access its records to complete a



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**CONT... Akhoian Enterprises, Inc.**

**Chapter 7**

payroll audit for the 2014 policy term. By completing the payroll audit, SCIF can determine exactly how much is owed for the 2014 policy period for each of the three Debtor entities. The parties should be prepared to discuss dates for exchanging or allowing access to information to resolve this objection.

APPEARANCE REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Akhoian Enterprises, Inc.

Represented By  
David S Hagen

**Trustee(s):**

David Seror (TR)

Represented By  
Steven T Gubner  
Richard Burstein  
Talin Keshishian

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**1:18-10094 Donald A Hilland**

**Chapter 7**

**#57.00** Motio to approve compromise under rule 9019

Docket 44

**Tentative Ruling:**

On October 5, 2018, Trustee filed a Motion to Approve Compromise under FRBP 9019 the ("9019 Motion"). In the Motion, Trustee explains that Debtor, a member of the California Bar who was suspended from his solo practice during the period between 7/23/17 and 7/23/18. Attorney Armando Martinez Galvan ("Galvan") took over various legal cases ("Cases") and Debtor filed liens on those Cases. Trustee asserts that Debtor's right to receive fees and costs are property of the Estate as of the petition date. The Cases consist of (1) settled cases whereby fees and costs earned are readily determined and settlement funds have been received from the defendants ("Settled Cases"); (2) cases where fees and costs are not yet determined ("Pending Cases") and (3) cases whereby a deceased attorney Paul Ottosi and law practice administrator F. James Feffer (who took over Ottosi's practice) claimed an interest (the "Ottosi/Feffer Cases"). See 9019 Motion, p. 3-6. Galvan expressed an interest in settling the fees and costs with Trustee and the parties began negotiations. The parties agreed to a resolution whereby Trustee and Galvan split the fees and costs on a 50/50 basis (the "Agreement"). Trustee asserts that the Estate cannot achieve a better result than the Agreement and it is in her business judgment that the Agreement is in the best interest of the Estate.

On October 22, 2018, Debtor Donald Hilard filed a pro se Objection to the 2019 Motion, arguing that Galvan "does not represent me in any cases." Hillard contends that Galvan has "no right to settle or authorize settlement in any cases on my behalf" and accuses Galvan of "gross ethical violations" in all of the cases and "failed to represent [Debtor] properly in any respect." Debtor then goes on to explain his contentions about Galvan's alleged lack of professionalism, alleged chicanery on the part of Ottosi's wife Linda and Mr. Feffer, and many details about the process of Mr. Ottosi dying.

On October 23, 2018, Trustee filed a "Declaration that No Party Requested a Hearing on Motion" relating to the 9019 Motion, and on October 26, 2018, the Court entered an Order Granting the 9019 Motion. On November 5, 2018, Trustee filed a Reply addressing Debtor's Opposition and set a hearing on the matter for 12/12/18.

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CONT... **Donald A Hilland**

**Chapter 7**

Here, Trustee correctly notes that in a non-surplus case, a debtor does not have standing to object relating to estate property because the filing of a chapter 7 extinguishes any pecuniary interest the debtor formerly had in property of the estate, except where a successful objection could result in a surplus to the estate that would inure to the benefit of the debtor. Here, Trustee asserts that Debtor cannot show that such a surplus is a reasonable possibility where there have been 6 claims filed that total \$99,288 and one claim that indicates it could be up to \$200,000. Even if Trustee recovered 100% of the Settled Cases (\$66,531) rather than 50% of the cases, it would still not result in a surplus here.

Further, the tortuous factual details provided by Debtor surrounding the Ottosi/ Ferrer cases, and his allegations of fraud and double-dealing as relates to Galvan, bolster Trustee's assertion of her business judgment. Specifically, if Trustee was required to sift through all of the various parties' factual assertions against each other (Debtor, Galvan, Ottosi), it would require a significant amount of Trustee's (and her professionals') time, which would eat into the Estate's recovery by way of professional fees. Trustee, in her business judgment, determined that it would be in the best interest of the Estate to compromise with Galvan to receive 50% of the fees and costs, without having to fight with any of the other parties. Nothing raised here by Debtor warrants vacating the Order Granting the 9019 Motion.

Objection overruled. APPEARANCE REQUIRED.

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

**Debtor(s):**

Donald A Hilland

Pro Se

**Trustee(s):**

Nancy J Zamora (TR)

Represented By  
Toan B Chung

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**1:18-12036 Rene Pastor Alvarez**

**Chapter 7**

**#58.00** Motion to dismiss case for abuse  
with a one-year bar to refiling

Docket 27

**Tentative Ruling:**

Service proper. Having considered the Motion to Dismiss Debtor with a One-Year Bar to Refiling, the evidence in support thereof, and no opposition having been filed, the Court finds cause to grant the Motion in full, with a one-year bar to refiling.

Movant to lodge order within 7 days. APPEARANCES WAIVED on 12-12-18

<b>Party Information</b>
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**Debtor(s):**

Rene Pastor Alvarez

Pro Se

**Trustee(s):**

Diane C Weil (TR)

Pro Se

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11:00 AM

1:18-11980 Mario Nestor Monroy

Chapter 7

#59.00 OSC re: dismissal for non-payment of installment fees

Docket 15

\*\*\* VACATED \*\*\* REASON: Payment received on 11/2/18 (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Mario Nestor Monroy

Represented By  
Chirnese L Liverpool

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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1:17-12333 Karmile Yurdumyan

Chapter 7

#60.00 Motion to compel chapter 7 trustee to abandon  
property of the estate pursuant to 11USC section 554(b)

fr. 8/15/18

Docket 119

\*\*\* VACATED \*\*\* REASON: Withdrawal filed on 11/15/18 doc. #159. If

**Tentative Ruling:**

Appearance required or parties may stipulate to continue a month or two until  
adversary proceedings are further along.

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Movant(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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11:00 AM

1:18-10724 John Gordon Jones

Chapter 7

#61.00 Trustee's application to employ accountants  
for the estate

fr. 11/14/18

Docket 50

**Tentative Ruling:**

Debtor opposes Trustee's Application to Employ Karl T. Anderson CPA as Accountant for the Estate, arguing that there are no grounds for hiring an accountant. Debtor's main argument seems to be that he believes Trustee is receiving and acting upon information from Debtor's opponent in adversary litigation. Debtor contends that there are no funds in this estate to employ an accountant solely because a creditor believes Debtor has secreted away valuable assets. Debtor believes that there is no justification for an accountant to be employed by the estate at this time and believes Trustee should be required to show probable cause, presumably for her investigations.

The Court has the power to authorize employment of an accountant under 11 U.S.C. § 327(d), which reads, "The Court may authorize the Trustee to act as attorney or accountant for the estate if such authorization is in the best interest of the estate." In her declaration, Trustee asserts that she requires the services of a certified public accountant for tasks listed in para. 4(a) - 4(g) of the Application. The CPA who Trustee seeks to employ is experienced in accounting for bankruptcy estates.

Debtor has not raised any issue to counter Trustee's assertion that it is in the best interest of the Estate to employ an accountant. The Application to Employ Karl T. Anderson CPA as Accountant for the Estate is APPROVED on the terms set forth in the Application.

APPEARANCE REQUIRED.

**Party Information**

**Debtor(s):**

John Gordon Jones

Represented By  
Michael Worthington

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11:00 AM

**CONT... John Gordon Jones**

**Chapter 7**

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



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11:00 AM

**1:11-12097 Arutun Narinian and Marine Kazaryan**

**Chapter 7**

**#62.00** Trustee's final report and application for compensation

Docket 49

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON December 12, 2018.

<b>Party Information</b>
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**Debtor(s):**

Arutun Narinian

Represented By  
Silva Berejian

**Joint Debtor(s):**

Marine Kazaryan

Represented By  
Silva Berejian

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Steven Werth

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**1:05-19547 Jose E Irias**

**Chapter 7**

**#63.00** Trustee's final report and application for  
compensation and deadline to object

fr. 12/5/18

Docket 46

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON December 12, 2018.

<b>Party Information</b>
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**Debtor(s):**

Jose E Irias

Represented By  
Allan J Sarkin

**Trustee(s):**

Diane C Weil (TR)

Represented By  
Diane C Weil

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11:00 AM

**1:16-11950 Pimsiri Wichayathanawas**

**Chapter 7**

**#64.00** Trustee's final report and application for compensation

Docket 102

**Tentative Ruling:**

Service proper. No opposition filed. Having reviewed the Trustee's Final Report, the Court finds that the fees and costs are reasonable and are approved as requested.

APPEARANCES WAIVED ON December 12, 2018.

**Party Information**

**Debtor(s):**

Pimsiri Wichayathanawas

Represented By  
Faith A Ford

**Trustee(s):**

Amy L Goldman (TR)

Represented By  
Annie Verdries  
Lovee D Sarenas

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1:00 PM

**1:18-10891 Hamid Farkhondeh**

**Chapter 13**

Adv#: 1:18-01067 Laaly et al v. Farkhondeh et al

**#65.00** Status conference re: complaint to determine dischargeability of debt for false pretenses, false representations, and/or actual fraud and objection to debtors' discharge, pursuant to 523 and 727 of the bankruptcy code

fr. 8/8/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Continued to April 10, 2019 at 10 am

**Tentative Ruling:**

In light of s/r and state court action, this adversary will be stayed pending completion of state court action. The status conference is continued to April 10 at 10 am

<b>Party Information</b>
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**Debtor(s):**

Hamid Farkhondeh	Pro Se
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**Defendant(s):**

Hamid Farkhondeh	Pro Se
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Mary Dadyan	Pro Se
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**Joint Debtor(s):**

Mary Dadyan	Pro Se
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**Plaintiff(s):**

Noushin Laaly	Represented By Stella Rafiei
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Kourosh Laaly	Represented By Stella Rafiei
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**CONT... Hamid Farkhondeh**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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1:00 PM

**1:18-12805 Nurit Petri**

**Chapter 7**

**#66.00** Status Conference Re Involuntary Petition

Docket 1

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Nurit Petri

Pro Se

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8:30 AM

**1:18-12396 Roberto A Meraz**

**Chapter 7**

**#1.00 Reaffirmation Agreement with  
Toyota Motor Credit Corporation**

Docket 10

**Tentative Ruling:**

Petition date: 9/27/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Nissan Sentra

Debtor's valuation of property (Sch. B): \$9,692

Amount to be reaffirmed: \$13,146.47

APR: 6.9% (fixed)

Contract terms: \$249.65 per month for 63 months

Monthly Income (Schedule I): \$1,966

Monthly expenses: (Schedule J): \$2,135

Disposable income: <\$169.84>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor stated that his daughter will contribute to his living expenses. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 26, 2019, whichever is later.

**Party Information**

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**CONT... Roberto A Meraz**

**Chapter 7**

**Debtor(s):**

Roberto A Meraz

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se



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**1:18-12414 Abdollah Mohajerani**

**Chapter 7**

**#2.00 Reaffirmation Agreement with  
American Honda Finance Corporation**

Docket 8

**Tentative Ruling:**

Petition date: 9/28/18

Was Reaffirmation Agreement filed w/in 60 days of the conclusion of the 1st 341(a) meeting as required by LR 4008-1? Yes

Discharge?: No

Property: 2016 Honda Accord

Debtor's valuation of property (Sch. B): \$0.00 (LEASE)

Amount to be reaffirmed: \$1,799.77

APR: 0% (fixed)

Contract terms: \$257.11 per month for seven months

Monthly Income (Schedule I): \$2,336.32

Monthly expenses: (Schedule J): \$3,930

Disposable income: <\$1,593>

Sec. 524(k) disclosures received in writing prior to Debtor's signing the agreement? Yes

If disposable income is insufficient to make payments, then there is a rebuttable presumption of undue hardship. Did Debtor explain how he/she will be able to afford the payments in Part D?

Debtor states that he disconnected his internet service and reduced other expenses (food; personal care) to afford this payment. This payment is listed on Sch. J.

Debtor has a right to rescind agreement anytime prior to discharge, or until January 2, 2019, whichever is later.

**Party Information**

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**CONT... Abdollah Mohajerani**

**Chapter 7**

**Debtor(s):**

Abdollah Mohajerani

Represented By  
Sanaz S Bereliani

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

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**1:18-12766 Gwendolyn Perez**

**Chapter 7**

**#3.00** Order to show cause re payment of bankruptcy  
petition preparer's fee

Docket 9

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Gwendolyn Perez

Pro Se

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:16-12791 Menco Pacific, Inc.**

**Chapter 11**

**#4.00 Post-Confirmation Status Conference**

fr. 10/25/17, 12/13/17, 3/21/18; 3/28/18, 6/6/18; 11/7/18

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Menco Pacific, Inc.

Represented By  
Jeffrey S Shinbrot

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**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056 GOTTlieb v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#5.00** Status Conference Re: Complaint to Determine Validity of Lien; to Determine Extent and Validity of Lien; to Avoid Fraudulent Transfers; to Preserve Void or Avoided Transfers for the Estate

fr. 7/18/18; 10/24/2018

Docket 1

\*\*\* VACATED \*\*\* REASON: Reschedule s/c to 12/19/18 @11am (eg)

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Maro Burunsuzyan

Pro Se

Law Offices of Maro Burunsuzyan,

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

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1:00 PM

**1:17-11870 Neil D Gitnick and Anita Marton**

**Chapter 7**

**#6.00** Order Setting Hearing on Motion for reconsideration of Order holding Martin Cohen and Maximilian Lee In Contempt for violation of discharge

Docket 122

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Neil D Gitnick

Represented By  
James R Selth

**Joint Debtor(s):**

Anita Marton

Represented By  
James R Selth

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

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9:00 AM

**1:18-12875 Mayra Jeovana Flores Jiminez**

**Chapter 13**

**#0.01** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Mayra Jeovana Flores Jiminez	Pro Se
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**Trustee(s):**

Elizabeth (SV) F Rojas (TR)	Pro Se
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9:00 AM

**1:18-12854 Octavio Magallanes**

**Chapter 13**

**#0.02** Status Hearing

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Octavio Magallanes

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se



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**1:18-12860 Alex Khorrami**

**Chapter 13**

**#0.03** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 0

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alex Khorrami

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

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**1:18-12927 Vine S Merino**

**Chapter 13**

**#0.04** Order 1- Setting Status Conference: 2- Directing Compliance with Applicable Law; and 3- Requiring Debtor(s) to explain why this case should not be converted or dismissed with 180-day bar to refile

Docket 8

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Vine S Merino

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

9:00 AM

**1:18-12854 Octavio Magallanes**

**Chapter 13**

**#0.05** Status HearingRE: [1] Chapter 13 Voluntary Petition Individual . Julie)

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Octavio Magallanes

Pro Se

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

9:30 AM

1:18-12698 Green Nation Direct, Corporation

Chapter 11

#1.00 Case Management Conference

Docket 1

**Tentative Ruling:**

Proposed claim bar date: 2/22/19 - submit order this week

Objections to claims deadline: 4/12/19

Avoidance actions deadline: 4/12/19

Proposed disclosure statement filing deadline: 4/17/19

Proposed disclosure statement hearing: 6/5/19 - 10:00 am

DEBTOR TO LODGE SCHEDULING ORDER WITHIN 7 DAYS OF THE  
INITIAL STATUS CONFERENCE

**Party Information**

**Debtor(s):**

Green Nation Direct, Corporation

Represented By  
Giovanni Orantes

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:12-10231 Owner Management Service, LLC and Trustee Corps**

**Chapter 7**

**#2.00** Motion for relief from stay

PENNYMAC LOAN SERVICES, LLC

fr. 10/24/18

Docket 2149

**\*\*\* VACATED \*\*\* REASON: Order entered stip. to cont. to 4/17/19 @  
10am (eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Owner Management Service, LLC

Pro Se

**Trustee(s):**

David Seror (TR)

Represented By

Richard Burstein

Michael W Davis

David Seror

David Seror (TR)

Steven T Gubner

Reagan E Boyce

Jessica L Bagdanov

Reed Bernet

Talin Keshishian

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

1:15-11128 Kelly D Hankins and Pamela J Hankins

Chapter 13

#3.00 Motion for relief from stay

THE BANK OF NEW YORK MELLON

Docket 88

\*\*\* VACATED \*\*\* REASON: Resolved per APO (doc. 90) - hm

**Tentative Ruling:**

Petition Date: 04/01/2015

Chapter 13 Plan confirmed: 10/07/2015

Service: Proper. Co-debtor was served. No opposition filed.

Property: 6544 Capistrano Avenue, West Hills, CA 91307

Property Value: \$550,000 (per debtor's schedules)

Amount Owed: \$592,729.34 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Confirmation Delinquency: \$26,753.30 (5 payments of \$3,858.81; 2 payments of \$3,708.36; post-petition advances or other charges due but unpaid: \$40; less suspense account or partial paid balance: \$26,753.30)

Movant alleges that the last payment was received on 9/28/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); **6** (termination of co-debtor stay); and **7** (waiver of the 4001(a)(3) stay).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Kelly D Hankins

Represented By  
Steven A Wolvek

**Joint Debtor(s):**

Pamela J Hankins

Represented By  
Steven A Wolvek

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Kelly D Hankins and Pamela J Hankins**

**Chapter 13**

**Movant(s):**

The Bank of New York Mellon fka

Represented By  
Erin M McCartney

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

1:16-11078 Art Summroell

Chapter 13

#4.00 Motion for relief from stay

BAYVIEW LOAN SERVICING, LLC

Docket 55

**Tentative Ruling:**

Petition Date: 04/11/2016

Chapter 13 Plan confirmed: 09/07/2016

Service: Proper. Opposition filed.

Property: 13487 Hubbard St, #13, SYLMAR AREA, CA 91342

Property Value: \$237,000 (per debtor's schedules)

Amount Owed: \$ 353,905.33 (per RFS motion)

Equity Cushion: 0.0%

Equity: \$0.00.

Post-Confirmation Delinquency: \$50,201.99 (11 payments of \$2,755.70; 8 payments of \$2,736.85; post-petition advances or other charges due but unpaid: \$75; less suspense account or partial paid balance: \$2,080.51)

Movant alleges case for relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay).

Debtor opposes the Motion, stating that the Debtor wishes to enter into an adequate protection agreement.

APPEARANCE REQUIRED

**Party Information**

**Debtor(s):**

Art Summroell

Represented By  
Elena Steers

**Movant(s):**

THE BANK OF NEW YORK

Represented By  
Christopher M McDermott



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

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11:00 AM

CONT... Art Summroell

Erin M McCartney

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:16-13598 Bruce Jeffrey Starin and Geraldine Papal Starin**

**Chapter 13**

**#5.00** Motion for relief from stay

WELLS FARGO BANK, N.A.

fr. 9/26/18; 10/24/18, 11/14/18, 11/14/18

Docket 68

**Tentative Ruling:**

This hearing was continued from 11/14/18 at the request of the parties.  
What is the status of this Motion?  
APPEARANCE REQUIRED

11/14/18 TENTATIVE BELOW

This hearing was continued from 10-24-18 because the parties stated that escrow was about to close. Nothing has been filed since the last hearing. What is the status of this Motion?  
APPEARANCE REQUIRED

10-24-18 TENTATIVE BELOW

This hearing was continued from 9-26-18 so that Debtors had an opportunity to have motions related to modifying their plan and refinancing real property resolved. The Court also continued the hearing so that Movant could properly serve other creditors with a secured interest in the subject property.

The Court has granted the Motion to Refinance Real Property (ECF doc. 89) and the Motion to Modify Plan (ECF doc. 87). On 9-26-18, Movant filed a Proof of Service of the Motion, showing proper service on Unifund CCR, LLC. Service on Los Angeles County Treasurer & Tax Collector was not proper, however, per the address listed for the creditor in Appendix D of the Court Manual and the address listed by the creditor on the Proof of Claim no. 6.

APPEARANCE REQUIRED.

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

CONT... **Bruce Jeffrey Starin and Geraldine Papel Starin**

**Chapter 13**

9-26-18 TENTATIVE BELOW

Petition Date: 12/21/16

Chapter 13 plan confirmed: 5/9/17

Service: NOT proper - secured judgment lien creditors not served.  
Opposition filed.

Property: 12001 Martha St., North Hollywood, CA 91607

Property Value: \$740,000 (per Appraisal ISO Debtor's Opposition)

Amount Owed: \$137,602

Equity Cushion: 81.4%

Equity: \$602,398

Post-confirmation Delinquency: \$8,172.90 (10 payments of \$817.29)

Movant requests relief under 11 U.S.C. 362(d)(1), with the specific relief requested in paragraphs **2** (proceed under non-bankruptcy law); **3** (Movant permitted to engage in loss mitigation activities); and **7** (waiver of the 4001(a)(3) stay). Movant alleges that the last payment received on this debt was on or about 11/6/17.

Debtors oppose the Motion, arguing that there is considerable equity in the property and that they have been conditionally approved for a reverse mortgage in the amount of \$280,015.80. Once approved by the Court, the reverse mortgage will enable them to pay off all of the encumbrances against the Property, including Movant's claim, with \$28,000 left over to pay off most of the unsecured creditors in class 5.

Given that Movant's claim is protected by sufficient equity, the Court finds grounds to continue this hearing to **October 24, 2018, at 11:00 a.m.**, to allow time for (1) Movant to serve other creditors with a secured interest in the Property; and (2) Debtors to have all of the Motions related to approving the refinance and the motion to modify plan resolved.

APPEARANCES WAIVED ON 9/26/18

**Party Information**

**Debtor(s):**

Bruce Jeffrey Starin

Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**CONT... Bruce Jeffrey Starin and Geraldine Papel Starin**  
John D Monte

**Chapter 13**

**Joint Debtor(s):**

Geraldine Papel Starin

Represented By  
John D Monte

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

1:18-12909 Jennifer Martin

Chapter 13

#5.01 Motion in Individual Case for Order Imposing  
a Stay or Continuing the Automatic Stay as  
the Court Deems Appropriate

Docket 7

**Tentative Ruling:**

On December 4, 2018, Debtor filed this chapter 13 case. Debtor had one previous bankruptcy case that was dismissed within the previous year. The First Filing, 13-16743-MB, was a chapter 13 that was filed on 10/22/18 and dismissed on 11/29/18 after Debtor requested a voluntary dismissal. Debtor requested dismissal of the First Filing because the costs of her legal fees in family court made it so that her plan was no longer feasible.

Debtor now moves for an order continuing the automatic stay as to all creditors. Debtor argues that the present case was filed in good faith notwithstanding the dismissal of the previous case because in the previous case, Debtor had to use her 401(k) money to continue her litigation in the family court and thus could not use it towards her plan, as she had contemplated in the First Filing. Debtor does not explain how her financial circumstances have changed since the dismissal of the First Filing, such that she will be able to propose a feasible plan that she can complete in this case.

Service proper. No opposition filed.

APPEARANCE REQUIRED DUE TO SHORTENED TIME.

**Party Information**

**Debtor(s):**

Jennifer Martin

Represented By  
Phillip Myer

**Movant(s):**

Jennifer Martin

Represented By  
Phillip Myer

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Jennifer Martin**

Phillip Myer

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-12235 Lupe Haro**

**Chapter 7**

**#6.00** Motion for relief from stay

EQUITY RESIDENTIAL MANAGEMENT, LLC

Docket 10

**\*\*\* VACATED \*\*\* REASON: Ntc. of w/d filed 12/10/18 (eg)**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Lupe Haro

Pro Se

**Trustee(s):**

Amy L Goldman (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:18-12610 Delmy Lucia Orozco**

**Chapter 13**

#7.00 Motion for relief from stay

ATTION LLC.

Docket 17

**Tentative Ruling:**

Petition Date: 10/24/2018

Chapter: 13

Service: Proper. No opposition filed.

Property: 13014 Chestnut Avenue, Rancho Cucamonga, CA 91739

Property Value: \$380,000 (per debtor's schedules)

Amount Owed: \$ 342,907.23 (per RFS motion)

Equity Cushion: 2.0%

Equity: \$0.00.

Post-Petition Delinquency: \$9,023.36 (1 payment of \$5,536.76; 1 payment of \$553.68; post-petition advances or other charges due but unpaid: \$1,132.92; post-petition attorneys' fees and costs: \$1800)

Movant alleges cause for relief under 362(d)(4) due to unauthorized transfers of the subject property. Movant alleges that no payment was made since 5/2018

Disposition: GRANT under 11 U.S.C. 362(d)(1), (d)(2) and (d)(4). GRANT relief requested in paragraphs **2** (proceed under non-bankruptcy law); **7** (waiver of the 4001(a)(3) stay); and **9** (relief under 362(d)(4) for bad faith).

NO APPEARANCE REQUIRED—RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Delmy Lucia Orozco

Pro Se

**Movant(s):**

Attion LLC

Represented By  
Alla Tenina



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Delmy Lucia Orozco**

**Chapter 13**

**Trustee(s):**

Elizabeth (SV) F Rojas (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

1:18-12805 Nurit Petri

Chapter 7

#8.00 Motion for relief from stay

INTELLECTUAL CAPITAL MANAGEMENT & SERVICER

Docket 8

**Tentative Ruling:**

This involuntary chapter 7 was dismissed with a 180-day bar to refile on 12/12/18. As Movant does not request *in rem* relief or annulment of the stay, this Motion is DENIED as moot.

NO APPEARANCE REQUIRED. RULING MAY BE MODIFIED AT HEARING.  
MOVANT TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Nurit Petri

Pro Se

**Movant(s):**

Intellectual Capital Management &

Represented By  
Douglas A Crowder

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:10-10209 R.J. Financial, Inc.**

**Chapter 7**

Adv#: 1:18-01029 Seror v. Abalkhad et al

**#9.00** Status Conference Re:  
Counterclaim

Abalkhad vs. Seror

Docket 84

**\*\*\* VACATED \*\*\* REASON: Continued to May 1, 2019 at 11 am**

**Tentative Ruling:**

This is continued to May 1, 2019 at 11 am to be heard at the same time as the other claims. Parties should continue with discovery with same deadlines. A pretrial date and expert witness discovery will be set at the May 1 status conference. Parties should submit a form mediation order and schedule on their own with chosen mediator.

NO APPEARANCE REQUIRED ON DECEMBER 19, 2019

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

**Debtor(s):**

R.J. Financial, Inc. Pro Se

**Defendant(s):**

WELLS FARGO BANK Represented By  
Bernard J Kornberg

OPEN BANK Represented By  
John H Choi  
Tony K Kim

MBNM FINANCIAL, INC Represented By  
Daniel J McCarthy

BRANDEN & COMPANY, INC Represented By  
Daniel J McCarthy

ROMANO'S JEWELERS Represented By

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**CONT... R.J. Financial, Inc.**

**Chapter 7**

	Daniel J McCarthy
CALIFORNIA DIAMONDS	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy
MELINA ABALKHAD	Represented By Daniel J McCarthy
Randy Abalkhad	Represented By Daniel J McCarthy
DIAMOND TRADING COMPANY	Represented By Daniel J McCarthy

**Plaintiff(s):**

David Seror	Represented By Rosendo Gonzalez
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**Trustee(s):**

David Seror (TR)	Represented By Robyn B Sokol Michael W Davis Travis M Daniels Rosendo Gonzalez
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**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:16-11814 Paul Allen Smith**

**Chapter 7**

Adv#: 1:16-01135 Courtney Smith, individually and as Trustee of the v. SMITH

**#10.00** Status Conference re: Complaint

fr. 11/30/16; 1/25/17, 7/12/17; 12/6/17, 6/13/18

Docket 1

**Tentative Ruling:**

**APPEARANCES REQUIRED ON DEC. 19, 2019 AT 11 AM**

**6/13/18 Tentative**

No status report has been filed. What is the status of the ongoing state court litigation?

APPEARANCE REQUIRED

**12/6/17 Tentative**

Plaintiff's unilateral status report indicates that the state court litigation is ongoing. The status conference will be continued to June 13. No appearance will be required on December 6.

**07/12/17 Tentative**

Based on the status report, this status conference will be continued until December 6 at 11 am to see if state court litigation has been completed. No appearance required on July 12.

**Party Information**

**Debtor(s):**

Paul Allen Smith

Represented By  
John F Nicholson

**Defendant(s):**

Paul Allen SMITH

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

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11:00 AM

**CONT... Paul Allen Smith**

**Chapter 7**

**Plaintiff(s):**

Courtney Smith, individually and as

Represented By  
William Harold Brownstein

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-12333 Karmile Yurdumyan**

**Chapter 7**

Adv#: 1:18-01056 GOTTlieb v. Law Offices of Maro Burunsuzyan, A Prof. Corp. et

**#11.00** Status Conference Re: Complaint to Determine Validity of Lien; to Determine Extent and Validity of Lien; to Avoid Fraudulent Transfers; to Preserve Void or Avoided Transfers for the Estate

fr. 7/18/18; 10/24/2018; 12/18/18

Docket 1

\*\*\* VACATED \*\*\* REASON: Cont'd to 2/27 at 10:00 per stip -CT

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Karmile Yurdumyan

Represented By  
Michael E Clark

**Defendant(s):**

Law Offices of Maro Burunsuzyan,

Pro Se

Maro Burunsuzyan

Pro Se

**Plaintiff(s):**

DAVID K GOTTLIEB

Represented By  
Peter A Davidson

**Trustee(s):**

David Keith Gottlieb (TR)

Represented By  
Peter A Davidson

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:17-13194 Alycia Anne Holowchak**

**Chapter 7**

Adv#: 1:18-01026 Navy Federal Credit Union v. Holowchak

**#12.00** Status Conference Re: Complaint to  
Determine Dischargeability of a Debt

fr. 5/23/18, 6/13/18; 11/7/18

Docket 1

**\*\*\* VACATED \*\*\* REASON: Order Approving Stipulated Judgment  
entered 11/20/18 -CT**

**Tentative Ruling:**

- NONE LISTED -

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

**Debtor(s):**

Alycia Anne Holowchak

Represented By  
James Geoffrey Beirne

**Defendant(s):**

Alycia Anne Holowchak

Pro Se

**Plaintiff(s):**

Navy Federal Credit Union

Represented By  
Robert S Lampl

**Trustee(s):**

Amy L Goldman (TR)

Pro Se



**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11810 Nelson Osmin Alvarenga**

**Chapter 7**

Adv#: 1:18-01109 Abarca et al v. Alvarenga et al

**#13.00** Status Conference Re:  
Complaint to Determine Dischargeability  
of Debt

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED DESPITE STATE COURT HEARING SO PARTIES  
CAN EXPLAIN WHY THIS IS TAKING SO LONG

Discovery cut-off (all discovery to be completed\*): \_\_\_\_\_

Expert witness designation deadline (if necessary): \_\_\_\_\_

Case dispositive motion filing deadline (MSJ; 12(c)): \_\_\_\_\_

Pretrial conference: \_\_\_\_\_

Deadline for filing pretrial stipulation under LBR 7016-1(b)(1)(A) (14 days before  
pretrial conference) : \_\_\_\_\_

\*Completed means that all discovery under Fed. R. Civ. P. 30-36, and discovery  
subpoenas under Rule 45, must be initiated a sufficient period of time in advance of  
the cutoff date, so that it will be completed by the cut-off date, taking into account  
time for service, notice and response as set forth in the Federal Rules of Civil  
Procedure.

Meet and Confer

Counsel must promptly and in good faith meet and confer with regard to all discovery  
disputes in compliance with Local Rule 26

Discovery Motion Practice:

All discovery motions must be filed within 30 days of the service of an objection,  
answer, or response which becomes the subject of dispute or the passing of a  
discovery due date without response or production, and only after counsel have met

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
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Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

CONT... Nelson Osmin Alvarenga

Chapter 7

and conferred and have reached an impasse with regard to the particular issue.

**A failure to comply in this regard will result in a waiver of a party's discovery issue. Absent an order of the Court, no stipulation continuing or altering this requirement will be recognized by the Court.**

PLAINTIFF TO LODGE SCHEDULING ORDER CONTAINING THESE PROVISIONS WITHIN 7 DAYS.

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

**Debtor(s):**

Nelson Osmin Alvarenga

Represented By  
Evangelina Malhotra

**Defendant(s):**

Nelson Osmin Alvarenga

Pro Se

Olga Marquee

Pro Se

**Joint Debtor(s):**

Olga Marquez

Represented By  
Evangelina Malhotra

**Plaintiff(s):**

Noe Del Transito Abarca

Represented By  
Katherine Warwick  
Katherine Butts Warwick

Beatriz Adriana Pineda

Represented By  
Katherine Butts Warwick

**Trustee(s):**

David Seror (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

Wednesday, December 19, 2018

Hearing Room 302

11:00 AM

**1:13-10518 Reliable Trust Deed Services, Inc.**

**Chapter 7**

**#14.00** Motion for Order Directing Steve Haney to  
Turnover Money Funds Owed to the Estate

Docket 99

**\*\*\* VACATED \*\*\* REASON: filed response and notice of w/d on 12/10/18  
(eg)**

**Tentative Ruling:**

- NONE LISTED -

**Party Information**

**Debtor(s):**

Reliable Trust Deed Services, Inc.

Represented By  
Gerald McNally Jr  
Mark S Blackman

**Trustee(s):**

David Seror (TR)

Represented By  
David Seror (TR)  
Richard Burstein  
Travis M Daniels  
Reagan E Boyce

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:13-16818 Martha Sofia Ramos**

**Chapter 7**

**#15.00** Trustee's Final Report and Applications for  
Compensation and Deadline to Object

Docket 39

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Martha Sofia Ramos

Represented By  
Eric Bensamochan

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

11:00 AM

**1:18-11382 Sylvia Flores**

**Chapter 7**

**#16.00** Trustee's Final Report and Applications for  
Compensation and Deadline to Object

Docket 23

**Tentative Ruling:**

Service proper. No objection filed. Having reviewed Trustee's final report, and finding that the fees and costs are reasonable and necessary, approval is GRANTED. NO APPEARANCE REQUIRED. TRUSTEE TO LODGE ORDER WITHIN 7 DAYS.

**Party Information**

**Debtor(s):**

Sylvia Flores

Represented By  
Navid Kohan

**Trustee(s):**

Nancy J Zamora (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
San Fernando Valley  
Judge Maureen Tighe, Presiding  
Courtroom 302 Calendar**

**Wednesday, December 19, 2018**

**Hearing Room 302**

1:00 PM

**1:09-21160 Hermine Nazaryan**

**Chapter 7**

Adv#: 1:17-01095 Nazaryan v. Bag Fund, LLC et al

**#17.00** Motion of Defendants For Summary Judgment.

Docket 28

**Tentative Ruling:**

The following facts are not in dispute, and are all identified in the Plaintiff's Complaint for Damages, Declaratory and Injunctive Relief for Violation of 11 U.S.C. § 524 (the "Complaint"):

- A. The Judgment against the Plaintiff was obtained on November 28, 2006
- B. [Complaint ¶ 16]
- C. The Judgment was properly recorded on January 7, 2007 [Complaint Ex. 1];
- D. The Judgment was assigned to Defendant BAG Fund on November 5, 2007 [Complaint ¶ 17];
- E. The Plaintiff filed a petition for Bankruptcy relief on August 26, 2009 [Complaint Ex. 8];
- F. The Plaintiff obtained a discharge under chapter 7 (the "Discharge") on December 1, 2009 [Complaint Ex. 8];
- G. Defendant BAG Fund renewed the Judgment on March 4, 2016 [Complaint ¶ 17];
- H. An Abstract of Judgment was obtained on June 20, 2016 and properly recorded on July 13, 2016 [Complaint Ex. 1];
- I. The Assignment Order was entered on July 5, 2017 [Complaint Ex. 2];
- J. The Plaintiff's previous counsel contacted Defendant BAG Fund on July 19, 2017 [Complaint Ex. 9];
- K. Defendant Quigg sent two letters on July 27 and August 20, 2017 to the Plaintiff's previous counsel memorializing an agreement reached by phone that the Plaintiff would pay \$20,000 in settlement of legal fees and interest on the Judgment,

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plus

\$2,000 per month in compliance with the Assignment Order [Complaint Ex. 9];

L. Defendant BAG Fund filed in the State Court a Motion for Sanctions on August 25, 2017 [Complaint Ex. 4];

M. The Plaintiff made a payment to Defendant BAG Fund in the amount of \$15,000

on September 19, 2017 [Complaint Ex. 6];

N. The Plaintiff's new counsel sent a letter asserting violations of the Discharge Order on October 5, 2017 [Complaint Ex. 8]; and

O. The Complaint was filed on November 22, 2017.

On the basis of these identified facts from the Complaint, Defendants argue that only legal issues remain undecided and that they are entitled to summary judgment. Plaintiff did not file an opposition to this Motion.

**Standard**

1. Summary Judgment

Summary judgment should be granted "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c) (incorporated by Fed. R. Bankr. P. 7056).

Courts may not grant summary judgment solely because the motion is unopposed. Rather, the court must still analyze the motion to determine whether the movant is entitled to judgment as a matter of law. Heinemann v. Satterberg, 731 F.3d 914, 917 (9th Cir. 2013). This principle is now codified in Rule 56(e)(3). When a summary-judgment motion is unopposed, Rule 56 "authorizes the court to consider a fact as undisputed," but it does not permit a court to grant summary judgment by default. Fed.R.Civ.P. 56 Advisory Committee Notes (2010)); Fed.R.Civ.P. 56(e)(2)-(3).

Failing to oppose the motion, however, can still have very significant

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consequences. Under Rule 56(e)(2), the court may consider the moving party's facts to be undisputed for purposes of resolving the motion. After doing that, the court may then determine whether the moving party is entitled to judgment as a matter of law based on the motion and supporting materials—including any of the facts deemed to be undisputed by virtue of the failure to oppose them. Rule 56(e)(3).

The moving party has the burden of establishing the absence of a genuine issue of material fact. Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). Material facts are those which might affect the outcome of the suit." Rivera v. Philip Morris, Inc., 395 F.3d 1142, 1146 (9th Cir. 2005). 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." Celotex, 477 U.S. at 325; *see Fairbank v. Wunderman Cato Johnson*, 212 F.3d 528, 532 (9th Cir.2000) (stating that the Celotex showing can be made by "pointing out through argument-the absence of evidence to support plaintiff's claim"). If the nonmoving party fails to establish a triable issue "on an essential element of her case with respect to which she has the burden of proof," the moving party is entitled to judgment as a matter of law. Celotex, 477 U.S. at 323.

The court may, after notice and a reasonable opportunity to respond, grant summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute. F.R.Civ.P. 56(f)(3).

2. Discharge under Section 524

Section 524 (a) provides that a discharge in a case under [Title 11] —

(1) voids any judgment at any time obtain, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1228, or 1328 of this title; whether or not discharge of such debt is waived;

(2) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived; and



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(3) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect or recover from, or offset against, property of the debtor of the kind specified in section 541(a)(2) of this title that is acquired after the commencement of the case, on account of any allowable community claim, except a community claim that is excepted from discharge under section 523, 1228(a)(1), or 1328(a)(1), or that would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title, in a case concerning the debtor's spouse commenced on the date of the filing of the petition in the case concerning the debtor, whether or not discharge of the debt based on such community claim is waived.

**Analysis**

The discharge injunction prohibits only those acts that seek to collect, recover, or offset discharged debts as the "personal liability of the debtor." 11 U.S.C. § 524(a)(2). Clearly, a secured creditor has a right to repossess its collateral if the debtor fails to make payments. *See Johnson v. Home State Bank*, 501 U.S. 78, 83 (1991). So long as the creditor is not collecting the debt as a "personal liability of the debtor," there is no violation under § 524(a)(2). *See* 11 U.S.C. § 524(a)(2).

When a secured creditor retains a lien on the debtor's property after the discharge, courts have held that it is not *per se* improper for the secured creditor to contact a debtor about the secured debt (*e.g.*, to send payment coupons, determine whether payments will be made on the secured debt, or inform the debtor of a possible foreclosure or repossession), as long as it is clear the creditor is not attempting to collect the debt as a personal liability.

Based on our review of the record presented in support of summary judgment, Debtor failed to establish a triable issue on an essential element of her case with respect to which she has the burden of proof, specifically that Defendants violated § 524(a)(2) by seeking to collect on the discharged debt as a personal liability of Debtor. Thus, Defendants are entitled to judgment as a matter of law.

Service proper. No opposition filed.

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Motion GRANTED. Movant to lodge Order Granting Summary Judgment and Proposed Findings of Fact & Conclusions of Law within 7 days.

**Party Information**

**Debtor(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Defendant(s):**

Bag Fund, LLC

Represented By  
Vincent J Quigg

Leo Fasen

Represented By  
Vincent J Quigg

Vincent J Quigg

Represented By  
Edith Walters

Michael Waldren

Pro Se

**Plaintiff(s):**

Hermine Nazaryan

Represented By  
Lloyd D Dix

**Trustee(s):**

David Keith Gottlieb (TR)

Pro Se

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**1:17-11535 Claudia Maria Ragsdale**

**Chapter 7**

Adv#: 1:17-01066 American Contractors Indemnity Company v. Ragsdale

**#18.00** Status Conference Re Complaint to:  
Determine Dischargeability of debt

fr. 9/27/17, 12/13/17; 2/14/18, 8/15/18; 10/24/18

Docket 1

**Tentative Ruling:**

APPEARANCE REQUIRED

Please advise if discovery has been completed and a trial date set

<b>Party Information</b>
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**Debtor(s):**

Claudia Maria Ragsdale Pro Se

**Defendant(s):**

Claudia Maria Ragsdale Pro Se

**Plaintiff(s):**

American Contractors Indemnity Represented By  
R Gibson Pagter Jr.

**Trustee(s):**

David Keith Gottlieb (TR) Pro Se